



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report
Washington State University

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Kirk Schulz, President
Washington State University

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 18-028 at the Washington State University.

The State Auditor's Office received an assertion of improper governmental activity at the University. 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 Director of Communications Kathleen Cooper at (360) 902-0470. Otherwise, please contact Assistant Director Troy Niemeyer at (360) 725-5363.

Sincerely,

Pat McCarthy
State Auditor
Olympia, WA

cc: Governor Jay Inslee
Heather Lopez, Chief Audit Executive
Kate Reynolds, Executive Director, Executive Ethics Board
Jennifer Wirawan, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertions and Results

Our Office received a complaint alleging that a Washington State University (University) employee (subject) used state time to attend classes and improperly claimed travel expenses while traveling to classes. The complaint also asserted that the subject regularly missed work to the detriment of her job.

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

Background

According to its standard format interagency agreement with Kitsap County:

Washington State University Extension engages people, organizations and communities to advance knowledge, economic well-being and quality of life by fostering inquiry, learning, and the application of research [*emphasis in original*]. This mission is carried out using research and experience-based educational programs from colleges and departments dispersed throughout the WSU system, which address important issues and needs of individuals and communities in all 39 counties in the state of Washington.

About the Investigation

The subject of this investigation, a University employee, provided daily oversight and direction to employees of both the University and Kitsap County, working in the University Kitsap County Extension office. She also helped monitor the operating budget provided by the county to coordinate programming, research, and volunteer education and management in various programs as outlined in the interlocal agreement between the University and the county.

We reviewed the subject's University and county computer hard drives, email folders, computer event logs, log on/off data, and leave and travel documents.

Educational pursuits

According to the complaint, the subject was attending another university to obtain her doctoral degree in philosophy. While doing so, she attended classes during her work hours without using leave, and also requested and received reimbursements for the costs of travel to and from the university.

When we interviewed the subject, she said she attended the classes to supplement the orientation she received from the University because it was limited. She said the idea to request reimbursement did not come from her, but rather was the suggestion of the county's office manager, who told her

it was allowable because it was for “professional development.” She said she would not have done anything “purposely fraudulent” and was happy to pay back the reimbursements she received.

During our interview with the office manager, she said that she could not recall whether it was she or the subject who suggested the subject claim reimbursements for traveling to her classes. She believed the subject brought up the idea, and she in turn asked another county employee who said that it was the subject’s budget and she could spend it in whatever way she chose. The office manager could not remember who gave her that information.

We spoke with the person responsible for orientation, who said it was his understanding that the subject was taking doctorate classes, not classes related to orientation.

We reviewed travel reimbursements and found 16 trips to the other university for the subject’s educational pursuits. Additionally, we found one trip on a Saturday, not her normal class day, that did not include a university parking receipt, as did most of her reimbursements, but only a city parking receipt. The subject received reimbursements for which she was not entitled. According to her travel reimbursements, some of these trips to the other university were before or after work-related meetings. Because of this, we could not determine exactly how much she received in improper reimbursements, but estimate it to be about \$600. We leave the final calculation to the University, should it choose to seek reimbursement.

Personal use of state resources – equipment

While reviewing the subject’s hard drive, for the period from March 1 to June 1, 2018, we found 121 hours of browsing activity unrelated to her position. The majority, 102 hours, spent streaming music, movies and videos.

Although most of the browsing time was outside a typical workday, according to the subject, she did not have a normal schedule and worked different hours depending on her schedule for each day. The subject told us her appointments were on her Outlook calendar and a paper calendar. We found her Outlook calendar was sparse with information and when asked for her paper calendars she told us she had destroyed the 2017 calendars and had not used a 2018 paper calendar.

Her supervisor confirmed that the subject does not have a set schedule, and is allowed to work from home to make up time she missed during the week. However, she said the subject should document meetings and scheduled events on her calendar, but does not do so.

Regarding her use of the state computer for personal use, the subject said her personal computer was not working during that time. She said in most cases she was listening to shows while she was doing work, such as writing grants, researching, and answering emails. When told that our review of the data revealed that she was not conducting any work, she said she was hand-writing grant proposals and “annotated bibliographies.”

The subject's use of the state computer, 121 hours over three months, was neither brief nor infrequent and therefore beyond de minimis, the allowable standard of use.

Personal use of state resources – time

We used a spreadsheet to compile data from computer log on/off entries, browsing activity, email communications, calendar entries, travel reimbursements and leave information to help ascertain how many hours the subject was working. From May 8, 2017 through March 23, 2018, we found 633 hours for which we could find no evidence to support that the subject was working or used leave.

We asked the subject about the instances when she would email work that she was sick and would not be in, but would not submit leave. She said that she sometimes worked from home if she was not well enough to go to the office. We provided the spreadsheet to the subject and requested she provide information and evidence to support her work during the questioned hours. The subject did not provide a response.

Based on the information available, we found that over 46 weeks the subject worked 1,207 hours. A standard 40-hour workweek for that period equals 1,840 work hours, indicating the subject had a work deficit of 633 hours. We took a conservative approach to calculate hours worked. If we did not have information related to how long the subject attended a meeting, but we had travel reimbursements for those meetings, we credited the subject with eight hours worked, unless data showed she actually worked more than eight hours. The one time we did not credit the subject in this way was for July 6, when she had sent an email stating that she was sick and would not be attending a meeting; however, she still claimed and received travel reimbursements for the meeting.

Although we question 633 hours, without input from the subject or more precise information related to meetings attended by the subject, we cannot solidly determine that this number is accurate. We leave it to the University to determine exactly how many hours of leave the subject may owe.

Based on all of the above information, we found reasonable cause to believe improper governmental actions occurred.

University's Plan of Resolution

Washington State University (WSU) acknowledges and agrees with the SAO conclusion of improper governmental action based on the information presented within this report. WSU takes assertions of misuse very seriously and appreciates the SAO's attention to this matter and the opportunity to respond to the findings.

WSU has sufficient policies and procedures in place to guide its employees in the proper use of Federal, state, county, grant and donated resources and conduct expected of a state employee.

Training is provided to all new employees to direct them to the policies and ongoing training is available as needed to ensure all current employees are informed on proper procedures related to travel claims, time and leave reporting, ethics and proper use of state resources, and employee development opportunities including training release and training programs. The noted instances of improper use do not align with the standards expected and embraced by WSU.

WSU Extension provided the subject with a Notice of Non-renewal of Appointment and she was placed on Home Assignment. Subject's employment with WSU will end on or about 8 April 2019. WSU is currently considering other actions in light of this report.

WSU thanks the SAO for its diligence in reviewing this 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.