



OFFICE OF INSPECTOR GENERAL

2023-0004-INVI-P – Outside Employment While on COVID-19 Administrative Leave

Suspected Violations of the Architect of the Capitol (AOC) “Standards of Conduct” and “Government Ethics” Policies. **Substantiated.**

The AOC Office of Inspector General (OIG) received an allegation that an AOC employee maintained unreported outside employment after seeking a reasonable accommodation of paid Administrative Leave from the AOC during the COVID-19 pandemic. The investigation confirmed that the employee has been employed at five different companies during the time period reviewed (2020 to 2023), none of which were approved by the AOC or properly filed with the AOC Office of General Counsel. From November 15, 2020, through December 31, 2020, the employee also worked for a shipping and transport company while on paid Administrative Leave from the AOC. The employment with the remaining four companies did not occur while on paid Administrative Leave from the AOC.

The employment with the shipping and transport company contradicted the employee’s request for a reasonable accommodation at the AOC. The employee claimed they could not perform their duties with the AOC and needed to remain home to prevent exposure due to increased risk of contracting COVID-19. The employee then maintained employment at another company while collecting compensation from the AOC. The employee’s actions while on Administrative Leave were tantamount to workers’ compensation fraud. Payroll data showed that while on Administrative Leave from the AOC and working outside employment, the employee received \$8,904.34 from the AOC in salary and personnel benefits. These funds, identified by the OIG as “Net Questioned Costs,¹” should be viewed as lost and theft of AOC property or funds, and recoupment should be considered.

The AOC policies set forth during the COVID-19 pandemic did not specifically address the issue of outside employment for AOC employees. The guidance in place left a gap that allowed for employees to seek and obtain reasonable accommodation of Administrative Leave due to underlying health issues, then seek additional outside employment to supplement the salary the AOC paid them to stay at home to minimize risk and exposure. The employee took advantage of the gap in policy that placed the government at risk for fraud.

Final Management Action: The OIG substantiated that the employee violated multiple AOC policies and the administrative violations were submitted to the Acting Architect of the Capitol for action deemed appropriate. The case was presented to the United States Attorney’s Office which declined to prosecute due to the availability of administrative remedies. On October 27, 2023, the AOC issued the employee a letter of reprimand. The OIG has regularly highlighted inconsistencies with the AOC

¹ Net Questioned Costs: As defined in the Section 5 (f)(1) of the IG Act, the term “questioned cost” means a cost that is questioned by the Office because of - (A) an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds; (B) a finding that, at the time of the audit, such cost is not supported by adequate documentation; or (C) a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable.



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Investigative Summary

holding employees accountable for actions and has observed similar instances where an employee received a suspension for their actions to offset the government's monetary loss. The OIG disagrees with AOC Management's decision. The case is closed.

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