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2020-0010-INVI-P – Suspected Misuse of Sick Leave: Not Substantiated

On April 16, 2020, the Architect of the Capitol (AOC), Office of Inspector General (OIG) received a complaint from the AOC Office of Diversity, Inclusion and Dispute Resolution (DI/DR). DI/DR alleged an AOC employee misused sick leave to cover their absence from work while being incarcerated. It was also alleged AOC managers were aware of the AOC employee's incarceration but did not properly report their absence and status in WebTA.

The investigation determined that on February 16, 2020, while on annual leave, the AOC employee was arrested due to a fugitive arrest warrant. On February 19, 2020, the AOC employee was arraigned and subsequently incarcerated until March 17, 2020, when they were released pending trial. Based on testimonial and documentary evidence, the AOC employee did not use sick leave to cover their absence from work while incarcerated and did not violate Office of Personnel Management (OPM) or AOC Policy governing annual leave. The AOC employee submitted a request for annual leave for the period of February 15 through 18, 2020, which their supervisor approved. On February 18, 2020, the AOC employee contacted an AOC manager and requested an extension to their annual leave citing a personal emergency. At the time of the request, the AOC employee did not inform the AOC manager of their arrest or disclose they were incarcerated. According to OPM and AOC Order 630-1, an employee may use annual leave for vacations, rest and relaxation, and personal business or emergencies. The OPM and AOC policies do not state an employee must disclose the nature of a personal emergency.

On March 9, 2020, the AOC employee contacted an AOC manager to request additional annual leave, but their annual leave balance was exhausted. The AOC employee requested sick leave to cover their absence from work and informed the AOC manager that they were incarcerated. The AOC manager informed the AOC employee, sick leave could not be used while they were incarcerated, and informed the AOC employee that their work status would be changed to absent without leave.

Final Management Action: The investigation is closed.