



**Office of the Washington State Auditor**  
**Pat McCarthy**

# **Whistleblower Investigation Report**

## **Central Washington University**

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**Pat McCarthy**

June 21, 2018

Dr. James Gaudino, President  
Central Washington University

**Report on Whistleblower Investigation**

Attached is the official report on Whistleblower Case No. 18-005 at Central Washington University.

The State Auditor's Office received an assertion of improper governmental activity at the College. This assertion was submitted to us under the provisions of Chapter 42.40 of the Revised Code of Washington, the Whistleblower Act. We have investigated the assertion independently and objectively through interviews and by reviewing relevant documents. This report contains the result of our investigation.

If you are a member of the media and have questions about this report, please contact Assistant Director for Communications Kathleen Cooper at (360) 902-0470. Otherwise, please contact Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

Pat McCarthy

State Auditor

Olympia, WA

cc: Governor Jay Inslee

Linda Schactler, Chief of Staff

Kate Reynolds, Executive Director, Executive Ethics Board

Jennifer Wirawan, Investigator

# WHISTLEBLOWER INVESTIGATION REPORT

## Assertion and results

Our office received a whistleblower complaint asserting a Central Washington University (University) employee (subject) failed to submit leave for all of his absences from work.

We found reasonable cause to believe an improper governmental action occurred.

## About the Investigation

We reviewed the subject's leave slips, emails and computer event logs from August 1, 2016, through July 28, 2017.

In an email to his supervisor dated May 2, 2017, the subject said he has "been working 4 9's and a 4 for many years" and described his work shift as "6:30 to 4:30 Monday through Thursday and 6:30 to [1]0:30 on Fridays." The subject noted in various emails and calendar appointments that he takes a one hour lunch every day from 11 AM to 12 PM. We used this reported schedule as the basis for our conclusions.

We found that between August 1 and November 25, 2016, the subject was routinely 15 to 30 minutes late for work and left 30 minutes early. Between November 28, 2016, and July 28, 2017, the subject was routinely one hour late for work and left 30 minutes early. The subject regularly worked only two to three hours on Fridays. Additionally, we found five days when the subject did not work and failed to use leave. For the 52-week review period, the subject worked or used leave for 1,797.4 hours, or an average of 34.6 hours each week, instead of 2,080 hours, or 40 hours each week.

During an interview, the subject said he got to work every morning at 6:30 AM, sat at his desk without turning his computer on, and used his personal smart phone to look at the University's website to ensure compatibility with his mobile device. When asked why he turned his computer off at 4 PM nearly every day, when he was scheduled to work until 4:30 PM, he said he "would shut down at 4, use the restroom, and take my final break of the day and leave at 4:30."

We found no evidence to support the subject's claim that he was using his personal smart phone to browse the University's website, or that this was an appropriate task. The subject did not document this activity, and had not sent or received any emails discussing this practice. We spoke with the subject's supervisors, who denied knowledge of the subject testing the website for mobile compliance. Additionally, in April 2017, the subject's supervisor requested the subject provide a list of his current projects. The subject provided a two-page document detailing his projects, duties and responsibilities, and did not include testing the website for mobile compliance.

A state ethics rule (WAC 292-110-010(3)(a)) requires all state employees to be responsible for the proper use of state resources, including their time. The subject did not submit leave for 282.6 hours when he arrived late, left early, or failed to show up for work. Therefore, we found reasonable cause to believe an improper governmental action occurred.

## **University's Plan of Resolution**

*Thank you for the opportunity to review and respond to the State Auditor's Office (SAO) draft report on whistleblower case no. 18-005. Central Washington University (CWU) takes the assertions seriously and appreciates the assistance of the SAO in developing important facts in its investigation. CWU agrees with the results of the investigation, which concluded there was reasonable cause to believe an improper governmental action occurred.*

*CWU wishes to acknowledge its many employees who are well versed in the laws, rules, regulations, policies, and procedures in place to ensure the proper use of state resources. This instance of improper use does not align with the policies of CWU or the training given to all employees.*

*The subject of the investigation resigned from CWU effective 28 February 2018. In addition, the subject's supervisor when the improper governmental action occurred is no longer with the institution. Therefore, CWU will not proceed with further personnel action but a copy of this letter will be placed in the subject's personnel file.*

*CWU thanks the Washington SAO for its diligence in reviewing this whistleblower complaint.*

## **State Auditor's Office Concluding Remarks**

We thank University officials and personnel for their assistance and cooperation during the investigation.

## WHISTLEBLOWER INVESTIGATION CRITERIA

We came to our determination in this investigation by evaluating the facts against the criteria below:

### **RCW 42.52.160(1) - Use of persons, money, or property for private gain.**

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

### **WAC 292-110-010(1) - Use of state resources.**

(1) Statement of principles. All state employees and officers are responsible for the proper use of state resources, including funds, facilities, tools, property, and their time. This section does not restrict the use of state resources as described in subsections (2) and (3) of this section.