

## INVESTIGATION SUMMARY

This investigation is the result of loss of state funds by Respondent, an Olympic College staff member. The concerns include, but are not limited to:

- Mismanagement of time
- Mismanagement of college property
- Theft of college property

Kim Abel, Public Records Manager and Policy Development Coordinator, was assigned this investigation on April 13, 2018 and concluded on May 25, 2018.

## SCOPE OF THE INVESTIGATION

Issues that form the focus of the investigation

The investigation raises the following issues which the focus of the investigation:

- Whether Respondent's conduct falls under College policy prohibition of theft of state property.
- Whether or not the Respondent's handling of state property was improper.
- Whether or not the Respondent is responsible for the improper use of state resources.

### Applicable policies

The investigation focused on the following statements and definitions found in Olympic College's Employee Handbook, Classified WPEA 2017-2019 Collective Bargaining Agreement, Olympic College Employee Ethics Policy and State Ethics law.

### [Olympic College Employee Handbook, Employee Conduct and Work Rules, p.26-7](#)

#### **701 EMPLOYEE CONDUCT AND WORK RULES**

To ensure orderly operations and provide the best possible work environment, Olympic College expects employees to follow rules of conduct that will protect the interests and safety of all employees and the College. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

Theft or inappropriate removal or possession of property

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Negligence or improper conduct leading to damage of employer or customer-owned property

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Unsatisfactory performance or conduct

### [Classified WPEA 2017-2019 Collective Bargaining Agreement](#)

#### **7.4 Overtime-Eligible Unpaid Meal Periods**

Unpaid meal periods for employees working more than five (5) consecutive hours, if entitled, will be a minimum of thirty (30) minutes and will be scheduled as close to the middle of the work shift as possible, taking into account the Employer's work requirements and the employee's wishes. When an employee's unpaid meal period is interrupted by work duties, the employee will be allowed to resume their unpaid meal period following the interruption, if possible, to complete the unpaid meal period. In the event an employee is unable to complete the unpaid meal period due to operational necessity, the employee will be entitled to compensation,

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which will be computed based on the actual number of minutes worked within the unpaid meal period. Meal periods may not be used for late arrival or early departure from work and meal and rest periods will not be combined.

### Olympic College Employee Ethics Policy 400-05

In accordance with RCW 42.52 and the Ethics in Government Act, Olympic College employees hold a public trust which obligates them to honesty and integrity in fulfilling the responsibilities to which they are appointed. Paramount in that trust is the principle that employment at Olympic College may not be used for personal gain or private advantage. The Olympic College Board of Trustees directs that all employees adhere to the Code of Ethics as delineated in RCW 42.52, specifically regarding conflicts of interest, improper use of state resources, compensation for outside activities, and gifts.

### 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.

### Interviews and information gathered

The following employees provided reports or were interviewed:

<u>Party</u>	<u>Date(s) Notes/Reports Made or Interview Occurred</u>
Employee # 1 -	March 23, 2018 March 27, 2018
Employee # 2 -	March 28, 2018
Employee # 3 -	March 30, 2018
Employee # 4 -	March 27 – April 2, 2018
Employee # 5 -	April 23, 2018
Employee # 6 -	March 28 – April 13, 2018
Employee # 7 -	May 11, 2018
Employee # 8 -	March 28, 2018 May 14, 2018
Employee # 9 -	May 16, 2018
Respondent -	May 2, 2018 with Amanda Hacker present May 18, 2018 May 23, 2018 with Amanda Hacker present by telephone

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### The investigation included a review of:

- Notes of interviews with and reports made by 9 Olympic College employees and Respondent, which occurred upon discovery of missing rebate card in late March of 2018 and during the May 2018 investigation.
- Emails provided by employees from the dates surrounding discovery of lost rebate card.
- Notes taken during a phone call on 5/18 with Lowe's Rebate Center regarding appearance of rebate card sent to college.
- Olympic College Employee Handbook
- Olympic College Policy 400-05
- RCW 42.52.160
- Copy of Order form for school gift cards

### FINDINGS OF FACT

1. At the time of the alleged concerns and incidents, the Employees, and Respondent were employed at Olympic College. The College, therefore, has jurisdiction over the investigation and resolution.

2. **Concern # 1: Respondent improperly used the college's rebate in the form of a Lowe's gift card for personal items.**

Background: Olympic College's purchasing department noted that an expected rebate had not been received. Employee #1 followed up by using Lowe's website and determining that the rebate had been sent on 1/12/2018. Employee #1 then called and emailed with the Lowe's Customer Service and Rebate Center. Employee #1 determined that the rebate had been sent to an Olympic College address as a gift card. Lowe's informed Employee #1, that the gift card had been used to purchase \$177 of Lowe's merchandise. Employee #1 was told that Lowe's could not provide copies of sales slips to the college, only to law enforcement.

Employee #1 sent a request for follow up to Employee #5 who forwarded it to Employee #8.

Employee #8 asked Respondent to track down purchases in their department and also forwarded the email to Respondent at 9:49am on March 28, 2018.

Respondent wanted more information to move forward and Employee #8 stated that Respondent should call Employee #1. Respondent did so but reached and spoke with Employee #2 and learned that the amount used was \$177.

Respondent states that the amount reminded them of purchases they had personally made at Lowe's in February of 2018.

Respondent left campus and went to Lowe's and asked to see their "My Lowe's" account and saw that the personal purchases made were the exact amount spent on the missing college rebate card. Respondent states they were unable to get a copy of their My Lowe's accounting although they requested it.

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Respondent came back from Lowe's and immediately went to their supervisor and stated they had used the rebate card and did not know how it got into their personal items.

Respondent states they did not recall the gift card coming into their department and that they should have as those cards come stuck to a page and have to be pulled off. Respondent does not recall pulling any card off a page.

### **Additional information from others regarding Concern # 1:**

Employee #8's report written near the time of the event states that about an hour after the request to look into missing rebate card [according to email at 10:49am], Respondent came to his office looking very concerned and stated that she may have accidentally used the card. Employee #8's report states that Respondent remembered the rebate card coming into the department but did not recall what they did with it. Respondent is reported as stating that they must have had a mix-up and wanted to correct the issue.

Employee #2 states in their report written on March 28, that Respondent called Employee #2 around 11am to say they were pretty sure that they had used the rebate card and wanted to know how to pay it back. Respondent was asked about receipts and thought they had thrown them out. Employee #2 asked if Respondent opened the envelope that the card came in and Respondent said they did and must have laid in their desk.

Employee #2 reported that Respondent called back at about 11:30am and stated that they now knew they had done it and found the receipts. Respondent asked how to take care of "it".

Employee #4 called Respondent on March 29 to state that the college reported the loss to the State Auditor's office and would report the loss to local law enforcement.

### **Respondent's response to Concern # 1:**

Until hearing the missing amount and going to Lowe's, Respondent believed that they had been using the gift cards from their grandchild's school gift card program to make those purchases.

Respondent only learned that they had mixed the college's rebate gift card into their personal items upon their investigation. Respondent states that they came forward as soon as they confirmed the error.

Respondent states that they do not know how the college's rebate gift card was mixed into their personal items.

Respondent does not know why any employees would state that she opened the envelope. Respondent states they did not recall the gift card coming into their department and that they should have as those cards come stuck to a page and have to be pulled off. Respondent does not recall pulling any card off a page.

Respondent wants to repay the amount to the college as soon as possible because of their mistake.

### **Concern # 2: Respondent's handling of state property was improper**

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Respondent states that they got a new job last year once another employee went part-time. Respondent states they were doing their prior work as well. Respondent states they had also been very busy try to manage two departments in January because of additional staff leaving and sick leave.

Respondent states that the mail was handled by whoever had time and proximity to retrieve it.

Respondent states that they asked whomever brought the mail to the office to set in on their chair as their desk was covered in paper piles.

Respondent states that they have very little room to sort the mail.

Respondent states that if they had seen a Lowe's envelope they would likely have thrown it away as an advertisement.

Respondent believes that the rebate card was mixed into their personal items during their lunch time when Respondent uses their desk area to pay bills once or twice a week.

Respondent states that they often eat lunch at their desk and sometimes do not take a lunch break.

### **Additional information from other employees regarding Concern # 2:**

Employee #8 states that Respondent had the mail responsibilities for the department.

Employee #7 agreed that multiple employees pick up the mail and any of them may sort mail into staff boxes. Bills were handled by Respondent. Employee #7 states that if mail from a big company that they did not do business with came into the department, it might be thrown away. Employee #7 states that Respondent's desk is stacked with work.

Employee #9 agreed that multiple employees pick up mail and sort into appropriate supervisor boxes. Employee #9 picks up mail 2 or 3 times per week, sorts it into the appropriate supervisor's box and gives the rest to the Respondent or Employee #7. Employee #9 says no desk is tidy in that area.

Respondent in their own interview states they did not recall the gift card coming into their department.

### **Respondent's response to Concern # 2:**

Respondent states that upon getting the new job, they did not receive mail training.

Respondent states that since stepping back into their prior position in March, they have made headway at putting the surface of their desk in better order.

Respondent states that they have found personal items mixed into work items on their desk.

### **Concern # 3: Respondent's use of state resources was improper**

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Respondent believes that the rebate card was mixed into their personal items during their lunch time when Respondent uses their desk area to pay bills once or twice a week.

Respondent states that they often eat lunch at their desk. Respondent stated that sometimes they do not take lunch, even though the college does not pay overtime anymore.

### **Additional information from other employees regarding Concern # 3:**

Employee #7 states that Respondent's desk is stacked with work. Employee #7 did not see Respondent have a lunch break. Employee #7 feels that Respondent is overwhelmed with work.

Employee #9 states the desks in the department are not tidy.

Employee #8 states that Respondent liked to have everything in paper and that it covered Respondent's desk.

### **Respondent's response to Concern # 3:**

Respondent states that at the time in question, January through March of 2018, their department was very short-handed and that they had used their desk to pay personal bills and to consume their lunch because of the workload.

Respondent states that since stepping back into their prior position, they have made headway at clearing documents and seeing the top of their desk surface.

Respondent states that they have found personal items mixed into work items on their desk.

## **CONCLUSION**

On the basis of my investigation and using the preponderance of the evidence standard, my findings are as follows:

**I find that it more likely than not that Respondent does not recall how the gift card got into their possession, but did misuse state property, although not knowingly .**

Although Respondent professes to not recall stating that they opened the rebate card, contemporaneous written reports by other employees state that at the time the misuse of state property by Respondent came to light, Respondent, when asked, stated they had opened the letter.

Respondent did notify their supervisor and purchasing upon learning of the misuse and does intend to make restitution.

According to one contemporaneous report, Respondent appeared at that time to be truly was surprised to find that they misused state property as their own.

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Respondent states that they use Lowe's cards as part of a required scrip purchase program at their grandchild's school program. Respondent is attempting to get receipts from Lowe's to confirm the purchases.

Respondent reiterated with multiple staff that they wanted to know how to repay the value of the rebate.

### I find it more likely than not that Respondent did mismanage college property.

Respondent agrees that the handling of the department's mail does not follow any procedures, which may have led to loss of the rebate card. Respondent stated that they were not trained on mail handling when they came into the role of managing incoming mail.

Respondent asked other employees to put any mail that she was to deal with on her chair as her desk was over full.

Multiple employees assist in the sorting of the mail.

A clear procedure would assist in making certain incoming mail which is state property is properly handled. The department should review what procedure should be in place and implement said procedure with one employee fully responsible for state property.

It is my understanding that Respondent is no longer in charge of incoming mail.

### I find it more likely than not that Respondent misused college resources by eating lunch, skipping lunch and paying personal bills at their desk.

Three employees interviewed said that Respondent's desk was over full with work.

Respondent believes the loss of the rebate card can be attributed to sorting mail on that over full desk.

Respondent believes that while paying bills at their over full desk, they mixed the rebate card with their own bills.

Respondent states that they pay bills at their desk once or twice a week.

Respondent agreed that they take lunch at their desk often and that they have found personal items mixed into the college property on their desk.

Respondent agreed in a whispered voice that they work through their lunch period at times even though the college no longer pays overtime for such activity.

By the whisper and knowledge that the college is not allowing overtime for working through lunch, Respondent indicated that she understands that their behavior did not meet college standards.

It is my determination that Respondent should be counseled that all personal business and their lunch period occur away from their desk.

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This report represents a thorough, impartial, and reliable investigation into the concerns surrounding the loss of college property by Respondent at Olympic College. I recommend that the matter be referred to the appropriate College Administrator for appropriate next steps.

Respectfully submitted,

*Kim E. Abel*

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