



Inspector General

OFFICE OF INSPECTOR GENERAL (OIG) MANAGEMENT ADVISORY REPORT - 2023-0006-INVM-P – CLEAR, CONSISTENT AND UNIFORM APPLICATION OF ARCHITECT OF THE CAPITOL (AOC) POLICY

Executive Summary

This management advisory serves to notify AOC management that the AOC policy pertaining to “employment of relatives” is vague, outdated and inconsistently applied throughout the AOC.

Background

On June 7, 2023, the AOC OIG received an allegation of improper hiring practices associated with the vacancy announcement for a director level position at the U.S. Capitol Visitors Center (CVC). The complainant stated that CVC hiring officials did not interview the requisite number of AOC employees who had applied for the position and met the qualifications in violation of AOC Order 335 Career Staffing Plan, October 15, 2020, Section 21.11, Internal Interview Requirements regarding internal candidates. The complainant further stated that the candidate selected was the spouse of a current CVC employee. The OIG tested the complaint and initiated an investigation (AOC OIG 2023-0013-INVI-P) into the matter.

Investigation

The OIG obtained all hiring data associated with the vacancy, conducted multiple witness interviews, and researched AOC policy to thoroughly review the allegations. Witnesses interviewed repeatedly stated they felt the candidate was the best hire for the position, and although the candidate had never worked for the government, believed their placement as a GS-15 (and increased annual leave accrual rate at six hours) was appropriate. A review of all submitted application packages revealed that six current AOC employees submitted applications and only one made the certification list. The one employee who made the certification list was afforded an opportunity to interview. At least one AOC employee received a notification stating their application package status was “referred to the selecting official,” however, according to vacancy documents reviewed by the OIG, the employee did not make the certification list and was not offered an interview for the position. This employee was referred to the Human Capital Management Division (HCMD) to address the discrepancy.

Conclusion

The investigation did not identify an individual subject or specific AOC employee in violation of AOC policy and 2023-0013-INVI-P was closed administratively; however, we did identify AOC policy as being vague, confusing and applied inconsistently throughout the agency. AOC Order 310-1, Employment of Relatives, September 12, 2012, defines “Management Official” as “Managers, supervisors and persons occupying exempt personnel positions as



defined in AOC Order 213-1, regardless of organizational level or pay plan.” The order further states, “Employment of relatives in organizations when the line of supervision includes a management official who is a relative. For example, an individual who is a relative of a management official may not be employed in the same jurisdiction or office.”

The candidate selected is employed in the same jurisdiction as their spouse.

The HCMD was made aware of the relationship following candidate selection and conferred with the Office of General Counsel (OGC). The HCMD and OGC examined jurisdictions throughout the AOC, and it was determined that the AOC has multiple instances of relatives (including “Management Officials”) employed within the same jurisdictions. It was also determined that “Management Official” has been defined differently across AOC policy (specifically, AOC Order 38-2, AOC Official Information and Testimony in Third-Party Litigation, August 14, 2015; AOC Order 32-2, Accounting Principles and Standards, July 31, 2015; and AOC Order 771-1, Grievance Policy, August 5, 2021). Following the HCMD’s consultation with the OGC and the Acting Architect of the Capitol, the determination was made to hire the candidate as the candidate was not in the same chain of command as the spouse.

OIG Recommendation

To ensure AOC policies are consistent and applied uniformly throughout the agency, the OIG recommends the following:

1. The Architect of the Capitol review and consider updating AOC Order 310-1, Employment of Relatives, September 12, 2012.
2. The Architect of the Capitol review the referenced policies (at minimum) and apply a consistent definition of “Management Official.”
3. The Architect of the Capitol conduct a review of the hiring process pertaining to the specific vacancy announcement, to ensure that the applications of all internal candidates were processed in accordance with AOC Order 335 Career Staffing Plan, October 15, 2020.

AOC Response

On June 26, 2024, the AOC provided the following final responses to the OIG recommendations contained in the management advisory:

1. The Architect of the Capitol will review AOC Order 310-1, Employment of Relatives, and make necessary updates by April 30, 2024.

The Architect of the Capitol has updated AOC Order 310-1, Employment of Relatives, to include the following changes:

- *Replaces "Management Official" with "AOC Official"*
- *Adds a definition for an AOC Official and Line of Supervision*
- *Clarifies permitted and unpermitted work proximity of related employees*



- *Updates types of advocacy involving the employment of relatives*

AOC Order 310-1 is currently in final coordination with AOC leadership and is anticipated to be published in July 2024.

2. The AOC will review the policies referenced in the Management Advisory Report and update them as applicable to reflect a consistent definition of "Management Official" by June 30, 2024.

The Architect of the Capitol has identified three additional policies which define the term "Management Official." Updates to those policies will occur upon the approval of a consistent definition for "AOC Official" as referenced in the updated AOC Order 310-1, Employment of Relatives.

3. While the AOC did an initial review of this hiring process while gathering documentation for the OIG's review, the agency will complete a detailed review by November 30, 2023, to determine if applications from all AOC internal candidates were processed in accordance with AOC Order 335, Career Staffing Plan, October 15, 2020.

The AOC notified the OIG that a review of the hiring process pertaining to the referenced vacancy announcement was conducted and it was determined that all internal candidates were considered for the position; however, only one candidate was deemed best qualified. In accordance with AOC Order 335, the qualified internal candidate was not selected following their interview. Subsequently, at the request of the jurisdiction's management, the resumes and applications of all other applicants for the position were provided for review. A second certificate was issued for the remaining candidates (approximately 100) that included six other internal applicants who had been deemed unqualified for the position. No applicants from the second certificate were interviewed, including the other six internal candidates, and the certificate was canceled.

HCMD identified that the second certificate should not have been provided to the jurisdiction's management until a disposition on the first certificate was received by HCMD. Further, the certificate should not have included any unqualified candidates, including the other six internal applicants. HCMD management will provide refresher training for its talent acquisition staff regarding the appropriate development and issuance of certificates for position vacancies to ensure compliance with AOC Order 335 and prevent any recurrence of the identified errors.

OIG Response

The AOC's actions appear to be responsive to the recommendations. Therefore, all recommendations are considered closed.