



Inspector General

2024-0013-INVI-P — Overtime Abuse

Suspected violation of the Architect of the Capitol (AOC) “Standards of Conduct and Overtime” policies. Not Substantiated

Suspected violation of the AOC’s “Government Ethics” policy. Substantiated

The AOC Office of Inspector General (OIG) received an allegation that an AOC supervisor had committed time and attendance abuse by regularly claiming extreme amounts of overtime per pay period, along with multiple days of Sunday differential (four or more days per pay period) in the AOC’s time and attendance system. An investigation was initiated into the matter. While conducting the investigation, the OIG received an additional referral from the AOC Equal Employment Opportunity Division which had received an anonymous e-mail that alleged abuse of supervisory authority, favoritism (allowing certain employees to work four, ten-hour shifts versus five, eight-hour shifts), interference with staff’s personal lives, running personal businesses on AOC time, and using favored employees to provide false testimony against less favored employees.

An initial OIG review of the matter confirmed the supervisor worked an excessive amount of overtime and had consistently received differential pay for approximately four days per pay period. The OIG confirmed that in 2023 alone, their pay reflected approximately \$83,570 in regular time, \$15,630 in Sunday differential, and \$82,044 in overtime. The figures lessened some in 2024, after AOC management was notified of these concerns from multiple sources; however, the figures still reflect approximately \$89,239 in regular time, \$17,603 in Sunday differential, and \$47,993 in overtime. A review of AOC policy states, in part...

d. Pay for Sunday Work.

(1) A full-time AWS employee whose regular work schedule includes an 8-hour period of service that is not overtime work, a part of which is on Sunday, is entitled to additional pay at the rate of 25 percent of his/her hourly rate of basic pay for each hour of work performed during that 8-hour period of service.

(2) A full-time AWS employee whose regular work schedule includes two separate regularly scheduled periods of service that are not overtime work, a part of each that are on Sunday (such as a tour of duty that begins on Saturday night and ends on Sunday morning, and another tour of duty that begins on Sunday night and concludes on Monday morning), are entitled to premium pay for Sunday work performed not-to exceed 8 hours for each tour of duty.

The supervisor’s shift was scheduled in a manner (3:00 pm to 1:30 am; Sunday, Monday, Tuesday and Saturday) that accounted for multiple days of differential pay per pay period. The investigation revealed the employee was the only supervisor working that shift, a select few employees were permitted to work similar ten-hour shifts and the remainder worked five eight-hour shifts. When the employees on the eight-hour shifts requested to work ten-hour shifts, they were denied. During their interview with the OIG, the supervisor admitted that this practice had



been unfair and stated they would update the schedule. The investigation also identified a discrepancy regarding the approval or notice of the supervisor's outside employment in which they had not submitted an "Outside Employment or Self-Employment Form" for their current businesses, in violation of the applicable AOC Ethics policy. They had forms on file for then closed businesses, but not the multiple current businesses being run by the supervisor. This matter was corrected through AOC leadership following the OIG's interview of the supervisor.

The OIG's investigation did not find evidence of fraud, interference with employees' personal lives, or the supervisor conducting personal business from AOC owned devices.

Outside of AOC Order 40-1, Authority and Responsibilities of the OIG and Cooperation of AOC Employees, March 12, 2019, the AOC does not have a policy that specifically addresses waste or abuse, nor are violations of Order 40-1 addressed within Order 752-1, Discipline, March 31, 2014. Order 40-1 defines abuse as behavior that is improper when compared with behavior that a prudent person would consider a reasonable and necessary business practice. Abuse includes misuse of authority or position for personal interest, such as creating unneeded overtime. In addition to the appearance of impropriety with his subordinates, there appeared to be a clear abuse of overtime by the supervisor and lack of oversight by their superiors.

Agent's Note: During the investigation, it was alleged that the complainant had been retaliated against for bringing this matter to the attention of AOC management and the OIG. The OIG conducted an initial review of those allegations and did not find evidence to substantiate that claim or initiate a separate investigation into the matter.

Final Management Action:

The OIG substantiated that the supervisor violated AOC policy, and the administrative violation was submitted to the Architect of the Capitol for action deemed appropriate, if any. The case is closed pending management action.