



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report

Bates Technical College

Published March 24, 2025

Report No. 1036879



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

March 24, 2025

Lin Zhou, President
Bates Technical College

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 24-012 at the Bates Technical College.

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 results of our investigation.

If you are a member of the media and have questions about this report, please contact Assistant Director of Communications Adam Wilson at (564) 999-0799. Otherwise, please contact Assistant Director for State Audit and Special Investigations Jim Brownell at (564) 999-0782.

Sincerely,

Pat McCarthy, State Auditor
Olympia, WA

cc: Governor Bob Ferguson
Christine Winskill, Executive Director of Finance
Kate Reynolds, Executive Director, Executive Ethics Board
Aaliyah Gillett, Investigator

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WHISTLEBLOWER INVESTIGATION REPORT

Assertion(s) and Results

Our office received a whistleblower complaint asserting a welding instructor at Bates Technical College was conducting welding certification tests during his scheduled class time. By doing so, the complaint asserted, the instructor conducted tests when he was supposed to be instructing in the classroom.

We were unable to determine whether an improper governmental action occurred.

Background

Bates Technical College is a comprehensive, state-supported college serving people primarily in Pierce County. The College has more than 300 employees and provides a variety of educational programs to students. The College is accredited through the Northwest Commission on Colleges and Universities, and a five-member Board of Trustees appointed by the Governor is responsible for overseeing the College's operation.

Community and technical colleges in Washington state all use the centralized system ctcLink, which is a software that provides students, faculty and staff access to College business applications. Bates Technical College implemented the ctcLink system in May 2022.

The subject currently works as a welding instructor at the College. He is employed as a salaried, full-time instructor and is compensated additionally for time spent conducting welding certification tests for students and nonstudents.

About the Investigation

We received a whistleblower complaint asserting the welding instructor was conducting welding certification tests during his scheduled class time. To determine whether an improper action occurred, we reviewed the following for the period of June 2023 to June 2024:

- Position description
- Employee contracts
- Timesheets
- Class syllabuses
- Paystubs
- Testing center schedule
- Email records

Because the subject is a salaried employee of the College, he is not required to complete a timesheet but does report hours when using vacation or sick leave. The subject fills out a daily timesheet for the hours he spends administering the welding certification tests and is paid hourly for this work. This work ranges from one to three hours a day.

We analyzed the subject's emails and noted he communicates directly with students and nonstudents to schedule tests. The subject's full time faculty schedule, according to his position description and his supervisor, is 7 a.m. to 2:30 p.m.

We requested a copy of the subject's employment contract for the welding certification testing job, since this work was not described in his position description form. College officials said there was no current contract on file. We also asked if the College has any documented policies or procedures in place that describe how it establishes employment contracts with staff that perform and are paid for additional duties. The College said it has no such policies or procedures.

We spoke with the subject's direct supervisor who said they do not monitor the time the subject spends administering testing work, and there is no regular communication between them to establish expectations for this work.

In an interview with the subject, he said the testing center is in the welding lab area, where he teaches his full-time faculty position. Students arrive for a test, and he sets them up in a small room with the testing materials. The test lasts between two and four hours. The subject said he checks on them a few times, but that is the extent of their interactions. Afterward, the subject said he grades the tests outside his regular faculty hours to determine whether they passed or failed; this is the time he records on his timesheet.

The subject provided us with a copy of the contract between him and the College that covered the period between October 2020 and June 2021. The contract states the subject is to proctor certification testing for American Welding Society and Washington Association of Building Officials. The subject said he did not recall signing a contract that covers the period from June 2021 to present.

In a follow-up interview, we shared a copy of the subject's expired contract with the Executive Director of Human Resources. The Director said he recalled before ctcLink was implemented, the College used these contracts to document the extra duties staff were assigned and paid for outside of their salaried positions. After ctcLink was implemented, these contracts were no longer used. We asked if ctcLink described the duties and expectations that are assigned to the subject. The Director said no – it is up to the employee's supervisor to know their responsibilities and expectations.

Based off the information we reviewed from the subject's syllabuses, class schedules, and contracts with the College, we are unable to determine if the improper action occurred. The College did not establish policies or procedures over the process supervisors should use to track contracts for additional jobs and did not have expectations for supervisors to monitor time and effort for this contracted work.

Additionally, the College did not establish a contract with the subject that described his expected job duties and a timeline for when the subject was expected to perform his additional duties during the investigative period. Therefore, we were unable to determine whether an improper governmental action occurred.

Recommendations

We recommend the College:

- Establish written policies and procedures over the process for assigning additional job responsibilities for salaried employees
- Establish written contracts with employees when additional duties are assigned that describe the scope of work, amount of compensation and time reporting expectations
- Monitor staff to ensure they comply with contract term

State Auditor's Office Concluding Remarks

We thank College 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 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) and (3) – 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.