



Washington State Auditor's Office

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Whistleblower Investigation Report

Department of Corrections

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August 15, 2016

Dick Morgan, Acting Secretary
Department of Corrections

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 16-022 at the Department of Corrections.

The State Auditor's Office received an assertion of improper governmental activity at the Department. 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.

Questions about this report should be directed to Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

A handwritten signature in cursive script that reads "Troy X. Kelley".

TROY KELLEY
STATE AUDITOR
OLYMPIA, WA

cc: Governor Jay Inslee
Vicki DeBoer, Audit Director/Ethics Administrator
Kate Reynolds, Executive Director, Executive Ethics Board
Jennifer Wirawan, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

Our Office received a whistleblower complaint asserting an employee of the Department of Corrections (subject), working in the Reynolds Work Release Facility (facility), does not work his full shifts.

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

About the Investigation

We reviewed schedules and video recordings, spoke with witnesses, and interviewed the subject.

We found the facility has an interior camera system, but it does not capture the front door. The system retains video for only 45 days before it is recorded over. Using the 45 days of video history available to us, we viewed video from a camera directly outside the subject's work area to observe and document the times he entered and exited the facility.

We were able to view only eight complete working days – at least one entry and at least one exit. For those eight days, we found:

- Three days when the subject was late for work.
- One day when the subject and a co-worker left the building for lunch and did not return for 90 minutes.
- Eight days when the subject left work an average of 25 minutes early.

During an interview, the subject said he sometimes combines his 30-minute lunch with his two 15-minute breaks so he can take an hour for lunch. When he was trained he was told he could leave when his work was completed. He said his supervisor and a member of upper management told him this was allowed.

The subject's supervisor said he does not permit his staff to combine their breaks and lunches, but does permit staff to leave early if their job is completed. Although he has told them they can leave a few minutes early, his expectation is that it does not happen regularly.

We spoke with the member of upper management who the subject asserted told him he could leave when his work was complete. The manager denied telling the subject he could combine his breaks with his lunch and said if the subject leaves early, he is required to submit a leave slip.

We found the subject did not work all of the hours he claimed on his timesheet and did not submit leave for his absences. Therefore, we found reasonable cause to believe an improper governmental action occurred.

Department's Plan of Resolution

The Department considers any ethics violations to be serious. The Appointing Authority has reviewed the draft report and is prepared to follow established procedures to determine the appropriate action to take. The process will abide by the Collective Bargaining Agreement with the Washington Federation of State Employees, AFSCME Council 28. We will be requesting copies of the auditor's working papers to assist in our decision making process.

State Auditor's Office Concluding Remarks

We thank Department 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.