



# OFFICE OF INSPECTOR GENERAL

## *2022-0013-INVI-P – Architect of the Capitol (AOC) Employees Submitted Fraudulent Requests for Official Union Time*

**Employee 1: Suspected Violations of the AOC “Standards of Conduct,” “Government Ethics,” “Office of Inspector General” and “Time and Attendance” policies. **Not Substantiated.****

**Employee 2: Suspected Violations of the AOC “Standards of Conduct,” “Government Ethics” and “Office of Inspector General” policies. **Not Substantiated.****

On July 8, 2022, the AOC Office of Inspector General (OIG) received a referral from the Human Capital Management Division, Employee and Labor Relations Branch (ELRB), alleging Employee 1 and Employee 2 submitted conflicting and potentially fraudulent requests for official union time<sup>1</sup> to House Office Buildings’ management. Management noted three separate occasions, between April 13, 2022, and May 27, 2022, where Employee 1 notified their supervisors that they would be unable to work their scheduled shift on-site due to illness. Employee 1 was later advised by management that due to their available leave balances; a portion of that leave would be considered unscheduled leave or leave without pay (LWOP). Employee 2 then subsequently submitted requests for official union time on Employee 1’s behalf, which encompassed all or a portion of the time they were to be charged LWOP.

Although the timing of the official requests submitted by Employee 2 appeared concerning, the OIG’s investigation located documentary evidence that confirmed Employee 1’s participation in official union activities on the days in question. Employee 1 claimed they suffered from hay fever and symptoms found on the AOC Self-health Checklist.<sup>2</sup> Due to the AOC’s COVID-19 guidance, they were unable to be physically present on-site to fulfill their job duties; however, they were able to conduct official union business as needed. Per the AFSCME Local 626, the AOC Self-health Checklist does not apply to the union.

During the investigation, the ELRB raised additional concerns about further policy violations by Employee 1 and Employee 2. During an interview with the OIG, Employee 1 was explicitly reminded not to discuss the content of the interview, except with their union representation or legal counsel. Following Employee 1’s interview, Employee 2 openly discussed their knowledge of Employee 1’s interview and its’ content with the ELRB. Further investigation revealed that Employee 1’s representative, a consultant hired on behalf of the AFSCME Local 626, discussed the interview with Employee 2, who further discussed its’ content with the ELRB to gather documentary evidence. AOC Order 40-1, Authority and Responsibilities of the OIG and

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<sup>1</sup> The Collective Bargaining Agreement (CBA) between the AOC and the AFSCME 626 states that Representatives will be granted a reasonable amount of official time for the preparation and/or participation in meetings with the AOC concerning conditions of employment relating to employees within this unit, as well as other activities as defined.

<sup>2</sup> COVID-19 guidance mandates that employees are required to complete the Self-health Checklist. Employees who are exhibiting symptoms, answered yes to at least one question on the daily Self-health Checklist or have tested positive for COVID-19 should not report to work without obtaining the appropriate clearance.



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# Investigative Summary

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Cooperation of AOC Employees, March 12, 2019, Section B, 3, states that AOC employees must keep in confidence all investigation communications with the OIG. AOC Order 40-1 does not apply to individuals not employed by the AOC; therefore, the OIG did not substantiate a violation of AOC Order 40-1.

**Agent's Note:** While conducting the investigation, the OIG observed that the CBA between the AOC and the AFSCME Local 626 limits the use of official union time to 200 hours per calendar year for each Shop Steward. Ultimately, the onus to approve or deny requests for official union time falls to AOC Management. The ELRB keeps record of all hours utilized by each individual Shop Steward; however, Employee 2, (although hired as an AOC employee) is afforded an unlimited number of hours and the AOC allows them to work 100 percent for the AFSCME Local 626.

**Final Management Action:** The OIG did not substantiate the allegations. The case is closed.