



# SEMIANNUAL REPORT TO THE CONGRESS

**April 1, 2018 – September 30, 2018**

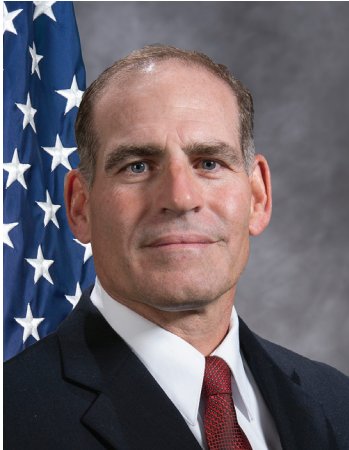
Architect of the Capitol  
Office of Inspector General







## Inspector General Message



I am very proud to submit the Architect of the Capitol (AOC) Office of Inspector General (OIG) Semiannual Report (SAR) to Congress for the second half of Fiscal Year (FY) 2018. This year we mark the 40th anniversary of the Inspector General Act and the creation of the original 12 Offices of

Inspector General. Our office was created in 2007. Since that time we have been part of a community that has grown to include 73 statutory Inspectors General who collectively oversee the operations of nearly every aspect of the Federal government. Every six months we provide Congress with a report detailing our independent oversight of the AOC during the reporting period. This report highlights our activities for the past six months ending September 30, 2018. This report is our 21st semiannual report and the third report of my tenure.

The work here contains results from the efforts of an OIG staff dedicated to promoting economy and efficiency and preventing and detecting fraud, waste and abuse in the AOC's programs and operations. In the years to come, we look forward to continuing our efforts to provide independent and effective oversight of the AOC and working with the Council of Inspectors General on Integrity and Efficiency (CIGIE) on important issues that cut across our government.

During this SAR period, we filled three important positions within the OIG and have one position remaining to fill. Thus far we have added an evaluator, auditor and criminal investigator and have already begun seeing much improvement in case completion and have announced three new evaluations and three new audits. Additionally, we continued to monitor the AOC FY 2018 Financial Statements Audit and completed a follow-up evaluation on the AOC's Federal Employee Compensation Act (FECA),

as well as a Performance Audit on the Russell Senate Office Building Food Service Contract. We also transmitted a Semiannual Status Report on seven critical areas of the Cannon House Office Building Renewal project. We did all this while also receiving passing grades on the CIGIE peer reviews of our Audit program and of our newly established Inspections and Evaluations program. We have also partnered with the U.S. Army Corps of Engineers to provide subject matter expertise (SME) during our audit on the Capitol Power Plant Cogeneration Facility, and have contracted the services of John Hopkins Cybersecurity experts to aid us in our three cybersecurity evaluations.

We continued our productive investigation program that demonstrated employee outreach efforts remain successful. Investigation efforts for this reporting period yielded \$219,619 in avoided costs. We received 28 complaints, which led to opening 15 new cases. We issued 11 investigative reports in which we substantiated cases involving larceny of government property, making false complaints, supervisory abuse of authority, employee misconduct and workers' compensation fraud, as well as violence in the workplace.

The AOC OIG audit team will continue to focus their efforts towards both Performance Audits as well as Construction Audits into the future and have begun efforts to contract out Construction Audit services to experienced independent firms that can help us identify cost savings, fraud, product substitution, labor cost over payment, and reconcile modifications utilizing Government Auditing Standards. This is a shift for the AOC OIG, but one that I have observed as needed. With close to a billion dollars in construction underway on the Capitol Campus, the effort to oversee it all is daunting and requires specialized auditors. I believe this will result in faster, more focused Construction Audits generating meaningful findings and recommendations to aid the Architect in cost cutting and quality construction efforts.

I am excited to begin doing evaluations at the AOC. I believe the ability for these evaluations to generate reports that provide economies and efficiencies will be valuable to the AOC and the results will generate a desire for this group to aid Jurisdictions and inform policies that make the AOC leaner and more efficient while saving tax payer money that

can be utilized elsewhere.

I am extremely proud of what has been accomplished over the last six months but am even more enthusiastic about what we are about to accomplish in FY19. My team and I are engrossed in generating Audits, Evaluations and Investigations that result in an improved AOC and I feel that we have reached the point where all the pieces are now in place and FY19 will see increased execution and results.

I want to thank the staff of the OIG for their tremendous

work ethic and dedication to the mission over this period as well. Additionally, I want to thank the Architect for allowing me the independence to make the AOC OIG a model of the Legislative Branch Inspector Generals.

The staff of the OIG wishes the Architect well as he retires and thanks him for his many years of leadership, guidance and support.



## Our Mission

The OIG promotes efficiency and effectiveness to deter and prevent fraud, waste and mismanagement in AOC operations and programs. Through value-added, transparent and independent audits, evaluations and investigations, we strive to positively affect the AOC and benefit the taxpayer while keeping the AOC and Congress fully informed.

## Our Vision

The OIG is a high-performing team, promoting positive change and striving for continuous improvement in AOC management and operations. We foster an environment that inspires AOC workforce trust and confidence in our work.

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## Inspector General Act

The Architect of the Capitol Inspector General Act of 2007, 2 U.S.C. § 1808, establishes the OIG as an independent objective office within the AOC and applies certain sections of the Inspector General Act of 1978 that detail the Inspector General's duties and authorities, and establish important protections for AOC employees and responsibilities for the AOC.







## Profiles

### ARCHITECT OF THE CAPITOL

Permanent authority for the care and maintenance of the United States Capitol by the AOC is based on Section 1811 of Title 2 of the United States Code. The AOC is responsible for the maintenance, operation, development and preservation of more than 18.4 million square feet of buildings and more than 570 acres of grounds. This includes the U.S. Capitol, House and Senate office buildings, the U.S. Capitol Visitor Center, the Library of Congress, the Supreme Court of the United States, the U.S. Botanic Garden, the Capitol Power Plant, and other facilities. The AOC also provides professional expertise with regard to the preservation of architectural and artistic elements entrusted to its care and provides recommendations concerning design, construction and maintenance of the facilities and grounds. The AOC is also responsible for the upkeep and improvement of the U.S. Capitol Grounds and the support of the quadrennial inaugural ceremonies and other ceremonies held on the Capitol campus.

Architect of the Capitol Stephen T. Ayers performs his duties in connection with the U.S. Senate side of the Capitol, Senate office buildings and the administrative oversight of the Senate restaurants contract subject to the approval of the Senate Committee on Rules and Administration. In matters of general policy in connection with the House office buildings, the Architect of the Capitol's activities are subject to the approval and direction of the U.S. House of Representatives (House) Office Building Commission and various House committees, including the Committee on House Administration. He is responsible for the care and repair of works of art in the U.S. Capitol under the direction of the Joint Committee on the Library. In addition, the Architect of the Capitol is responsible for the maintenance and restoration of murals and other architectural elements throughout the Capitol campus. Since 1934, the Architect of the Capitol has served as the Acting Director of the U.S. Botanic Garden under the Joint Committee on the Library.

### OFFICE OF INSPECTOR GENERAL

The AOC Inspector General (IG) Act of 2007, 2 U.S.C. § 1808, establishes the OIG as an independent objective office within the AOC and applies to the AOC certain sections of the IG Act of 1978, as amended, that details the IG's duties and authorities and establishes employee protections from retaliation for contacting the OIG or participating in OIG activities. The IG reports to and is under the general supervision of the Architect of the Capitol. The OIG's duties are to:

- (1) Conduct, supervise and coordinate audits and investigations relating to AOC programs and operations.
- (2) Review existing and proposed legislation and regulations that impact AOC programs and operations and comment in the Semiannual Report regarding the impact on the economy and efficiency or the prevention and detection of fraud and abuse of such legislation and regulations.
- (3) Recommend policies for AOC activities to promote economy and efficiency or prevent and detect fraud and abuse in its programs and operations.
- (4) Provide a means of keeping the AOC and Congress fully and currently informed about problems and deficiencies relating to the administration of AOC programs and operations and the need for and progress of corrective action. This is generally done by issuing a Semiannual Report to the Architect of the Capitol and Congress.

# Audits

## Completed Activity This Reporting Period

### **OIG Report 2018-0006-AUD-R, Russell Senate Office Building Food Service Contract Audit, Project Number 2018-0001-AUD-P**

We conducted this performance audit at the request of the United States Senate Rules Committee staff. The current Russell Senate Office Building food service contract is with KSC Inc., doing business as Cups & Company (KSC or KSC Inc.). The AOC first awarded KSC Inc. a contract in FY 2001 with several modifications. In July 2017, the AOC issued a new solicitation for the Russell Senate Office Building food service contract with proposals due August 23, 2017.

Our audit objective was to determine whether the AOC solicited and awarded the Russell Senate Office Building food service contract in accordance with agency policies and procedures. We concluded that the AOC solicited and awarded the Russell Senate Office Building food service contract in accordance with agency policies and procedures. Although we did not find any violations of policies and procedures, we noted some matters that the AOC may wish to consider to avoid any appearances of a conflict of interest in future contract actions. These matters pertained to the administration and documentation of certain procurement issues.

### **Semiannual Report of the Cannon House Office Building Renewal Project (Cannon Project)**

An Explanatory Statement accompanying the FY 2016 Legislative Branch Appropriations Act, P.L. 114-113, Division I, tasked the OIG with providing quarterly status reports on the Cannon Project to the House Committee on Appropriations and on the Capitol Power Plant to the House and Senate Committees on Appropriations. With the congressional committees' approval, we changed the transmission of the status updates from quarterly to semiannual and only of the Cannon Project. These status reports are not audits or evaluations, but are transmissions of AOC compiled information. We do not issue findings or recommendations based on these reports, but use the reports as background in building future audits and evaluations as related to seven key areas outlined in the reports.

On September 6, 2018, we transmitted the status report of the Cannon Project for the six-month period January 1, 2018 to June 30, 2018. This semiannual report is formatted in seven areas as follows: 1) safety, 2) security, 3) schedule, 4) budget, 5) client satisfaction, 6) contract management and 7) risk management.

In our transmittal letter, we commented on areas that may require additional work in ongoing audits.

Our key observations for the Cannon Project semiannual status report included:

- (1) As of the date of this report, the contractor will not complete the Food Servery and the Caucus Room remodels by November 1, 2018. This delay is due to design revisions from congressional partners. The completion dates will be determined after the design revisions are completed.
- (2) Construction management expects a \$5 million increase to the overall cost of the project, mainly due to design revisions, unforeseen site conditions and user-requested changes. The House Office Buildings Superintendent is aware of the changes. All the Phase 1 budgeted contingency funds have been obligated or committed for known or expected changes. The project team is exploring possible cost savings initiatives to cover the \$5 million of potential Phase 1 budget overage noted in the report. The construction team plans to use contingency funds available for future phases in the event that cost savings may not totally cover the overage and will continue to explore cost savings to maintain the project's overall \$752.7 million budget.
- (3) Additionally, construction management became aware that certain areas would not be delivered until after the substantial completion date of August 31, 2018. Those areas include:
  - Spaces on the fifth floor
  - Exterior restoration and site work
  - Public restrooms on floors 1-4
  - The rotunda
  - Hearing rooms
  - The interior courtyard
  - Elevators



- (4) Construction management has requested a recovery plan from the contractor. The project has made efforts to recover from the schedule challenge that the AOC reported at the end of FY 2017. We are contracting with the U.S. Army Corps of Engineers to review the project recovery plan for reasonableness.
- (5) We are also monitoring the reported increase in the number of contractor badges issued. Over the past six months, the AOC reported a net increase of 1,000 contractor badges issued after taking into account the badges returned, confiscated, and lost and replaced.

## Audits in Progress

### **2018-0010-AUD-P FY 2018 Financial Statements Audit**

An independent public accounting (IPA) firm is performing an audit of the AOC Financial Statements as of and for the year ending September 30, 2018. The IPA is responsible for conducting the audit in accordance with auditing standards generally accepted in the United States of America, issued by the American Institute of Certified Public Accountants; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 17-03, Audit Requirements for Federal Financial Statements. Specifically, they are responsible for forming and expressing an opinion about whether the financial statements that are prepared by AOC management, with the oversight of those charged with governance, are prepared, in all material respects, in accordance with the applicable financial reporting framework.

The OIG serves as the contracting officer's technical representative on the contract with the IPA which includes overseeing the requirements of the contract and transmitting the auditor's final report in November 2018.

### **2018-0006-AUD-P Audit of Information Technology Division (ITD) Contract Services**

We announced the audit of the ITD Contracting Services on July 30, 2018. The AOC has a contract (Blanket Purchase Agreement (BPA)) with a vendor to provide information technology (IT) services. The AOC issues individual task orders for these services as needed under this BPA.

Our objective is to determine if the AOC awarded and monitored the BPA - AOC16A3000 in accordance with laws, regulations, policies and contract requirements. The scope of our review will include contracting operations over the last three years.

### **2018-0012-AUD-P AOC Data Center Audit**

We announced the AOC Data Center audit on August 20, 2018. The AOC manages an Alternate Computer Facility (ACF) at an off-site location. This facility contains several data centers including one that maintains AOC data.

Our objective is to determine whether the AOC has developed and implemented policies and procedures to protect the physical integrity of data centers and the information resources residing within. Specifically, we will evaluate access controls, environmental factors and back-up procedures designed to ensure the continuity of AOC IT operations. We will limit our scope to the AOC Data Center at the ACF.

### **2018-0013-AUD-P Audit of the Capitol Power Plant Cogeneration Facility Project**

We announced the audit of the Capitol Power Plant Cogeneration Facility on September 27, 2018. The AOC is implementing the cogeneration technology as a more efficient and cost-effective solution for heating and cooling the 23 facilities on Capitol Hill that they serve. We have an agreement with the U.S. Army Corps of Engineers to serve as the subject matter experts during this audit.

Our audit objective is to determine whether the construction of the Capitol Power Plant Cogeneration Facility was in accordance with contractual and other applicable requirements. This will include reviewing the cost and schedule management, quality control, and quality assurance and commissioning. We will also conduct a limited review of the design to determine whether the economic design documentation is consistent with industry standards.

# Inspections and Evaluations

## Completed Activity This Reporting Period

### **OIG Report 2018-0006-IE-R, Follow-up Evaluation of Audit of the AOC's Compliance with Federal Workers' Compensation Act Program**

We conducted a follow-up evaluation to our Audit of *AOC's Compliance with the Federal Workers' Compensation Act Program* (FECA) (A-2010-05), issued June 8, 2010. That audit found that AOC personnel were not fully implementing agency orders and policies related to the FECA program. The audit included six findings and seven recommendations for improvement.

Our follow-up evaluation focused on the recommendations with the most direct impact on the AOC's control of the FECA program costs. Our objective was to determine if the AOC implemented remedial actions discussed in their Notice of Final Action responses to three recommendations and to determine if their actions were effective. These recommendations addressed monitoring and ensuring correct Department of Labor (DOL) charges to the AOC for FECA costs, notification to jurisdiction management of their FECA costs and better implementation of the Modified Work Assignment and Return to Work programs.

Our evaluation found that the AOC had updated written guidance for regular review of the AOC's DOL FECA costs, but was unable to provide documentation of consistent and ongoing reviews or contacts with the DOL for incorrect charge adjustments. We also found that intra-agency communications to senior leadership of jurisdiction FECA charges were no longer occurring as reported, and that few Modified and Return to Work assignments had been implemented. During our review, however, we also found that the AOC was implementing a new case tracking system that would address some of the findings, and was significantly revising the FECA program office processes.

The AOC concurred with two of the three evaluation recommendations. The AOC responded that they fully communicate jurisdiction-specific DOL chargeback data to jurisdictions and will assess incorporating periodic reviews of jurisdiction support for the Modified and Return to Work programs in future AOC dashboard reviews. Additionally, the AOC will assess the opportunities for greater jurisdiction involvement in the administration of DOL chargeback reimbursements. The AOC's Notice of Final Action is due December 26, 2018.

## Evaluations-In-Progress

### **2018-0001-IE-P Evaluation of the AOC's Cybersecurity Program**

We announced the evaluation of the AOC cybersecurity program on September 26, 2018. The AOC OIG received a request from the U.S. House Committee on Administration to evaluate the AOC's cybersecurity program. Our objective for this evaluation is to determine if the cybersecurity program adequately addresses the security and safety of assets and infrastructure. We plan to have external subject matter experts support us in this effort.

### **2018-0002-IE-P Evaluation of AOC Inventory and Accountability Controls**

We announced the evaluation of the AOC inventory and accountability controls on September 25, 2018. The AOC OIG received a request from the U.S. Senate Committee on Rules and Administration to evaluate the AOC's inventory controls and tracking policies for agency property valued at less than \$1,500.

Our objectives for this evaluation are to determine:

- (1) If adequate mechanisms and controls are in place to account for non-consumable property valued at less than \$1,500.
- (2) What procedures are in place to report, track and replace missing non-consumable property valued at less than \$1,500.
- (3) If "best practices" exist which might enhance property management efforts across the AOC.
- (4) What savings could be gained by lowering this threshold amount.

### **2018-0003-IE-P Evaluation of AOC Compliance with the Government Purchase Card Program**

We announced the evaluation of AOC compliance with the Government purchase card program on September 5, 2018. Our objective is to determine whether the AOC's purchase card program is being administered in accordance with applicable policies, procedures, and regulations, with a focus on high risk areas identified in the CIGIE Report on the Government Purchase Card Initiative, issued July 2017. These high-risk areas are transactions that were made with prohibited or questionable merchants, transactions with sales tax, transactions with unauthorized third-party merchants and split transactions.



## Investigations

During this reporting period, we received or initiated a total of 28 complaints. From those complaints, investigators opened 15 new investigations. We referred a total of six complaints to other government agencies, AOC program offices and/or AOC avenues of assistance.

The criminal investigator's status has been established; however, law enforcement authority has not yet been reinstated. As of this SAR, this authority has been reviewed by the U.S. Marshal Service and is now pending a legal opinion from the Department of Justice. Legal research is being conducted regarding a separation of powers and the executive branch having the authority to bestow arrest and authority to carry firearms to legislative branch OIGs.

### Closed Investigations

#### 2018-0004-INVI-P- AOC IT Resources and De Minimis Use; Standards of Conduct: Substantiated

The OIG initiated an investigation based on information received from an AOC manager who alleged that a subordinate manager and an employee both from the same jurisdiction were running a football gambling pool, a violation of AOC policy.

This investigation substantiated that the subordinate manager and employee violated AOC policies based on their testimonies and the preponderance of evidence. The investigation also identified and substantiated that six other employees, all from the same jurisdiction, violated AOC policies based on their testimonies and the preponderance of evidence. The AOC took administrative action against the employees cited in the investigation for violating AOC policy. In June 2018, letters of reprimand were issued to Subjects 1, 2 and 8, and Subjects 3, 4, 5, 6 and 7 were issued letters of counseling.

#### 2018-0005-INVI-P- Government Ethics: Not Substantiated

The OIG initiated an investigation based on information received from an AOC senior rated manager (SR). The SR received information alleging that an AOC manager misused their position and granted overtime to a subordinate employee as compensation for doing repairs on their residence.

**Table A: Investigative Data**

Activity	Total
<b>Complaints Received</b>	
Hotline Complaints Received (Phone and/or Email)	7
Complaints Received (Walk-ins)	6
Direct Phone or Email to AOC OIG	12
U.S. Mail or Facsimile Machine	2
AOC OIG Observed or Developed	1
<b>Total</b>	<b>28</b>
Investigations Opened	15
Investigations Closed (2 pending AOC management actions)	11*
Criminal Investigations Referred to a Law Enforcement (L.E.) Agency or the United States Attorney for Prosecution Consideration:	
Referred to L.E. Agency or the U.S. Attorney	3
Declined	0
Accepted for Prosecution	0
Subpoenas Issued in Support of OIG Investigations:	
OIG Subpoenas Issued and Served	3
Grand Jury Subpoenas Served	0
Disciplinary Actions Resulting from OIG Administrative Investigations:	
Employee Removals/Resignations/Retirements (in lieu of)	3
Employee Suspensions	1
Employee Reprimands/Warnings/Counseling	8
Allegations Not Substantiated or Disproven by OIG	4
Allegations Substantiated/Person(s) Unknown	0
Actions Pending	2
Informal Referrals (to AOC Program Offices no follow-up or report required)	2
Formal Referrals (Follow-up required within 60 days)	1
Employee Assistance Referral (to AOC Avenue of Assistance)	0

\*Includes one investigation opened in a previous reporting period.

Note: Data in this table was compiled from a review of the OIG investigation's databases and files.



The investigation did not substantiate the AOC manager used their position to coerce personal services, favors or solicit a subordinate to perform work on their residence. The investigation determined there was no evidence to corroborate the AOC manager provided preferential treatment or favoritism towards their subordinate employee. This investigation did not substantiate that the AOC manager or subordinate employee violated AOC policies. The investigation is closed.

**2018-0012-INVI-P- Government Ethics; Standards of Conduct; and Personal Property Manual: Substantiated**

The OIG initiated an investigation based on information received from an AOC manager who was notified by a complainant who requested confidentiality. The confidential source (CS) reported that an AOC employee had an AOC Honda generator and other AOC property at their residence located in Maryland.

The AOC OIG obtained consent from a relative to search the shed located at the employee's residence in Maryland. The AOC OIG identified the items reported to be AOC property and took possession of those items.

Through testimony and confiscation of physical evidence, we identified the AOC employee violated AOC Orders and policies when they acquired AOC property, consisting of a Honda generator (\$1,400), water pump (\$115) and two

handsaws (\$26 and \$27) for personal use at their home located in Maryland. The estimated value of the AOC property is \$1,568. This investigation is closed and pending management action.

**2018-0015-INVI-P- Suspected FECA Fraud by Former AOC Employee: Not Substantiated**

The AOC Human Capital Management Division (HCMD), initiated a proactive effort to identify former AOC employees who may be fraudulently receiving FECA program benefits. During the effort, the AOC's HCMD evaluated all claimants on prolonged disability status, and forwarded those of interest to the AOC OIG.

The AOC OIG worked closely with workers' compensation specialists within the HCMD to evaluate each claim and the established case management process for FECA claimants. Collaboration between the AOC OIG and the HCMD Workers' Compensation Section determined that the loss of AOC funds was attributed to process errors within Department of Labor and the AOC HCMD which caused waste and not due to claimant fraud. The OIG will continue to work with the HCMD Workers' Compensation Section to detect and deter FECA fraud and abuse in an effort to minimize financial loss to the AOC.

The former AOC employee has received benefits since June 26, 2001. In response to the AOC's newly revived and



ongoing file review process from November 2017 to present, the claimant became compliant with current requirements to show medical necessity and participation in the Office of Workers' Compensation Program vocational rehabilitation programs. The claimant receives a monthly compensation benefit averaging \$2,099.60. Upon successful completion of vocational rehabilitation or return to work in a full-time status, the claimant's periodic compensation will be reduced, off-set or terminated with a potential savings of approximately \$25,195.20 annually. This investigation did not substantiate FECA fraud.

**2018-0017-INVI-P - Suspected FECA Fraud by Former AOC Employee: Not Substantiated**

The AOC HCMD initiated a proactive effort to identify former AOC employees who may be fraudulently receiving FECA program benefits. During the effort, the AOC's HCMD evaluated all claimants on prolonged disability status, and forwarded those of interest to the AOC OIG.

The AOC OIG worked closely with workers' compensation specialists within the HCMD to evaluate each claim and the established case management process for FECA claimants. Collaboration between the AOC OIG and the HCMD Workers' Compensation Section determined that the loss of AOC funds was attributed to process errors within the Department of Labor and the AOC HCMD which caused waste and not due to claimant fraud. The OIG will continue to work with the HCMD Workers' Compensation Section to detect and deter FECA fraud and abuse in an effort to minimize financial loss to the AOC.

The former AOC employee has received benefits since November 17, 1989. The DOL chargeback billing for the employee's compensation was reduced due to a change in the claimant's medical limitations and dependent status. The monthly compensation was decreased from \$1,891.00 to \$1,717.00, resulting in a \$2,160 per year savings and collection of a \$6,062 overpayment to claimant. This investigation did not substantiate FECA fraud.

**2018-0019-INVI-P – Suspected FECA Fraud by Former AOC Employee: Not Substantiated**

The AOC HCMD, initiated a proactive effort to identify former AOC employees who may be fraudulently receiving

FECA program benefits. During the effort, the AOC's HCMD evaluated all claimants on prolonged disability status, and forwarded those of interest to the AOC OIG.

The AOC OIG worked closely with workers' compensation specialists within the HCMD to evaluate each claim and the established case management process for FECA claimants. Collaboration between the AOC OIG and the HCMD Workers' Compensation Section determined that the loss of AOC funds was attributed to process errors within Department of Labor and the AOC HCMD which caused waste and not due to claimant fraud. The OIG will continue to work with the HCMD Workers' Compensation Section to detect and deter FECA fraud and abuse in an effort to minimize financial loss to the AOC.

The former AOC employee has received benefits since November 05, 1999, for a work injury on April 27, 1992 that caused permanent damage to his right wrist. The employee was classified as temporarily disabled following the incident and was given workplace modifications, allowing them to remain employed. The claimant remained injured and was moved to the periodic role as a permanently, but only partially disabled claimant. The AOC HCMD requested a new labor market survey for the claimant's Wage Earning Capacity. The DOL declined to issue a new wage analysis in the absence of a major change in medical restrictions or other compelling development. No savings to the AOC were made, and this investigation did not substantiate FECA fraud.

**2018-0020-INVI-P – Suspected Federal Employee Compensation Act (FECA) Fraud by Former Architect of the Capitol Employee: Not Substantiated**

The AOC HCMD initiated a proactive effort to identify former AOC employees who may be fraudulently receiving FECA program benefits. During the effort, the AOC's HCMD evaluated all claimants on prolonged disability status, and forwarded those of interest to the AOC OIG.

The AOC OIG worked closely with workers' compensation specialists within the HCMD to evaluate each claim and the established case management process for FECA claimants. Collaboration between the AOC OIG and the HCMD Workers' Compensation Section determined that

the loss of AOC funds was attributed to process errors within Department of Labor and the AOC HCMD which caused waste and not due to claimant fraud. The OIG will continue to work with the HCMD Workers' Compensation Section to detect and deter FECA fraud and abuse in an effort to minimize financial loss to the AOC.

The former AOC employee has received benefits since December 12, 1996 due to injuries he sustained on November 18, 1996. It was reported to the AOC OIG that the employee was engaged in unreported employment that extended beyond his prescribed DOL restrictions. Through investigative activity it was determined that the son of the claimant, who shares the same name and address as the claimant, was the individual employed and observed conducting physical labor. The claimant was not employed or otherwise suspected of committing FECA program fraud. Based on the totality of the circumstances, and the claimant's apparent compliance with DOL requirements, the investigation was closed as not substantiated for FECA fraud. There was no recovery of funds to the AOC. The loss to the AOC was only the procurement of contract surveillance which was erroneously executed.

## Closed Investigations Involving Senior Government Employees

### **2018-0011-INVI-P- Government Ethics; General Prohibition; Contracting Manual: Not Substantiated**

The OIG initiated an investigation based on information received from a CS concerning suspected abuse of authority and conflict of interest between an AOC contractor and an AOC senior rated (SR) manager. According to the CS, the AOC SR manager abused their authority and circumvented proper AOC contracting protocols by directing the contractor to procure wallpaper murals, valued at \$7,550.00, and having the wallpaper murals installed in an AOC restaurant. The CS claimed that the AOC's Acquisition and Material Management Division was unaware of the procurement and did not grant funding authority or obligate funds for the wallpaper murals. This investigation did not substantiate that the AOC SR manager abused their authority, violated AOC Orders or AOC procurement procedures. Testimony and documentary evidence

determined the procurement of the wallpaper murals for the AOC restaurant was in accordance with the AOC contract modification. The investigation is closed.

### **2018-0013-INVI-P- Government Ethics; Standards of Conduct; and AOC Employee Responsibilities: Substantiated**

The OIG initiated an investigation based on information received from an AOC SR manager. An AOC employee (subject of OIG investigation I-2018-01 below from the last SAR period) stated they needed help in resolving their incorrect timesheets and removal of their name from the jurisdiction distribution list. The employee alleged that their supervisor, an AOC manager, committed numerous policy violations against them.

For several months numerous attempts were made to contact the AOC employee using email addresses, their personal telephone number, their AOC cellular phone number and email provided to the SR with no success.

After several months the AOC employee contacted the OIG by email asking whether a safety investigation had been referred to the OIG by the AOC's HCMD. The OIG responded to the AOC employee's email and a series of other emails for approximately three weeks, requesting they make themselves available to be interviewed in person. The AOC employee did not mention or attempt to schedule their interview, instead avoiding the topic through a series of questions and requests for internal OIG documents and reports.

The accused AOC manager participated in a joint interview with representatives of the HCMD and the OIG where their sworn testimony was obtained regarding the AOC employee's allegations. The AOC employee never made them self available to their supervisor or the HCMD with regard to their allegations, nor to the OIG in accordance with the AOC Order and the Inspector General Act of 1978. By their refusal to participate in the investigation despite repeated requests for interviews regarding their allegations of corruption and abuse of authority against their AOC manager, the AOC employee acted with willful disregard for their complaint's truth or falsity. The investigation substantiated that the AOC employee violated AOC Orders pertaining to, Government Ethics





(making false complaint) and not cooperating with an OIG investigation. The AOC employee was terminated from the AOC on April 14, 2018 in accordance with the FECA (5 U.S.C. 8151). This investigation is closed.

**2018-0014-INVI-P- Government Ethics; Standards of Conduct; Policy Memorandum Regarding Relationships between Supervisors and Subordinates; Drug and Alcohol Policy and Violence in the Workplace: Substantiated**

The AOC OIG initiated an investigation based on information received from an AOC employee who wished to keep their identity confidential. The complainant alleged to having a consensual sexual encounter with her AOC SR manager (Subject 1) and encountering a hostile work environment thru the receipt of text messages and photos from another subordinate of the AOC SR manager (Subject 2) who was also alleged to be engaged in a sexual and romantic relationship with Subject 1.

The OIG found that Subject 1 violated AOC policies regarding ethical conduct, standards of conduct, prohibition against relationships between supervisors and subordinates, and use of alcohol in the workspace. The OIG found that Subject 2 violated AOC policies regarding

violence in the workplace, standards of conduct, and use of alcohol in the workspace.

Both cases were referred to management for action.

Subject 1 resigned prior to any management actions. The investigation is closed.

## Open Investigations

We currently have 11 open investigations:

- 2018-0002-INVI-P
- 2018-0003-INVI-P
- 2018-0006-INVI-P
- 2018-0007-INVI-P
- 2018-0008-INVI-P
- 2018-0009-INVI-P
- 2018-0010-INVI-P
- 2018-0016-INVI-P
- 2018-0018-INVI-P
- 2018-0022-INVI-P
- 2018-0023-INVI-P

Per OIG policy, we are unable to comment about ongoing investigations. We anticipate reporting these as closed investigations in the next reporting period.





## Action Resulting from Investigations Reported in Previous SARs

### **I-2017-07 – Time and Attendance (T&A) Fraud; Government Ethics; Telework Program; Standards of Conduct: Substantiated**

The OIG initiated an investigation based on information received from a CS concerning an AOC manager (Subject 1) misrepresenting time worked and receiving payment for hours not worked. The OIG conducted a review of iPhone logs, T&A records, and emails for the period of March 2, 2017, through June 30, 2017, a three-month period selected surrounding the alleged dates of violation. The OIG also conducted relevant interviews of witnesses and subjects and confirmed that information provided by the manager as proof of attendance resulted in their senior manager making erroneous entries on their WebTA records for that period.

Testimony supported that the senior manager (Subject 2) relied upon the accuracy of information provided by the subordinate manager as a pattern of practice for the last 10 years and allowed the subordinate manager to work from home without an approved telework agreement. This lack of adequate oversight made it possible for the subordinate manager to violate the requirements of several AOC orders.

**Updated Information:** On July 27, 2018, the AOC OIG received the AOC's response to OIG 17-0007-I. Subject 1 was terminated from AOC effective April 9, 2018. Subject 2, the supervisor of Subject 1, was suspended from their position for three days. Suspension was served from March 28-30, 2018.

### **I-2018-01 – Program Fraud of Civil Remedies Act of 1986; Absence Without Leave; AOC Employee Responsibilities: Substantiated**

The OIG initiated an investigation based on information received from the HCMD, concerning an AOC employee who was suspected of faking an injury and fraudulently completing a Claim for Compensation (CA-7) certifying that the information they provided was true and accurate to the best of their knowledge and belief. This investigation substantiated that based on preponderance of the evidence, the employee committed FECA fraud when they fabricated an injury and made false statements by submitting a claim for compensation. The employee also violated AOC policies when they were absent from work without supervisory approval and did not cooperate with the AOC OIG during the investigation.

**Updated Information:** The subject of the Investigation was terminated from AOC on April 14, 2018 in accordance with the Federal Employee Compensation Act (5 U.S.C. 8151). The subject had a retention right for the position of one year from the date the wage loss began, but did not return to work within the prescribed time frame or provide medical documentation granting a return to duty. The AOC provided the best available information regarding the subject's wage loss to the DOL OWCP to support a proper and just adjudication.



## Review of Legislation and Policies

The OIG provides resources in reviewing and providing comments on AOC draft guidance documents as part of our requirement to comment on proposed legislation and policy. This ensures the AOC's orders and/or policy revisions are consistent and promote economy and efficiency. Some of these

orders result directly from OIG recommendations to improve internal controls and maintain an orderly operation. Our review is an integral part of our effort to identify and prevent fraud, waste and abuse. During this reporting period, we reviewed seven orders or other policy or guidance documents.

**Table B: Review of AOC Legislation and Policies**

Document	Title	Description
Order 38-1	Government Ethics	This order supersedes AOC Order 38-1, dated May 30, 2014. The revised order eliminates provisions covered by other AOC policies; reflects actual practices and procedures; eliminates repetitive, unclear, or unnecessary provisions; and better organizes the policy so similar topics are grouped together. The purpose of this order is to define ethical standards required of all AOC employees, including guidance on outside employment, conflicts of interest, fundraising, post-government service employment restrictions, political activities, gifts and related matters.
Order 575-1	Recruitment and Retention	This Order establishes the procedural guidance required for implementing and applying the provisions pertaining to recruitment and retention incentives.
Order 900-1	Drug and Alcohol Policy	This Order establishes clear guidelines governing alcohol or illegal drugs in the workplace, and has been revised to add drug testing procedures.
Order 28-14	Architect-Engineer (A-E) Responsibility	This policy addresses actions to be taken upon discovering an A-E error or deficiency and establishes a formal process for holding A-E firms accountable for their work and recovering damages to the AOC caused by A-E firms.
Order M-28-8	AOC Design Standards	This manual establishes minimum design standards and criteria for the design, repairs, alterations, modernizations, renewals and construction of facilities under the jurisdiction of the AOC.
Policy Memorandum 28-3 and Standard Operating Procedure 28-3	Energy and Sustainability Policy and Standards Fiscal Years 2017-2021 and Standard Operating Procedure	<p>The AOC's Energy and Sustainability Policy and Standards reflect the agency's commitment to the principles of sustainability. This document communicates annual goals, performance requirements, the implementation process and accountability to drive continuous improvement and refine and embed sustainability into the operations and culture of the AOC.</p> <p>The purpose of the associated Standard Operating Procedure is to define and implement sustainable initiatives; the guidance process; clear organizational goals and objectives, maintain those goals and objectives and properly evaluate progress.</p>

## Instances of the AOC Refusing to Provide Information or Assistance or Interfering with the OIG's Independence

During the reporting period, there were no instances in which the AOC refused to provide information or assistance or interfered with the OIG's independence.

## Status of Reports or Recommendations

- (1) **For Which No Management Decision was Made**
- (2) **For Which No Management Comment was Made Within 60 Days**

During the reporting period, there were no reports or recommendations more than six months old for which we had not received management decisions. Further, there were no reports or recommendations for which management did not provide comments within 60 days.

## Significantly Revised Management Decisions

There were no significant revised management decisions during the reporting period.

## Significant Management Decisions With Which the OIG Disagrees

There were no significant management decisions with which we disagreed during the reporting period.

## Instances in Which an Inspection, Evaluation or Audit was Completed and Not Disclosed to the Public

There were no instances during the reporting period in which we completed an inspection, evaluation or audit without disclosing it to the public. All such products are listed at [www.oversight.gov](http://www.oversight.gov).

## Peer Review Reporting

### AUDIT

The Corporation for Public Broadcasting Office of Inspector General conducted an external peer review of AOC OIG audit operations and issued a final report and a letter of comment on September 21, 2018. The AOC OIG received a peer review rating of Pass, the highest rating possible. There are no outstanding recommendations in the final report.

### INSPECTIONS & EVALUATIONS

The Office of the Special Inspector General for Afghanistan Reconstruction and the Pension Benefit Guaranty Corporation OIG conducted an external modified peer review of AOC OIG inspection and evaluation policies and procedures. The final peer review report was issued on June 5, 2018 and a letter of comment on June 19, 2018. The AOC OIG received a peer review rating of Pass, the highest rating possible. There is one outstanding recommendation and we are currently coordinating a policy change with the AOC to close out this recommendation.

### INVESTIGATIONS

There was no peer review activity for investigation operations this reporting period. The last peer review for the AOC OIG investigations operations was conducted in July 2017 by the Federal Housing Finance Administration (FHFA) Office of Inspector General.



# Recommendations

**Table C: Unimplemented Recommendations**

Subject	Report No. Issue Date	Office	Rec No.	Summary of Recommendations and Action
<b>Architect of the Capitol/Office of the Chief Administrative Officer</b>				
Follow-up Evaluation of Audit of the Architect of the Capitol Compliance with Federal Workers' Compensation Act Program	OIG Report 2018-0006-IE-R June 2018	Human Capital Management Division	A-1	<p><b>Report Summary:</b> The OIG performed a follow-up evaluation to Audit of AOC Compliance with the Federal Workers' Compensation Act Program (FECA) (A-2010-05), issued June 8, 2010. That audit found that AOC personnel were not fully implementing Agency orders and policies related to the FECA program. The audit included six findings and seven recommendations for improvement. This follow-up evaluation focused on the recommendations with the most direct impact on the AOC's control of FECA program costs.</p> <p><b>Recommendation:</b> The Workers' Compensation Program Unit's (WCPU's) new case tracking system centralizes all cases reported on the most recent AOC DOL chargeback reports, and that it includes reminders on open items, comparison of approved injuries to medical expenses, and tracking of case review for potential Return to Work opportunities. AOC should also ensure that the system retains records for all reviews conducted, including contacts and coordination with DOL regarding questionable costs.</p> <p><b>AOC Management Decision: Concur.</b> The AOC has identified a possible vendor to assist with workers' compensation case management. The Library of Congress has used this vendor for their workers' compensation case management needs. AOC has received a demonstration of the case management system and believes it will satisfy their needs. AOC is awaiting approval from the ITD before moving forward with the acquisition process.</p>
			A-2	<p><b>Recommendation:</b> The WCPU update their written procedures to reflect current practices.</p> <p><b>AOC Management Decision: Concur.</b> Minor revisions are needed to the AOC Order 810-1, Workers' Compensation Policy dated September 25, 2015. The policy will be completed pending changes that may come as a result of the on-going process improvement efforts between Safety, Fire and Environmental Programs (Safety Investigations) and HCMD, OWCP. Upon completion of this effort, HCMD will initiate the draft for comment from AOC jurisdictions. HCMD/OWCP will also update the Workers' Compensation Standard Operating Procedure (SOP) and develop a Workers' Compensation Chargeback SOP. Estimated Completion Date: Late 2018.</p>

Subject	Report No. Issue Date	Office	Rec No.	Summary of Recommendations and Action
<b>Architect of the Capitol/Office of the Chief Administrative Officer</b>				
			B-1	<p><b>Recommendation:</b> The AOC continues the monthly communications with jurisdictions of their DOL chargeback costs to ensure appropriate communication of these costs to senior leadership.</p> <p><b>AOC Management Decision: Concur.</b> The HCMD, Employee Benefits and Services Branch (EBSB) Chief began reviewing the quarterly DOL chargeback reports for accuracy and completeness in March 2018. The EBSB chief also generates a memorandum for record for the deputy chief human capital officer validating the date of the review while documenting any discrepancies discovered in the chargeback report. Jurisdictions are now receiving an Excel spreadsheet form HCMD/OWCP which provides an overview of monthly chargeback costs associated with the jurisdictions. The spreadsheet also provides a status of current cases. HCMD/OWCP began this practice in mid-March 2018. These aforementioned practices will be added to AOC Order 810-1, Workers' Compensation Policy, during the next revision.</p>
			C-1	<p><b>Recommendation:</b> AOC should make every effort to ensure employees are considered for possible work opportunities that accommodate injury restrictions by updating training materials to address specific processes for supervisors to follow when considering, reviewing, documenting and approving Return to Work and Modified Work Assignments. AOC should update procedures to specifically address supervisory consideration and review, documentation and notification to WCPU of this review for all lost work-time injury cases, and should distribute updated procedures to all jurisdictional personnel involved in this process.</p> <p><b>AOC Management Decision:</b> AOC Order 810-1, Workers' Compensation Policy, dated September 25, 2015, sections 7.3.2. through 7.4.2.2, covers the Return to Work Program. The AOC strives to support that program to the extent of its ability based on fiscal constraints and mission requirements. Return to Work opportunities are discussed with the jurisdiction to determine if opportunities exist to return an injured employee back to work in some capacity. As previously states in the 2010 response, unfortunately not all permanent restrictions can be satisfied. The sheer nature of the agency mission often prohibits or restricts the type of opportunities that can be offered to an injured employee. This includes employees who are limited by their knowledge, skills and/or abilities, making it difficult to find or create a modified assignment that can accommodate that work restrictions of the employee. There are limited opportunities for the creation or modification of work due primarily to the lack of skills coupled with the physical restrictions imposed regarding lifting limits, limited standing for long periods of time and limited mobility due to back or lower extremity issues. The jurisdictions can only support limited amount of modified work assignments based in part on mission support requirements, limited funding, medical restrictions of the employee, or the fact that other employees may already have modified work assignments/accommodations which hamper the jurisdictions' abilities to create additional assignments related to workplace injuries. However, the AOC will continue to purpose such opportunities as the requirements arise.</p>



Subject	Report No. Issue Date	Office	Rec No.	Summary of Recommendations and Action
<b>Architect of the Capitol/Office of the Chief Administrative Officer</b>				
			C-2	<p><b>Recommendation:</b> The AOC explores assigning DOL chargeback costs to jurisdictions; this would encourage the jurisdictions to be more accountable for developing Modified and Return to Work assignments.</p> <p><b>AOC Management Decision:</b> The AOC will assess the opportunities for greater jurisdiction involvement in the administration of DOL chargeback reimbursements. Those reimbursements are made using expired funds, which are managed by the Chief Financial Officer and not distributed to AOC jurisdictions. The annual reimbursement to DOL is accomplished via consolidated Intergovernmental Payment and Collections transfers. A change to that process would likely require significant additional administrative workload on both AOC and DOL. As explained in the AOC Comments for B-1, AOC fully communicates jurisdiction-specific DOL chargeback data to the jurisdictions and will assess incorporating periodic reviews of jurisdiction support for the Modified and Return to Work programs in future AOC dashboard reviews.</p>

**Table D: Implemented and Closed Recommendations**

Subject	Report No. Issue Date	Office	Rec No.	Summary of Recommendations and Action
<b>Architect of the Capitol/Office of the Chief Administrative Officer</b>				
Accountability of Information Technology Property	A-2017-02 May 2017	Information Technology Division	1	<p><b>Report Summary:</b> The OIG evaluated the ITD controls over the accountability of IT property.</p> <p><b>Recommendation:</b> Strengthen the recording process to increase the accuracy and completeness of the Cireson inventory database.</p> <p><b>AOC Final Action:</b> Standard operating procedures have been revised and documented for receiving, day-to-day operations and decommissioning of inventory assets. Each accountable property officer was provided their initial physical inventory. Final Action Date: May 1, 2018.</p>
			2	<p><b>Recommendation:</b> Fully implement AOC Order 8-4 to assign IT accountable property officer, responsible for overall accountability, to improve tracking, oversight and reconciliation processes for managing accountable IT property.</p> <p><b>AOC Final Action:</b> All accountable property officers have received their designation letter, accountable asset inventory and training by the AOC IT Division. An initial inventory and reconciliation have occurred and been updated within the system of record. Final Action Date: May 1, 2018.</p>

## Funds Questioned or Put to Better Use

**Table E: Audit Recommendations and Management Decisions Put to Better Use of Funds**

	Number of Reports	Category	Funds Put to Better Use
A. Audit reports for which no Management Decision was issued by the start of the reporting period	0	0	\$0
B. Reports requiring a Management Decision during the reporting period	0	0	\$0
<b>Subtotals (A+B)</b>	<b>0</b>	<b>0</b>	<b>\$0</b>
C. Reports for which a Management Decision was issued during the reporting period	0	0	0
(i) Dollar value of disallowed costs	0	0	\$0
(ii) Dollar value of costs not disallowed	0	0	\$0
D. Reports for which no Management Decision was issued by the end of the reporting period	0	0	\$0
E. Reports for which no Management Decision was made within six months of issuance	0	0	\$0

**Table F: Investigation Recommendations for Better Use of Funds**

Item	Quantity
<b>Cost Avoidance, Savings and Recoveries Resulting From OIG Investigations</b>	
*Cost Avoidance from Employee Removals/Resignations	\$217,216
*Savings from Employee Salaries during Suspensions	\$835
Administrative Repayment Determinations	0
Court Ordered Fines/Forfeitures/Restitution	0
OIG Recovery of Stolen Government Property/Funds	\$1,568
<b>Total</b>	<b>\$219,619</b>

\*Using the AOC average salary of \$72,405 per employee per year, or \$278 per workday for suspensions for 2018. The one-year cost avoidance method is used to conservatively estimate the positive impact and savings from investigations that result in the removal or resignation of employees engaged in misconduct in the workplace or who submit fraudulent Workers' Compensation claims.



# Appendices

## Appendix A: Inspector General Reporting Requirements

IG Act Reporting Requirements	Description	Page No.
Section 4(a)(2)	Review of Legislation and Regulations	17
Section 5(a)(1)	Significant Problems, Abuses and Deficiencies	None
Section 5(a)(2)	Recommendations with Respect to Significant Problems, Abuses and Deficiencies	None
Section 5(a)(3)	Prior Significant Recommendations Not Yet Implemented	None
Section 5(a)(4)	Summary of Matters Referred for Prosecution and resulting convictions	None
Section 5(a)(5)	Summary of Instances Where Information Was Refused	None
Section 5(a)(6)	Listing of Audit, Inspection and Evaluation Reports, including total value of questioned costs and funds put to better use	22
Section 5(a)(7)	Summary of Significant Reports	8-16
Section 5(a)(8)	Statistical Tables on Management Decisions on Questioned Costs (See statute for specifics)	22
Section 5(a)(9)	Statistical Tables on Management Decisions on Recommendations That Funds Be Put To Better Use (See statute for specifics)	22
Section 5(a)(10)	Summary of Each Audit Report Over 6 Months Old for Which No Management Decision Has Been Made (See statute for specifics)	None
Section 5(a)(11)	Significantly Revised Management Decisions	18
Section 5(a)(12)	Significant Management Decisions With Which the Inspector General Disagrees	None
Section 5(a)(17)	Statistical Tables on Investigative Reports Issued; Person Referred to Department of Justice, State and Local Prosecuting Authorities for Criminal Prosecution; and Indictments and Criminal Information	11
Section 3(d), Section 5(a)(14)	Peer Review	18
Section 5(a)(18)	Description of the metrics used for developing the statistical tables under 5(a)(17)	11
Section 5(a)(19)	Report on each investigation conducted by the OIG involving Senior Government employee (See statute for specific info required)	14-15
Section 5(a)(21)	Detailed description of any attempt to interfere with OIG independence (See statute for specifics)	None
P.L. 114-113	Quarterly status updates on Cannon House Office Building and the Capitol Power Plant projects	8-9

**Appendix B: Definitions of Terms Used in this Semiannual Report**

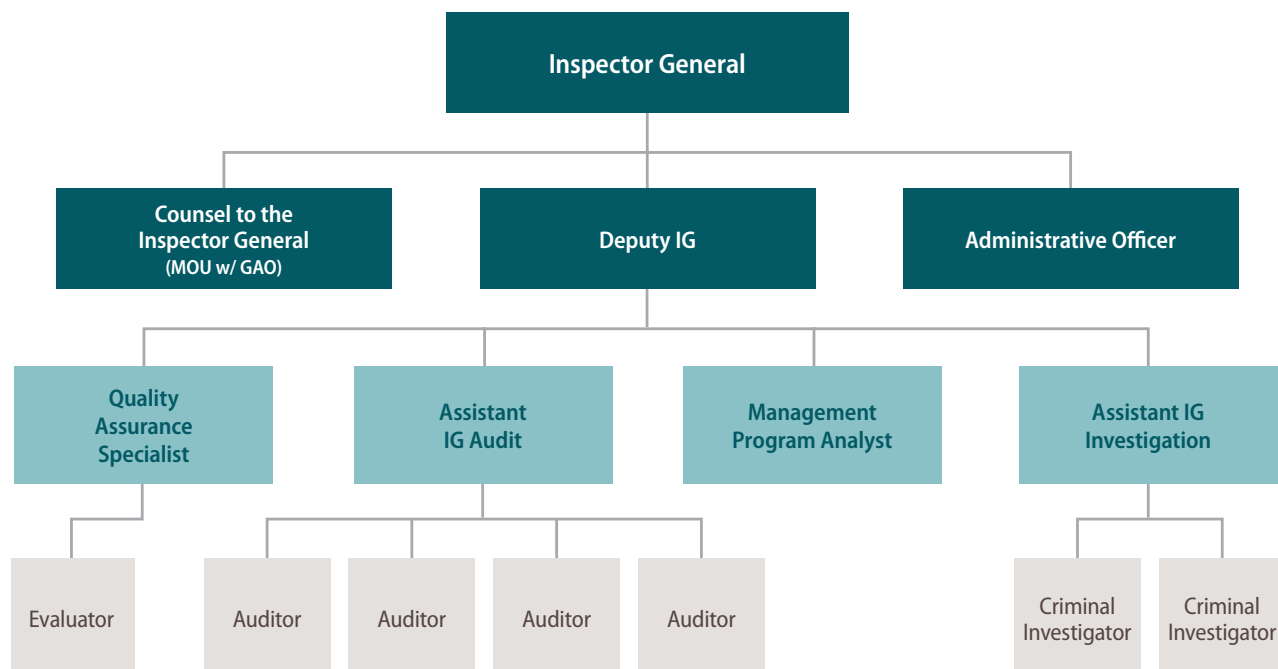
<b>Terms</b>	<b>Definition</b>
Questioned Cost	A cost that is questioned because (i) of an alleged violation of a provision of a law, regulation, contract or other agreement or document governing the expenditure of funds; (ii) the cost is not supported by adequate documentation; or (iii) the expenditure of funds for the intended purpose is unnecessary or unreasonable.
Disallowed Cost	A questioned cost that management, in a Management Decision, has sustained or agreed should not be charged to the government.
Funds Put To Better Use	A recommendation made that funds could be used more efficiently if management took actions to implement and complete the recommendation.
Management Decision	Management's evaluation of the findings and recommendations included in an audit or investigative report and the issuance of a decision by management, including actions the AOC plans to take in response to the recommendations.



# List of Acronyms Used in this Report

ACF	Alternate Computer Facility	IT	Information Technology
AOC	Architect of the Capitol	ITD	Information Technology Division
Cannon Project	Cannon House Office Building Renewal Project	KSC Inc.	Cups & Cups Company
CIGIE	Council of the Inspectors General on Integrity and Efficiency	OIG	Office of Inspector General
CS	Confidential Source	OWCP	Office of Workers' Compensation Program
EBSB	Employee Benefits and Services Branch	SAR	Semiannual Report
DOL	Department of Labor	SME	Subject Matter Expertise
FECA	Federal Employment Compensation Act	SOP	Standard Operating Procedure
FY	Fiscal Year	SR	Senior Rated
HCMD	Human Capital Management Division	T&A	Time and Attendance
IPA	Independent Public Accounting	WCPU	Workers' Compensation Program Unit

## Office of Inspector General Organization Chart



# To Report Fraud, Waste and Abuse



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