



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report
**Department of Children, Youth, and
Families**

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Ross Hunter, Secretary
Department of Children, Youth, and Families

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 18-027 at the Department of Children, Youth and Families.

The State Auditor's Office received an assertion of improper governmental activity at the Agency. 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 of State Audit Troy Niemeyer at (360) 725-5363.

Sincerely,

Pat McCarthy
State Auditor
Olympia, WA

cc: Governor Jay Inslee
Marcos Rodriguez, Human Resources Director
Kate Reynolds, Executive Director, Executive Ethics Board
Cristopher de la Peña, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertions and Results

Our Office received a whistleblower complaint asserting a Department of Children, Youth, and Families (Department) employee (subject) failed to submit leave for all of her absences from work and used state resources for non-work related purposes.

We found no reasonable cause to believe an improper governmental action occurred.

About the Investigation

The Department gave our Office the subject's hard drive, emails and leave records from March 6, 2017, through February 26, 2018. We reviewed the data and spoke with the subject and her supervisor.

The subject's position requires her to attend meetings and conduct training in offices throughout the state. She would often travel and conduct training outside of her regularly scheduled work hours during the investigative period. We found emails she sent to her supervisor and subordinates outlining when she would be out of the office due to training or travel.

During an interview, the subject said she would take time off during her regular work hours in exchange for hours she worked outside of her regular work hours. We found emails she sent to her supervisor informing him when she would exchange time.

We spoke with the subject's supervisor, who said she consistently communicated with him when she would not be at work whether she was taking leave or exchanging time. He also said he never received any complaints that she was unavailable when she was supposed to be at work. We found the subject consistently exchanged time or used leave for her absences.

The complaint also asserted the subject used her computer and work email for non-work-related purposes. We found she used her work email for work-related purposes. We found 66 minutes of personal internet browsing that occurred over 21 non-consecutive days. The longest instance of continuous personal browsing was seven minutes.

A state ethics rule (WAC 292-110-010(3)(a)) permits de minimis personal use of state resources as long as the use meets certain criteria, including that it is brief and infrequent. We found the subject's use of state resources for non-work-related purposes to be de minimis.

We found no reasonable cause to believe an improper governmental action occurred.

State Auditor's Office Concluding Remarks

We thank Agency 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.

(3) Permitted personal use of state resources. This subsection applies to any use of state resources not included in subsection (2) of this section.

(a) A state officer or employee's use of state resources is de minimis only if each of the following conditions are met:

(i) There is little or no cost to the state;

(ii) Any use is brief;

(iii) Any use occurs infrequently;

(iv) The use does not interfere with the performance of any state officer's or employee's official duties;

(v) The use does not compromise the security or integrity of state property, information systems, or software;

(vi) The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain; and

(vii) The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group.