

## Investigation Report

<b>Lead Investigator's Name and Title:</b> Nathan Hathaway, Employee Relations Manager		<b>Reviewer's Name and Title:</b> Annette Schuffenhauer, Division Director			
<b>Date Reported:</b> September 22, 2022		<b>Division Name:</b> Division of Legal Services			
<b>Complainant Name(s) and Title(s):</b> Laura Shayder, Contracts and Procurement Manager Julia Jacobs, Contracts and Procurement Manager		<b>Subject Name(s) and Title(s):</b> Micaela Martinez, Contracts Specialist 3			
<p><b>Summary of Allegations:</b></p> <p>Ms. Shayder and Ms. Jacobs requested a meeting with ERM Hathaway on September 22, 2022. During the meeting, Ms. Jacobs explained that she had been meeting with one of her new staff, Cendy Ortiz, and Ms. Ortiz said she was "stressed out" because she had been at lunch with a former co-worker who worked with Ms. Ortiz and Ms. Martinez at the City of Spokane (hereafter referred to as "the City"). Ms. Ortiz told Ms. Jacobs that the former co-worker, who is still employed by the City, told Ms. Ortiz that Ms. Martinez was still working for the City and was surprised to hear that Ms. Martinez was also working for the Health Care Authority. Ms. Ortiz said the City was also aware of Ms. Martinez's dual employment and had opened an investigation over the concern.</p> <p>Ms. Jacobs said she contacted Ms. Shayder about the concern and Ms. Shayder, which was when they reached out to ERM Hathaway. Ms. Shayder explained that she was unaware that Ms. Martinez had continued working for the City after beginning work with the Health Care Authority on August 1, 2022. Ms. Shayder explained that Ms. Martinez indicated before she started working for the Health Care Authority that her last working day for the City would be July 29, 2022, and that she planned to exhaust her vacation leave after that, which was scheduled to expire at the end of September 2022 (<b>Attachment A</b>). Ms. Shayder said she had not noticed any significant gaps in Ms. Martinez's time while working for the Health Care Authority that would have led Ms. Shayder to believe that Ms. Martinez was working for another employer during the workday.</p>					
<b>Interview Timeline</b>					
<b>Interviewee Name and Title</b>	<b>Role in Investigation</b>	<b>Date/time Interviewed</b>	<b>Location (or MS Teams)</b>	<b>Others in Attendance</b>	<b>Attachment #</b>
Micaela Martinez, Contracts Specialist 3	Subject	9/26/2022 2:00 p.m.	MS Teams	HRC(s): Nathan Hathaway, Didi Thomas Union Rep: Declined	B
<b>Applicable Rules/Expectations</b>					
<b>HCA Admin Policy # or document type:</b> 3-02, Outside Employment		<b>Date Reviewed/Signed (if applicable):</b>			<b>Attachment #</b> C
<p><b>Relevant language:</b></p> <p><b>DEFINITIONS</b></p> <p>Outside Employment      Employment with a private, nonprofit, or other governmental employer; employment as an independent contractor or consultant; or self-employment (including consulting, sales, property rentals, etc.); held while employed with HCA</p> <p><b>POLICY REQUIREMENTS</b></p> <p>3. Employees must obtain approval from their Appointing Authority prior to engaging in outside employment as set forth in HCA Administrative Procedure 3-02-01.</p> <p>4. A new employee engaged in outside employment must provide a completed Request for Authorization of Outside Employment form (HCA 30-304) to their supervisor within 30 calendar days of beginning HCA employment.</p> <p>10. Employees may not use any state resources to support outside employment, including state paid time, materials, facilities, equipment, or telephones.</p>					
<b>HCA Admin Policy # or document type:</b> 3-53, Personal Conduct		<b>Date Reviewed/Signed (if applicable):</b>			<b>Attachment #</b> D
<b>Relevant language:</b>					

## POLICY REQUIREMENTS

1. All HCA employees must:
  - a. Act with honesty...
2. Failure to comply with this policy may result in disciplinary action up to and including discharge from employment.

## Applicable Training

Name of training:	Date Completed:	Attachment #
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## Investigator Analysis/Notes

ERM Hathaway contacted the Human Resources office at the City on September 26, 2022. The City HR staff verified that Ms. Martinez was still an active employee of the City, was working in a full-time capacity as a Procurement Specialist and had taken no leave since August 1, 2022. They also verified that Ms. Martinez was working 4 10-hour days per week, Monday through Thursday.

Later the same day, Michelle Murray, Director of Accounting for the City, called ERM Hathaway after talking with the HR staff member previously referenced. Ms. Murray informed ERM Hathaway that the City was investigating Ms. Martinez as well and would be filing a report with the State Auditor's Office. Ms. Murray explained that she had physically verified that Ms. Martinez was working in the office at the City that day, had received information that Ms. Martinez may have had gaps in her work time since August 1, 2022, and that Ms. Martinez was often logging into her computer after 8:00 p.m. to work, which may be evidence that she was working for the Health Care Authority during the day. Ms. Murray said that Ms. Martinez's work schedule for the City is 6:00 a.m. to 4:30 p.m., Monday through Thursday, but that she had found that Ms. Martinez had only been performing about five hours of work per week for the City.

## Summary of Facts

- Ms. Martinez denied that she was actively doing any work for the City and claimed she had ceased work for the City on July 28, 2022. Ms. Martinez insisted that the information provided by the City was incorrect.
- Ms. Martinez claimed that she had been using accrued vacation leave since she stopped working for the City and had 272 hours of vacation leave remaining. She said her leave was "supposed" to be used up by the end of October 2022. She said she decided to use her leave rather than "cash it out" due to tax implications.
- Ms. Martinez said she would follow-up with official documentation from the City supporting her claims.
- After her interview, at 2:59 p.m., she emailed Ms. Shayder and copied ERM Hathaway and Human Resource Consultant Didi Thomas (**Attachment E**). Ms. Martinez admitted that she had lied in her investigatory interview, confirming that she had not stopped working for the City on July 28, 2022. Ms. Martinez said it was "never [her] intention to violate any ethics" and had "dedicated [herself] and [her] time to HCA as required since accepting this position." Ms. Martinez also resigned effective immediately.
- On September 27, 2022, Ms. Martinez sent Ms. Shayder a text message (**Attachment F**), apologizing for the issue and claiming that the reason she lied about her employment situation was due to family health and financial concerns. Ms. Martinez said she did not feel she had done anything wrong because she was "doing both [jobs] and doing them well."
- On September 28, 2022, ERM Hathaway spoke to Lisa Richards, HR Analyst at the City, who said she spoke with Ms. Martinez about the issue at about 4:00 p.m. on September 26, 2022. Ms. Richards said that during the conversation, Ms. Martinez admitted that she had been working for both the City and the Health Care Authority but claimed she had only been working very sporadically, "an hour here or there," for the Health Care Authority so it would not interfere with her schedule at the City.

## Subject(s) Personnel File Review

Name: Micaela Martinez

State Service Summary	Evaluation/Discipline Summary
<b>Current Appointment Date and Title:</b> 8/1/2022; Contracts Specialist 3	<b>Relevant PDP Evaluation Notes (include date):</b> N/A (probationary employee)
<b>Date of Unbroken State Service:</b> 8/1/2022	<b>Prior Disciplinary Actions/Dates/Reasons (if applicable):</b>

## Investigation report submitted to Appointing Authority for review

<b>Investigator Signature:</b> 	<b>Date Signed:</b> 10/3/2022
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**Attachments:**

- A. Email conversation dated July 8, 2022
- B. Investigatory interview notes dated September 26, 2022
- C. HCA Administrative Policy 3-02, Outside Employment
- D. HCA Administrative Policy 3-53, Personal Conduct
- E. Email conversation dated September 26, 2022
- F. Text message conversation, dated September 27, 2022

Documentation of Appointing Authority Determination and Follow-Up Action	
<b>Allegations substantiated?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Follow-up:</b> Other (explain below) Notes (if applicable): Employee resigned before appointing authority review.

cc: Investigatory file