



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report

Employment Security Department

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February 17, 2026

Cami Feek, Commissioner
Employment Security Department

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 25-005 at the Employment Security Department.

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 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

Joshua Summers, External Audit Manager

Kate Reynolds, Executive Director, Executive Ethics Board

Erin Hoeper, Special Investigations Program Manager

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WHISTLEBLOWER INVESTIGATION REPORT

Assertion(s) and Results

Our office received a whistleblower complaint asserting an Investigator 4 (Subject) at the Employment Security Department falsified timesheets by leaving work early and failing to submit proper leave.

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

Background

The Employment Security Department is led by a governor-appointed commissioner. The Department provides economic security to Washington residents. The Department helps people find jobs, bridge gaps in employment and provide paid family medical leave. The Department delivers employment services, manages unemployment insurance benefits, collects and analyzes labor market information, and administers the state's Paid Family and Medical Leave program and the WA Cares Fund.

The Subject works as an Investigator 4 (Supervisor) in the Customer Compliance Division, where she oversees investigations into unemployment and insurance fraud. Her work schedule is Monday through Thursday, 6:30 a.m. to 5:00 p.m.

About the Investigation

We received a whistleblower complaint asserting the Subject was using state resources for private gain by falsifying her timesheet.

To determine whether an improper governmental action occurred, we obtained the following documentation from the Department for the period of November 2023 to November 2024:

- Position description
- Time and leave summaries
- Access to email, calendar and Teams messages
- Remote work agreement
- Time and leave policies
- Collective bargaining agreement

The Department's time and leave policy states, "Employees are to record actual hours worked each day on the timesheet." The rules set forth in the Washington Federation of State Employees collective bargaining agreement state, "Employees will consult with their supervisors to adjust their work hours to accommodate the appropriate balance between extended work time and offsetting time off."

We requested computer login information that detailed when the Subject accessed her computer. We were unable to obtain any relevant login data from the Department. The Department did provide virtual private network (VPN) login data, though it did not aid our investigation. VPN data is only retained for 60 days, and the Subject was not required to log into the Department's VPN daily to perform her job.

We analyzed the Subject's time and attendance using Teams, email and calendar information to reconcile days out of office with leave taken. We identified several of the Subject's calendar days that showed she was out of the office, but she had not submitted leave requests. We asked the Subject if she could explain these scheduling discrepancies. For almost every day we identified, the Subject said it was because she worked more than 40 hours that week, so she did not submit leave requests. In other words, she flexed her time. The Subject's position description form did not indicate whether she is allowed to flex time, but her telework agreement authorizes the use of flex time. When asked, the Department told us it has no agency-wide policy for the use of flex time.

We interviewed multiple witnesses as part of our investigation. All witnesses said the Subject is authorized to flex her time and does so often. The Customer Compliance Director said all supervisory positions in the agency have this flexibility. The Subject's supervisor said she is very communicative about being away from work. In an interview with the Internal Fraud Investigator, they said the Subject follows the rules set forth in the collective bargaining agreement.

When we spoke with the Subject, she said her supervisor allows her to flex her time. The Subject's supervisor does not require the Subject to communicate times she wants to flex her time. During this interview, we also confirmed that when the Subject flexes her time, it is not reflected on her timesheets. According to the Subject, the timesheet must show her scheduled hours, not the actual time she worked. Flex days and off-work days are grayed out in the timesheet software, and she cannot document hours worked if they occur outside of Monday through Thursday. The Subject also said that she did not always remember to update her Outlook calendar to reflect when she worked outside of her normal schedule.

The Subject's supervisor confirmed that he does not need to know every time one of his supervisor-level staff members flexes time if it is less than two hours at a time. The Subject's supervisor provided this guidance verbally to his staff.

Based on our analysis and interviews, we were unable to determine if the Investigator 4 used state resource for private gain by falsifying her timesheet. Specifically:

- There was no relevant computer login data to evaluate.
- Only the Subject's scheduled hours were entered on her timesheet.
- Flex time is not recorded or reflected in a time tracking system, and for days in question, the Subject said she worked more than 40 hours a week, so she did not take leave for those days.

Recommendation

We recommend the Department strengthen its internal controls over time and attendance by:

- Updating its time and leave policy to codify agency-wide expectations for flex time. It has not updated its current policy since 2013.
- Requiring employees to record actual hours worked each day on timesheets, in accordance with Department policy
- Updating the Subject's position description form to accurately reflect the role's flex-time eligibility

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

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.