

# SEMIANNUAL REPORT TO THE CONGRESS

**October 1, 2018 – March 31, 2019**

Architect of the Capitol  
Office of Inspector General





## Inspector General Message



I am very proud to submit the Architect of the Capitol's (AOC) Office of Inspector General (OIG) Semiannual Report (SAR) to Congress for the first half of Fiscal Year (FY) 2019. Every six months we provide Congress with a report detailing our independence and oversight of the AOC

during the reporting period. This report highlights our activities for the past six months ending March 31, 2019. This report is our 22nd semiannual report and the fourth 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, this small office of fewer than 14 full-time employees, worked diligently on three audits and three evaluations ranging from an evaluation of the AOC's Cyber Security program and insider threat penetration, to initiating a requirements and design audit on the AOC's new Capitol Power Plant Cogeneration facility. Both of these projects required subject matter experts (SME) from the Johns Hopkins University Applied Physics Laboratory (JHU/APL) for our Cybersecurity Evaluation and from the

U.S. Army Corps of Engineers (USACE) for our Capitol Power Plant Cogeneration facility audit. Since November 2018, the OIG released the AOC FY 2018 Financial Statements audit report, produced the semiannual report of the Cannon House Office Building Renewal Project, issued two Management Advisories, and completed a congressional inquiry into the past 10 years of sexual harassment cases filed by AOC employees. Additionally, I was honored to host a group of CIGIE Fellows and discuss the similarities, differences and challenges faced by a small OIG and in particular one in the legislative branch. I was equally honored to be asked to speak earlier this month for the CIGIE Experienced Leaders course at American University.

We continued our productive investigation program that illustrates how our robust employee outreach efforts remain successful. Investigation efforts for this reporting period yielded \$206,282 in avoided costs. We received 37 complaints which led to opening 10 new investigations. We issued five investigative reports in which we substantiated cases involving larceny of government property, making false complaints, supervisory abuse of authority, favoritism, employee misconduct and workers' compensation fraud, as well as ethical violations.

The AOC OIG audit team will continue to focus their efforts on both performance and construction audits into the future. The OIG will conduct an Audit Peer Review of the Library of Congress OIG and will assist with an Inspections and Evaluations Peer Review of the General Services Administration OIG during the next SAR period.

Our efforts to contract out construction audit services to experienced independent firms that can help us identify cost savings, fraud, product substitution, labor cost overpayment, and reconcile modifications utilizing Government Auditing Standards should be in place by June 2019. I believe this will result in faster, more focused construction audits generating

meaningful findings and recommendations to aid the AOC in cost-cutting and quality construction efforts.

I want to thank the staff of the OIG for their tremendous work ethic and dedication to the mission over this period. Additionally, I also want to welcome the newest addition to the AOC OIG, Deputy Inspector General Michael Rich. I know the addition of Mr. Rich will only further aid in making the AOC OIG a model for all Inspectors

General and I look forward to partnering with him as we remain focused on generating Audits, Evaluations and Investigations that result in an improved AOC.

A handwritten signature in black ink, appearing to read "L. Filler". The signature is written in a cursive, flowing style with a large initial "L" and a long, sweeping underline.

## 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, as amended, 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.

Acting Architect of the Capitol Christine Merdon performs her 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 Acting 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. She 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 Acting 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

### **Audit of FY 2018 Financial Statements (2019-0001-AUD-R)**

We contracted with the independent certified public accounting firm Kearney & Company (Kearney) to audit the AOC's financial statements for FY 2018, period ending September 30, 2018. Kearney was responsible for conducting the audit in accordance with the American Institute of Certified Public Accountants auditing standards generally accepted in the United States of America; Government Auditing Standards applicable to financial audits, issued by the Comptroller General of the United States; and Office of Management and Budget Bulletin No. 19-01, Audit Requirements for Federal Financial Statements. Specifically, they are responsible for forming and expressing an opinion about whether the financial statements 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 served as the contracting officer's technical representative on the contract providing oversight of contract requirements and transmitting the auditor's final report in November 2018.

Kearney issued an unmodified opinion for the FY 2018 financial statements. The report did not identify any material weaknesses or significant deficiencies. The AOC also closed the prior year's report deficiency concerning incomplete reviews of Service Organization Controls Reports from the National Finance Center.

### **Semiannual Report of the Cannon House Office Building Renewal (CHOB) Project (2019-0001-AUD-P)**

An Explanatory Statement accompanying the FY 2016 Legislative Branch Appropriations Act, P.L. 114-113, Division I, directed the AOC OIG to transmit quarterly status updates to the House Committee on Appropriations about the AOC's progress on the CHOB Project (formerly addressed as Cannon Project). The Committee approved our request to transmit these status updates semiannually.

On March 4, 2019, we transmitted our status update on the AOC's progress on the CHOB Project for the six-month period of July 1, 2018 to December 31, 2018. Our key observations for the period included:

- (1) Project construction managers received Temporary Certificates of Occupancy for Phase 1, allowing House members and their staff to access the newly renovated west wing of the building, as required by the Phase 1 completion schedule. However, several areas of Phase 1 remain incomplete:
  - Hearing rooms are expected to be completed and open for use by February 2019.
  - Food Servery is expected to open in spring 2019.
  - Caucus Room design revisions are expected to be completed in March 2019, with construction beginning shortly thereafter.
- (2) We reported that the design changes and revisions to the original construction project have increased the project's original budget estimate from \$752.7 million to \$757.9 million, an increase of approximately \$5.2 million. However, we are clarifying that the approximate \$5.2 million increase is specific to Phase 1 original estimated costs. Essentially, these changes and revisions were outside the original design requirements. To cover these increases, the AOC has or plans to secure funding from other funding sources such as House Office Buildings Multi-Year and Anticipated funds, House Alternative Life Safety Approach, Budget Committee Hearing room, and the AOC's General and Administrative Services. The AOC stated it lacked enough information at this time to update the estimated cost of completion for the entire project, including changes. The AOC plans to have information on (1) the final cost of Phase 1, (2) costs associated with additional changes to Phase 2, and (3) estimated costs for Phases 3 and 4, by March 31, 2019. By that date, the AOC also expects to have possible scope reductions and construction efficiencies to help offset cost increases and maintain the project's original budget estimate of \$752.7 million.
- (3) Additionally, the AOC temporarily reassigned trade workers from the House Office Buildings, Senate Office Buildings, and Library Building and Grounds jurisdictions to the CHOB to assist with ongoing work to maintain the project's schedule and refrain from offsetting costs. The AOC's construction management stated that the AOC has the authority



to reassign personnel for these purposes in accordance with 2 U.S.C. § 1832. The AOC is seeking a credit for the cost of this work from the construction contractor and expects to have all financial issues addressed by the closeout of Phase 1.

**Management Advisory Letter to the AOC — Electrical Safety Related Issue Found during the OIG’s Audit of the Capitol Power Plant Cogeneration Facility (2018-0013-AUD-P)**

While conducting fieldwork for our audit, we issued a Management Advisory Letter directing management of a safety vulnerability resulting from potential noncompliance with national electrical safety codes, best practices and established AOC guidance. During a visual inspection of the Capitol Power Plant, the OIG audit team (which included SMEs from the USACE) observed that the Capitol Power Plant’s switchgear does not have arc flash hazard boundary markings to protect workers from electrical shock and electrocution. While the OIG did not provide recommendations to the AOC for addressing this issue, we felt it merited the agency’s attention and possible remediation.

The AOC provided the OIG with a response to the Management Advisory Letter on April 5, 2019. AOC staff immediately reviewed relevant code and inspected the Capitol Power Plant switchgear rooms to assess and resolve any safety hazards. The AOC’s research and follow-on inspections did not find code or regulatory violations of arc flash labeling or boundaries. While no compliance issues were noted, the AOC acknowledged that safety associated with high voltage electrical equipment is important and will continue to monitor various aspects of electrical safety at AOC-managed facilities as a cautionary measure.

## Audits in Progress

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

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 the 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 a three-year period from 2016 through 2018.

**AOC Data Center Audit (2018-0012-AUD-P)**

We announced the audit of the AOC Data Center 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 the data center and the information resources residing within. Specifically, we will evaluate the data center’s 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 within the ACF.

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

We announced the audit of the Capitol Power Plant’s Cogeneration facility on September 27, 2018. The AOC implemented cogeneration technology as a more efficient and cost-effective solution for producing heat and electricity for the 23 facilities on the Capitol campus that it serves. We have an interagency agreement with the USACE to serve as the SMEs during this audit.

Our audit objective is to determine whether the construction of the Capitol Power Plant’s Cogeneration facility is in accordance with contractual and other applicable requirements. This will include reviewing the cost and schedule management, quality control, 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.

**External Audit Peer Review — CIGIE directed**

We will conduct an external peer review of the Library of Congress OIG. Our objective is to determine whether the agency’s system of quality control was suitably designed to ensure they complied with applicable professional standards

for the period of April 1, 2018 through March 31, 2019.

## Inspections and Evaluations

### Completed Activity This Reporting Period

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

We conducted an evaluation of the AOC's cybersecurity program in response to a request from the U.S. House Committee on Administration. Our objective for this evaluation was to determine if the cybersecurity program adequately addressed the security and safety of assets and infrastructure. We contracted with the JHU/APL to serve as SMEs during this evaluation. We noted three findings and made three recommendations. The AOC concurred with each of the recommendations. Due to the sensitive nature of this evaluation, specific language pertaining to findings and recommendations is protected and not disclosed.

#### **Management Advisory Letter to the AOC — Information Security Related Issues Found during the OIG's Evaluation of the AOC's Compliance with the Government Purchase Card Program (2018-0003-IE-P)**

While conducting field work for our evaluation, we identified potential information security vulnerabilities resulting from a lack of internal controls for the confidentiality of information processed and retained within the AOC's Financial Management System (FMS), which the AOC shares with other legislative branch agencies. We observed that FMS users within the AOC can view information entered by other agencies, and in some instances, some agencies were assigning individual vendor codes using social security numbers (SSNs), which could be visibly linked within FMS to the SSN owner's full legal name. These observations demonstrated a lack of adequate internal controls for information entered or stored in FMS and might affect all agencies using the system. We issued a Management Advisory Letter to the AOC advising them of these internal control issues and also notified other legislative branch IGs. We submitted this advisory for notification purposes only and did not include recommendations or a request for notice of any actions taken.

The Library of Congress OIG provided a response to this Advisory Letter on February 21, 2019. They noted that because the Library of Congress is the owner of the

legislative branch FMS, the OIG immediately followed up on the security vulnerability issues and found that there were no security breaches of vendor data or PII, and they were not aware of any exposure outside of users of the legislative branch FMS.

The Library of Congress OIG also reported on action items that were being undertaken to address the identified issues. The expected completion date for these actions is no later than January 3, 2020.

### Evaluations-In-Progress

#### **Evaluation of the AOC's Inventory and Accountability Controls (2018-0002-IE-P)**

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.

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

We announced the evaluation of the AOC's 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 2018. The identified high-risk areas are transactions that were made with prohibited or questionable merchants, transactions with

sales tax, transactions with unauthorized merchants, and split transactions.

## Investigations

During this reporting period, we received or initiated a total of 37 complaints. From those complaints, investigators opened 10 new investigations. We referred a total of 14 complaints to other government agencies, AOC program offices and/or AOC avenues of assistance.

Law enforcement authority has not yet been reinstated. As of this SAR, this authority has been reviewed by the U.S. Marshals Service and is now pending a legal opinion from the Department of Justice. Legal research is being conducted regarding the question of separation of powers, particularly the executive branch's authority to bestow arrest and firearms authority on legislative branch OIGs.

### Closed Investigations

#### **Theft of AOC Property by an AOC Employee: Substantiated (2018-0021-INVI-P)**

The AOC OIG initiated an investigation based on information received from an AOC supervisor. The supervisor reported that a private citizen/spouse of an AOC employee contacted him to report that an AOC employee had used their AOC-issued government purchase card to acquire tools for the private citizen/spouse as a gift. They reported the situation so they could return the tools to the AOC.

The OIG met with the AOC supervisor and private citizen/spouse of the AOC employee and took possession of the AOC property. The property consisted of a super winch (\$1,100), wheeled battery charger/starter (\$260), flex power pack (\$100), DeWalt impact driver (\$330), DeWalt drill (\$50) and an aluminum tri-fold ramp system (\$170). The OIG investigation **substantiated**, through testimony and receipt of physical evidence, that the AOC employee violated AOC orders and policies when they procured tools through the use of their AOC-issued government purchase card and provided the AOC tools to their spouse as a gift. The estimated value of the AOC property is \$2,010.

The case was briefed to the Assistant United States Attorney (AUSA), United States Attorney's Office (USAO), Washington, D.C. The AUSA declined to pursue criminal charges against the AOC employee due to the operational tempo of the USAO and the low-value loss to the U.S. Government. The AUSA opined the

AOC could take any administrative action deemed appropriate.

**Table A: Investigative Data This Reporting Period**

Activity	Total
<b>Complaints Received</b>	
Hotline Complaints Received (Phone and/or Email)	12
Complaints Received (Walk-ins)	1
Direct Phone or Email to AOC OIG	18
U.S. Mail or Facsimile Machine	5
AOC OIG Observed or Developed	1
<b>Total</b>	<b>37</b>
Investigations Opened	10
Investigations Closed (1 pending AOC management actions)	5*
Criminal Investigations Referred to a Law Enforcement (L.E.) Agency or the U.S. Attorney for Prosecution Consideration:	
Referred to L.E. Agency or the U.S. Attorney	4
Declined	0
Accepted for Prosecution	0
Subpoenas Issued in Support of OIG Investigations:	
OIG Subpoenas Issued and Served	0
Grand Jury Subpoenas Served	0
Disciplinary Actions Resulting from OIG Administrative Investigations:	
Employee Removals/Resignations/Retirements (in lieu of)	3
Employee Suspensions	2
Employee Reprimands/Warnings/Counseling	0
Allegations Not Substantiated or Disproven by OIG	1
Allegations Substantiated/Person(s) Unknown	0
Actions Pending	1
Informal Referrals (to AOC Program Offices no follow-up or report required)	6
Formal Referrals (Follow-up required within 60 days)	1
Employee Assistance Referral (to AOC Avenue of Assistance)	3

\*Includes two investigations 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 AOC employee submitted their resignation and ended employment with the AOC, effective February 7, 2019, and did not face reprimand prior to resignation. A review of the AOC Employee's Notification of Personnel Action (SF 50) revealed this form was coded to indicate the AOC employee resigned after receiving notice of proposed or pending adverse action based in whole or in part on employee misconduct.

**Federal Employee Compensation Act (FECA) Fraud by AOC Employee: Substantiated (2019-0001-INVI-P)**

The AOC OIG received a complaint from the AOC Human Capital Management Division (HCMD) Worker's Compensation Section who alleged that an employee staged a fall and fabricated a workplace injury. The employee claimed that they slipped on a ramp and sustained a back injury that prevented the employee from returning to a work status. A compact disc with two videos capturing the alleged injury was obtained. The video showed the employee walk to the top of the ramp, look both ways, drop the items in their hands and then lower themselves to the ramp. The employee remained on the ground until they were transported to the hospital by ambulance. The employee was interviewed and admitted that they were injured prior to the fall and were complicit in making the fall worse in an attempt to get medical benefits and treatment.

The OIG and HCMD Worker's Compensation Section investigated the employee's claim and challenged it with the Department of Labor before the employee was awarded compensation. The employee filed for retirement as of November 19, 2018, and no further action was taken. The employee was coded as ineligible for future AOC employment as an annuitant. Although no cost savings can be calculated, the employee will be receiving retirement benefits rather than FECA benefits which would have been a higher cost to the government.

**Theft of AOC Property by an AOC Employee: Substantiated (2019-0004-INVI-P)**

The AOC OIG received a hotline phone call from an AOC supervisor on October 11, 2018, informing OIG investigators that an AOC employee was the subject of a U.S. Capitol Police (USCP) investigation for the theft of AOC property. The property was identified as approximately 112 feet of copper wiring, valued at approximately \$760.00. The AOC employee was also absent without leave and unresponsive to management's attempts to contact them for approximately one month and failed to report to work.

The USCP conducted an investigation, which **substantiated** that the AOC employee violated DC Code § 22-3211, when the employee wrongfully obtained copper wiring belonging to the AOC with intent to deprive the AOC of

the right to the property. DC Code § 22–3211, defines this offense as theft in the second degree due to the value of the property (Theft 2). The USCP investigation determined that the AOC employee entered a storage room on March 14, 2018, and exited the storage room with a service cart holding a spool of copper wire. The USCP referred their investigation to the USAO for the District of Columbia for prosecution on September 25, 2018. The USAO declined to prosecute.

In an attempt to administratively substantiate findings against the employee, the AOC OIG conducted its own investigation, and along with the documentation and evidence gathered during the USCP investigation, the AOC OIG made the following determinations:

1. The employee violated DC Code § 22–3211, Theft in the second degree (Theft 2), when the employee wrongfully obtained property valued at less than \$1,000 belonging to the AOC with intent to deprive the AOC of the right to the property. **(Substantiated)**
2. The employee violated AOC Order 38-1, “Government Ethics,” Section A (Policy), 4.1, dated November 1, 2018, by failing to place loyalty to the United States, Congress, the AOC and the law over private gain or personal interest when he stole AOC property. **(Substantiated)**
3. The employee violated AOC Order 752-2, “Standards of Conduct,” Section B (Standards of Conduct); 1.1. (Mission to serve and exemplary behavior); 2. (Prohibited Activities and Conduct); 2.5 (Removal of property without permission); 2.6. (Commit theft of government property), dated April 25, 2014, when the employee engaged in conduct that brought discredit upon the agency and was unbecoming of an AOC employee; by removing AOC property without first obtaining prior written permission; and committing apparent theft. **(Substantiated)**
4. The employee violated AOC Order 630-1, “Absence and Leave,” dated March 28, 2014, Paragraph 6, and Paragraph 7 by failing to submit an appropriate request and/or report to work and was placed on Absence Without Leave (AWOL), when the employee was absent during their work schedule without supervisory approval and cited as an unauthorized absence without leave, AWOL. **(Substantiated)**

The AOC employee submitted their resignation and ended their employment with the AOC, effective October 24, 2018, prior to finalization of this report. The \$760.00 of copper wiring was not recovered, and the employee did not face reprimand prior to resignation.

#### **Suspected Time and Attendance (T&A) Fraud by an AOC Employee: Not Substantiated (2019-0005-INVI-P)**

The AOC OIG received an anonymous complaint via inter-office mail alleging T&A fraud by an AOC employee. The anonymous complaint cited that an AOC employee departed work while other AOC employees had to complete the AOC employee’s work assignments during their absence. The complainant also cited that an AOC senior manager made excuses to cover for the AOC employee’s time during the absences. The investigation did not substantiate T&A fraud. Testimony from the AOC employee’s direct supervisor determined the AOC employee was directed to work on other projects, which required the AOC employee to work at alternate locations on the Capitol campus. A review of the AOC employee’s T&A records did not reveal any indications that they falsely reported or recorded their work hours. It was determined the AOC senior manager was not the AOC employee’s supervisor or the approving official on the AOC employee’s timesheets. There were no indications that the AOC senior manager covered for the AOC employee during times of absences. The investigation has been closed.

### **Closed Investigations Involving Senior Government Employees**

#### **Violation of Government Ethics (Abuse of Authority and Preferential Treatment) and Use of Selective Placement Factors Unique to One Individual for Hiring and Promotion (2018-0022-INVI-P)**

The AOC OIG initiated an investigation in August 2017 based on information received from an AOC mid-level supervisor (W1) and a confidential source (W2) that another mid-level supervisor (SUBJECT) was shown

favoritism and benefitted from having their current and prior positions created specifically for them by their former managers (**substantiated**). W1 also alleged SUBJECT was having a romantic relationship with their former managers and benefited from those relationships (**not substantiated**). W2 claimed that AOC leaders circumvented the hiring and promotion eligibility required of others at the AOC for SUBJECT, and SUBJECT had received a disproportionate number of cash awards and bonuses compared to others in the jurisdiction (**substantiated**). Both complainants alleged SUBJECT had been a GS-13/8 but was now being paid as a GS-14/5 and treated as a supervisor while placed in an Administratively Determined (AD-00) pay grade. Both complainants claimed this was intentionally done to circumvent the hiring and promotion process since SUBJECT did not qualify for a promotion to GS-14 due to an AOC criterion that GS-14s have an undergraduate degree (**substantiated**).

The investigation determined that, based upon the preponderance of evidence and the timeline of events, SUBJECT was pre-selected for the position, and the job announcement was written purposefully with SUBJECT in mind using selective placement factors unique to their resume. The job opportunities announcement (JOA) and certification of candidates were mere formalities in the circumvention of the hiring and promotion process. The investigation determined that the certification of eligible applicants to this branch-level position contained two additional candidates' names in addition to SUBJECT and both candidates held degrees and similar qualifications to SUBJECT; neither candidate was interviewed. Further investigation determined that one senior AOC manager, two former AOC executive leaders, and a senior manager within HCMD discussed using hiring flexibilities to allow for the selection of SUBJECT for the branch manager position (although the person lacked the required educational qualifications for promotion) 36 days before the JOA was posted. Additionally, HCMD recommended three increases in pay via Quality Step Increases (QSIs) before advertising the position such that SUBJECT would be paid at the GS-14/5 pay level once selected and placed in an AD position.

The investigation also **substantiated** that a current AOC executive leader was aware of the lack of educational

requirements for this hire and required HCMD and AOC managers to add the stipulation that SUBJECT would be required to complete their undergraduate degree in order to be promoted to GS-14. Until full promotion, SUBJECT would be placed in an AD-00 position with the pay and responsibilities of a GS-14. The investigation revealed SUBJECT made no attempt to complete their degree after receiving the reassignment to AD-00.

Although there was no expiration date for the reassignment, due diligence to ensure the educational requirement was being fulfilled during the employee's one year probationary period was ignored by their supervisor. This is evidenced by the fact that HCMD approved of SUBJECT's continued employment at the AD-00, GS-14 equivalent pay grade after one year vice full promotion to GS-14.

Title 2 U.S.C, Human Resources Program, Section 1831, (c) (2) (A) requires the AOC to establish a personnel management system which ensures applicants for employment and employees of the AOC are appointed, promoted, assigned on the basis of merit and fitness after fair and equitable considerations of all applicants and employed through open competition. One senior AOC manager, two former AOC executive leaders, and a senior manager within HCMD abused their hiring authority and circumvented the hiring process specifically for SUBJECT's benefit and did not make this hiring practice and reassignment category available to other qualified applicants. Thirteen months following SUBJECT's reassignment to AD-00 at GS-14/5 equivalent pay from GS-13, a policy requiring an undergraduate degree was made official in policy making it impossible for others in that situation to achieve the pay and level of success SUBJECT was given. As a result of SUBJECT's "reassignment" from GS-13 to AD-00 in June 2013, SUBJECT had accrued \$45,959 in additional salary without promotion and \$27,469 in cash awards, totaling \$73,428.

**Final Management Action:** Pending.

## Open Investigations

We currently have 17 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
- 2018-0023-INVI-P
- 2019-0002-INVI-P
- 2019-0003-INVI-P
- 2019-0006-INVI-P
- 2019-0007-INVI-P
- 2019-0008-INVI-P
- 2019-0009-INVI-P
- 2019-0010-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

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

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

Through testimony and confiscation of physical evidence, we determined 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.

**Updated Information:** The subject of this investigation served a two-day suspension from September 27-28, 2018.





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

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 Senior Rated (SR) manager (Subject 1) and encountering a hostile work environment through 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 (reported in the last SAR 18-2).

**Updated Information:** Subject 2 was issued a final decision letter on January 30, 2019, documenting a 10-day suspension.

## OTHER WORK

**AOC's Response to Sexual Harassment Complaints (2019-0001-INVQ-P)**

On October 5, 2018, the United States Senate Committee on Rules and Administration submitted a request to the AOC OIG to review the AOC's response to sexual harassment issues over the prior 10 years. The committee expressed concern about the outcome of those cases, whether reported through the AOC's Diversity Inclusion and Dispute Resolution (DI/DR) directorate, the AOC's Office of General Counsel (OGC), the Office of Compliance (OOC), or the OIG. This request also tasked the OIG to report on whether the AOC had internal regulations and policies that adhered to industry best practices for handling sexual harassment and requested the OIG to review the AOC's internal regulations regarding sexual harassment training for all employees as well as advanced training for supervisors regarding proper complaint response.

The OIG found that the AOC had been diligent in its efforts to improve agency culture and create an environment of civility; however, some issues remained.

We reviewed data disclosed by DI/DR, OGC, and OOC and noted two primary data limitations. The first of these was that the AOC lacked effective internal controls and automation in collecting and storing sexual harassment data. The second limitation was reluctance on the part of the OGC and HCMD to provide adequate information in response to our request. This reluctance restricted our ability to accurately gather and analyze data to account for penalty trends, repeat offenders, rate of supervisory harassment and de-confliction of complaints.

We also engaged in outreach efforts with AOC employees and the AOC's Executive Leadership Team to solicit their input and experiences. We found the Prevention of Sexual Harassment training (POSH) had been thoughtfully developed and implemented at 100 percent and was largely well regarded by AOC employees. We also found that the DI/DR office planned to augment the training by addressing bystander intervention, supervisory accountability and cultural evolution. Our inquiry highlighted areas already recognized by the DI/DR office, such as the critical need for policy revision, adoption of standardized penalties, and modernization of critical internal infrastructure and controls. The DI/DR director shared a five-year strategic plan that included steps to: implement POSH training refinements, develop a comprehensive Sexual Harassment Response Policy, migrate to a fully automated data infrastructure, and complete management-supported cultural change initiatives.

Our inquiry also revealed poorly defined victim advocacy procedures, an organizational structure that may prevent the DI/DR office from acting independently, and a lack of universal understanding by AOC personnel about appeal venues available to them. In addition, we found indications of outdated and permissive attitudes by both AOC officials and trades and labor divisions that require further attention. Finally, our report noted that the lack of whistleblower protections for legislative branch personnel may effect employees' willingness to report.

This information, in addition to the quantitative findings, mediated settlements, and correlating ongoing sexual harassment investigations were briefed to the U.S. Senate Rules and Administration Committee and subsequently discussed with the Acting Architect Christine Merdon and the chairperson for the Committee on House Administration.

## 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 eight orders or other policy or guidance documents.

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

Document	Title	Description
Order 4-14 SOP 4-14	Parking Program AOC Parking Administration Standard Operating Procedure	This order is a new policy that established the AOC's Parking Program. This policy describes the framework to implement, administer and manage AOC parking. It addresses eligibility, exclusions, responsibilities, jurisdiction parking points of contact (POCs), enforcement, and alternatives for eligible and permanent AOC employees. This policy is supplemented by the program's standard operating procedure (SOP). The SOP provides more in-depth guidance in regard to the program's application process, required documents, wait-list administration, reasonable accommodation, jurisdiction parking POCs, parking locations, rules and parking enforcement procedures.
Order 8-3	Information Technology Governance Charter	This order supersedes AOC IT Governance Charter dated May 21, 2015. The revised order changes the membership composition of the IT Council (ITC) and IT Council Working Group (ITCWG). The chief information officer (CIO) responsibilities have been updated. The governance structure changed with ITCWG members actively advising ITC members during a streamlined decision-making process; thereby, providing senior leadership with more information on proposed IT project investments and making the process of IT governance more efficient.
Order 32-13	Construction Division Indirect Cost Allocation Policy	This order establishes AOC policy for allocating project-related indirect costs incurred by the Construction Division to jurisdiction project funding, pursuant to authority provided by the Account Adjustment Statute, codified as 31 U.S.C. §1534.
Order 34-1	AOC Contracting Manual	This revision of AOC's Contracting Manual (CM) included numerous changes, the most impactful of which are the following: <ul style="list-style-type: none"> <li>• Increased the competition threshold from \$5,000 to \$10,000 to align the AOC with best business practices used by the Department of Defense and executive branch.</li> <li>• Incorporated specific provisions of recently enacted Public Law 115-61 which amended the Legislative Branch Appropriations Act, 2003 to increase from \$100,000 to \$250,000 the small purchase threshold of the AOC.</li> <li>• Incorporated the newly formed Simplified Acquisition Branch of the Acquisition &amp; Material Management Division into the CM.</li> </ul>

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

Document	Title	Description
AOC Order 40-1	Authority and Responsibilities of the Office of Inspector General and Cooperation of Architect of the Capitol Employees	<p>This order supersedes AOC Order 40-1 dated October 12, 2010 in order to:</p> <ul style="list-style-type: none"> <li>• Include information on the “Inspector General Empowerment Act of 2016,” an amendment to the Inspector General Act of 1978, which strengthens the independence of the Inspectors General, in addition to other purposes.</li> <li>• Include more detailed information on OIG audit, evaluation/inspection and investigative processes.</li> <li>• Include new information on AOC response timelines and the OIG recommendation resolution process.</li> <li>• Include updated OIG contact information.</li> </ul>
AOC Safety Manual 10-1	Mercury Control	<p>This policy supersedes prior volumes of the AOC Safety Manual and describes duties and responsibilities of employees with respect to mercury control regulations that apply to the AOC. Revisions to the policy include:</p> <ul style="list-style-type: none"> <li>• Clarifying requirements for mercury vapor analyzer usage and direct reading.</li> <li>• Direction for facility re-occupancy when mercury concentrations are below the given level.</li> <li>• Elaborating on Spill Response Criteria for clearer direction.</li> </ul>
Emergency Management Program Draft		<p>The AOC’s Emergency Management Program is designed to ensure the AOC can provide high-quality and immediate and responsive support service within the AOC and to its external clients. The program incorporates five foundation components: the Incident Command System; National Incident Management System; National Frameworks; National Preparedness System and the National Preparedness Goal. This foundation allows the AOC to implement National Preparedness goals by managing the monitoring and assessing of potential threats and hazards; coordinating with other departments and agencies; developing and executing plans, training and exercises; and maintaining facilities and equipment.</p>

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

The AOC OIG experienced a significant obstacle to obtaining accurate accounts of sexual harassment complaints in response to a congressional sexual harassment inquiry request. The reluctance of HCMD to provide details of individual complaints prevented the OIG from providing Congress accuracy in its reporting and delayed the delivery of the report.

The OIG sent requests to the OGC, OCC and HCMD's DI/DR office, which falls under the direction of the Chief Administrative Officer (CAO). The CAO appointed the chief human capital officer (CHCO) to coordinate response for the DI/DR office and the OGC.

The OIG specifically requested raw data that was not redacted, sanitized or polished by further analysis. On December 7, 2018, the CHCO (on behalf of and signed by the CAO) sent a memorandum accompanying the results of their data review. The OIG requested names of each complainant and complete details of their harassment in order to identify repeat offenders and evaluate the quality of responses to harassment. The HCMD response, advised by OGC, declined to provide details or names, citing the following in their memo (**see pages 22 and 23**):

- Although the IG Act of 1978 provides the OIG broad authority to access all documents and materials maintained by Federal Agencies, Section 6 (C)(1) prohibits Federal agencies from releasing information that is “in contravention of any existing statutory restrictions or regulation of the Federal Agencies.” Accordingly the AOC is maintaining the confidentiality /privacy of the names of the complainants and those accused of Sexual harassment based on the provisions listed below:
- Congressional Accountability Act of 1995 (CAA) (2 U.S.C. Sec1416 (a)-(b)) requires that all information in the counseling and mediation stages at the OOC remain “strictly confidential.” The CAA section also requires that all proceedings and hearing officer deliberations at the OOC remain confidential.

- AOC Order 24-1 (paragraph 4) directs that DI/DR “will not reveal the source of the information unless unavoidable or required by law.”
- AOC Order 4-16 requires the AOC to protect the personal privacy and prevent unwarranted invasions of personal privacy for all AOC employees.

The OIG contends that the provisions of the CAA requiring privacy apply equally to agency officials and the need to know also extends to the OIG. The disclosure of the information requested is required by law, as outlined in the IG Act of 1978, and the IG Empowerment Act of 2016, with the OIG request to access personally identifiable information falling within its scope of authority and further warranted by the congressional request for this review.

Although HCMD cited AOC Policies 24-1 and 4-16, it failed to acknowledge AOC Order 40-1 *Authority and Responsibilities of the OIG and Responsibilities of AOC Employees*, which requires compliance with OIG investigations and requests.

The AOC's reluctance to provide information resulted in the absence of identifiers that would have enabled the OIG to account for complainants who made reports to multiple avenues of assistance, identification of repeat offenders and the nature of the complaints. Finally, OGC attributed their reluctance to release complete details to the OIG as attorney/client privilege. The OIG concedes that information discussed during the mediation process only, to potentially include testimony preparation, discovery and negotiations, are covered by this privilege; however final documents such as settlement agreements should still be provided to the OIG. The Equal Employment Opportunity (EEO)-based sexual harassment complaints filed with the DI/DR office, however, are not covered by attorney client privilege and are also not covered by the CAA protection cited by the HCMD memorandum. The AOC has been firm in its stance that the DI/DR office exists to assist employees rather than to partner with the OGC to protect the agency from litigation. As such, the EEO process is not covered under attorney/client privilege.

On February 19, 2019, in response to withholding information, the OGC entered into an agreement with the AOC OIG agreeing to coordinate future information requests.





**Architect of the Capitol**  
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United States Government

## MEMORANDUM

DATE: December 7, 2018

TO: Christopher P. Failla  
Inspector General

FROM: Dan R. Cassil  
Chief Administrative Officer

SUBJECT: Architect of the Capitol Sexual Harassment Data

This is in response to your memoranda dated October 18, 2018 and October 24, 2018, requesting that the Architect of the Capitol (AOC) compile specific data related to sexual harassment and sexual misconduct allegations reported during the period October 2008 to October 2018, pursuant to the U.S. Senate, Committee on Rules and Administration's request to your office for investigative assistance.

The AOC has conducted a thorough review of its records to compile data involving the sexual harassment matters that were addressed by AOC staff and provides the following attachments:

- Attachment A – Cases involving claims filed by AOC employees or others and/or referred by AOC management officials. These are cases that were handled by the Diversity, Inclusion and Dispute Resolution (DI/DR) Office. Please note that an additional data field – Column H(b) – “Action Taken” was added for the purposes of this report. The information therein was derived from the Human Capital Management Division (HCMD), Employee and Labor Relations Branch (ELRB).
- Attachment B – Matters filed with the Office of Compliance (OOC) and handled by AOC's Office of General Counsel. Please note that, although allegations in Column A of this attachment may not specifically list sexual harassment, all claims in this report have a sexual harassment component.
- Attachment C – Cases handled through AOC's Disciplinary Process, but were not reported to DI/DR. These cases were handled by HCMD/ELRB.
- Attachment D – An Action Plan developed by DI/DR and submitted to the Chief Operating Officer in early October 2018 to address systemic and cultural issues that portend a workplace free of sexual harassment.

Please be advised that the data provided regarding reported sexual harassment cases does not identify the complainants nor those accused of sexual harassment by name. Although the Inspector General Act of 1978 (Public Law 95-452, as amended by Public Law 115-254) provides the Office of Inspector General broad authority to access all documents and materials maintained by Federal agencies, Section 6(c)(1) prohibits Federal agencies from releasing information that is “in contravention of any existing statutory restriction or regulation of the Federal agency.” Accordingly, the AOC is maintaining the confidentiality/privacy of the names of the complainants and those accused of sexual harassment based on the applicable provisions listed below:

- The Congressional Accountability Act (CAA)(2 U.S.C. §1416(a)-(b)) requires that all information in the counseling and mediation stages at OOC remain “strictly confidential.” The CAA (2 U.S.C. §1416(c)-(d)) further requires that all proceedings and hearing officer deliberations at the OOC remain confidential.
- Paragraph 4 (Confidentiality) of AOC Order 24-1 directs that DI/DR “will not reveal the source of the information unless unavoidable or required by law.”
- AOC Order 4-16 requires the AOC to protect the personal privacy and prevent unwarranted invasions of personal privacy for all AOC employees.

The AOC’s Workforce Diversity, Inclusion and Equal Employment Opportunity policy (Policy Memorandum 24-3) prohibits discrimination based on race, color, sex, religion, age, national origin, sexual orientation, gender identity, genetic information and/or disability. While sexual harassment is a form of gender discrimination, these are two distinct bases for which allegations may be made. Thus, information involving gender discrimination as well as sexual orientation are not included in the data provided.

Please also note that although a complainant may allege sexual harassment, the agency’s investigation of a complaint may yield a different outcome. To that end, approximately 25% of the cases outlined in the DI/DR report (Attachment A) resulted in a finding of sexual harassment.

Finally, also appended as Attachment E are the results of the Federal Employee View Survey data that you requested for 2016 and 2018. This information was compiled by Dr. Noha Gaber, Director, Performance, Strategy and Innovation. Explanatory information regarding the survey results will be forthcoming.

I trust this information is responsive to your request. Please let me know if you have questions or if additional information is required.

Attachments

cc: Angela Freeman, Deputy General Counsel

## 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

The OIG disagrees with the punishment decision levied in 2018-0012-INVI-P- Government Ethics; Standards of Conduct; and Personal Property Manual: **Substantiated**. The employee served only a two-day suspension for theft of equipment that exceeded \$1,500. The days of suspension did not equate to the value of equipment stolen which the government reordered and replaced. Additionally, it sets a poor tone and standard of conduct for the rest of the organization and does nothing to curb theft and unethical behavior at the AOC. Conversely, the punishment was unequally distributed in case 2018-0021-INVI-P – Theft of AOC Property by an AOC Employee: **Substantiated** in which the subject resigned following notice of termination for theft of \$2,010 worth of property.

## 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

There was no peer review activity for audit operations this reporting period. The last peer review for the AOC OIG audit function was conducted in September 2018, by the Corporation for Public Broadcasting OIG. The AOC OIG received a rating of Pass, and there are no outstanding recommendations.

### INSPECTIONS & EVALUATIONS

There was no peer review activity for inspections and evaluations operations this period. The last peer review for the AOC OIG inspections and evaluations function was conducted in June 2018 by the Office of the Special Inspector General for Afghanistan Reconstruction and the Pension Benefit Guaranty Corporation OIG. The AOC OIG received a rating of Pass, and there are no outstanding recommendations.

### INVESTIGATIONS

There was no peer review activity for investigation operations this reporting period. The last peer review for the AOC OIG investigations function was conducted in July 2017 by the Federal Housing Finance Administration OIG. The AOC OIG received a rating of Pass, and there are no outstanding recommendations.





# 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) new case tracking system centralizes all cases reported on the most recent AOC Department of Labor (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:</b> Concur. HCMD has purchased Cority Software Incorporated's Office of Workers Compensation Program (OWCP) Case Management Module to support them in managing OWCP data and case management needs. On November 7, 2018, the AOC executed the initial implementation meeting between Cority Software Incorporated and the AOC's ITD and HCMD. At present, the timeline for customer user acceptance testing and full software implementation is April 2019.</p>
Follow-up Evaluation of Audit of the Architect of the Capitol Compliance with Federal Workers' Compensation Act Program			A-2	<p><b>Recommendation:</b> The WCPU update their written procedures to reflect current practices.</p> <p><b>AOC Management Decision:</b> Concur. HCMD's Office of Workers' Compensation has updated and disseminated Workers' Compensation SOPs in November 2018 involving case management to assist staff in reviewing cases to determine if the Department of Labor should take action or correct a previous action. The Revision of AOC Order 810-1, Workers Compensation Policy, is still pending staffing and release due to unanticipated delays between the Safety, Fire and Environmental Programs and Performance, Strategy and Innovation Divisions in redefining roles and responsibilities of jurisdiction safety specialists and field coordinators.</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>				
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 AOC continue the monthly communications with jurisdictions about their DOL chargeback costs to ensure appropriate communication of these costs to senior leadership.</p> <p><b>AOC Final Action:</b> HCMD's Office of Workers' Compensation has provided chargeback reports to each jurisdiction on a monthly basis since March 2018. The spreadsheets were developed as a mechanism to provide pertinent information involving injured employees who are/were formally assigned to jurisdictions and found on the AOC's periodic workers' compensation rolls.</p> <p><b>Final Action Date:</b> December 20, 2018.</p>
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	B-1	<p><b>Recommendation:</b> The 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 allow when considering, reviewing, documenting and approving Return-to-Work and Modified Work assignments. The 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 Final Action:</b> In addition to the monthly chargeback reports that are provided to AOC jurisdictions, HCMD's Office of Workers' Compensation updated and provided an SOP to each jurisdiction head outlining the process to return injured employees back to work. HCMD also presented the Return-to-Work process to AOC jurisdictional heads at the AOC's Administration and Management meeting on November 20, 2018.</p> <p><b>Final Action Date:</b> December 20, 2018.</p>
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	B-2	<p><b>Recommendation:</b> The AOC explore 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 Final Action:</b> HCMD's OWCP has identified employees with permanent work restrictions that may be able to return to work if specific duty modifications can be made to accommodate their work restrictions. The occupations along with the work restrictions of each individual have been shared with jurisdictional leadership for their review and consideration. This information accompanies the monthly chargeback reports to AOC jurisdictions.</p> <p><b>Final Action Date:</b> December 20, 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	\$201,177
*Savings from Employee Salaries during Suspensions	\$3,095
Administrative Repayment Determinations	0
Court Ordered Fines/Forfeitures/Restitution	0
OIG Recovery of Stolen Government Property/Funds	\$2,010
<b>Total</b>	<b>\$206,282</b>

\*Using the AOC average salary of \$67,059 per employee per year, or \$258 per workday for suspensions for 2019. 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	18
Section 5(a)(1)	Significant Problems, Abuses and Deficiencies	8-10
Section 5(a)(2)	Recommendations with Respect to Significant Problems, Abuses and Deficiencies	8-10
Section 5(a)(3)	Prior Significant Recommendations Not Yet Implemented	23
Section 5(a)(4)	Summary of Matters Referred for Prosecution and resulting convictions	11
Section 5(a)(5)	Summary of Instances Where Information Was Refused	20
Section 5(a)(6)	Listing of Audit, Inspection and Evaluation Reports, including total value of questioned costs and funds put to better use	26
Section 5(a)(7)	Summary of Significant Reports	8-17
Section 5(a)(8)	Statistical Tables on Management Decisions on Questioned Costs (See statute for specifics)	26
Section 5(a)(9)	Statistical Tables on Management Decisions on Recommendations That Funds Be Put To Better Use (See statute for specifics)	26
Section 5(a)(10)	Summary of Each Audit Report Over Six Months Old for Which No Management Decision Has Been Made (See statute for specifics)	None
Section 5(a)(11)	Significantly Revised Management Decisions	None
Section 5(a)(12)	Significant Management Decisions With Which the Inspector General Disagrees	22
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	22
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)	13-14
Section 5(a)(21)	Detailed description of any attempt to interfere with OIG independence (See statute for specifics)	20
P.L. 114-113	Quarterly status updates on Cannon House Office Building and the Capitol Power Plant projects	8

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

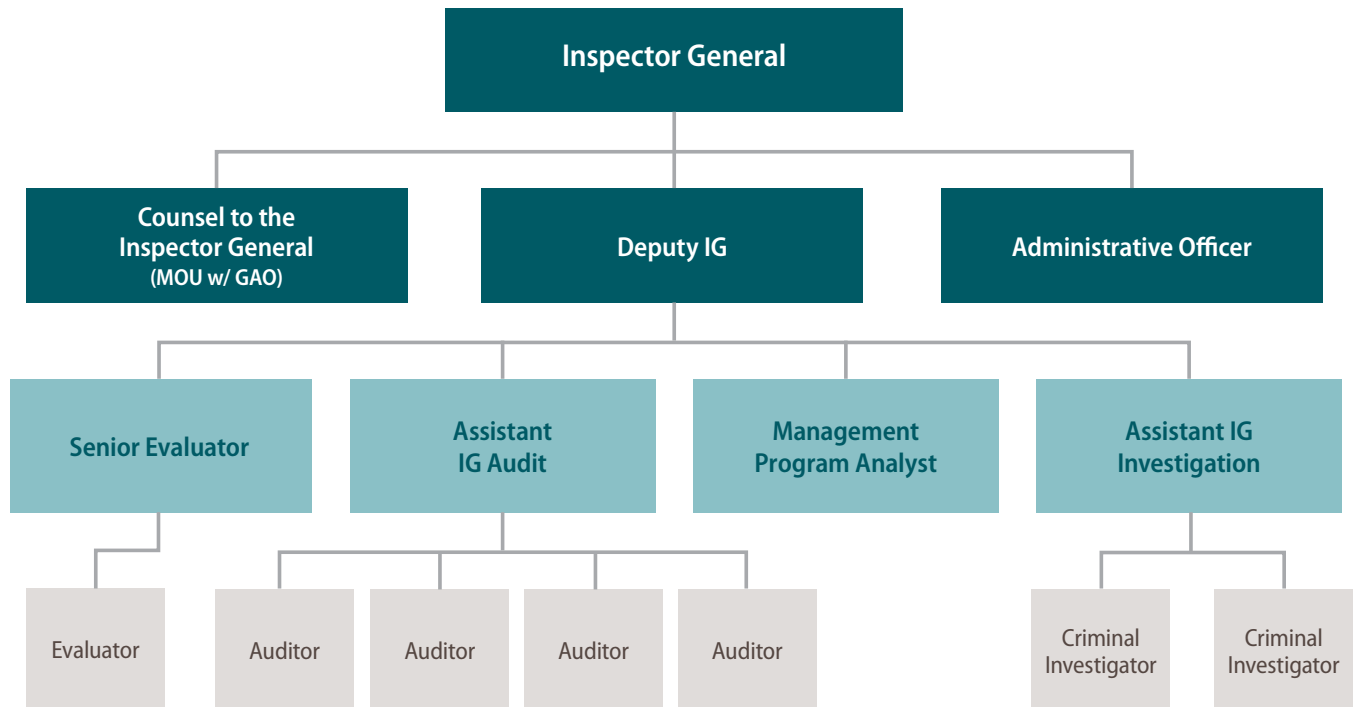
<b>Terms</b>	<b>Definition</b>
Questioned Cost	A cost that is questioned because (i) of an alleged violation of a provision of a law, regulation, contract or other agreement or document governing the expenditure of funds; (ii) the cost is not supported by adequate documentation; or (iii) the expenditure 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

<b>ACF</b>	Alternate Computer Facility	<b>ITC</b>	Information Technology Council
<b>AD</b>	Administratively Determined	<b>ITCWG</b>	Information Technology Council Workgroup
<b>AOC</b>	Architect of the Capitol	<b>ITD</b>	Information Technology Division
<b>AUSA</b>	Assistant U.S. Attorney	<b>JOA</b>	Job Opportunities Announcement
<b>AWOL</b>	Absent Without Leave	<b>JHU/APL</b>	Johns Hopkins University Applied Physics Laboratory
<b>BPA</b>	Blanket Purchase Agreement	<b>Kearney</b>	Kearney & Company
<b>CAA</b>	Congressional Accountability Act of 1995	<b>L.E.</b>	Law Enforcement
<b>CAO</b>	Chief Administrative Officer	<b>OGC</b>	Office of General Counsel
<b>CHCO</b>	Chief Human Capital Officer	<b>OIG</b>	Office of Inspector General
<b>CHOB</b>	Cannon House Office Building Renewal Project	<b>OOC</b>	Office of Compliance
<b>CIGIE</b>	Council of the Inspectors General on Integrity and Efficiency	<b>OWCP</b>	Office of Workers' Compensation Program
<b>CIO</b>	Chief Information Officer	<b>POC</b>	Point of Contact
<b>CM</b>	Contracting Manual	<b>POSH</b>	Prevention of Sexual Harassment Training
<b>CS</b>	Confidential Source	<b>QSI</b>	Quality Step Increase
<b>DI/DR</b>	Diversity Inclusion and Dispute Resolution	<b>SAR</b>	Semiannual Report
<b>DOL</b>	Department of Labor	<b>SME</b>	Subject Matter Expert
<b>EEO</b>	Equal Employment Opportunity	<b>SOP</b>	Standard Operating Procedure
<b>FECA</b>	Federal Employment Compensation Act	<b>SR</b>	Senior Rated
<b>FMS</b>	Financial Management System	<b>SSN</b>	Social Security Number
<b>FY</b>	Fiscal Year	<b>T&amp;A</b>	Time and Attendance
<b>HCMD</b>	Human Capital Management Division	<b>USACE</b>	U.S. Army Corps of Engineers
<b>HOUSE</b>	U.S. House of Representatives	<b>USAO</b>	U.S. Attorney's Office
<b>IG</b>	Inspector General	<b>USCP</b>	U.S. Capitol Police
<b>IT</b>	Information Technology	<b>WCPU</b>	Workers' Compensation Program Unit

# Office of Inspector General Org Chart



# To Report Fraud, Waste and Abuse



**Confidential Toll-Free Hotline** 877.489.8583  
**Phone** 202.593.1948



**Confidential OIG Website Hotline Report**  
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We welcome any feedback, comments, concerns or suggestions on this report.

Please send any comments to Christopher Failla at [Christopher.failla@aoc.gov](mailto:Christopher.failla@aoc.gov).



