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OFFICE OF INSPECTOR GENERAL

2019-0018-INVI-P – Suspected Violations of the Architect of the Capitol (AOC) “Standards of Conduct,” “Leave,” and “Family and Medical Leave Act (FMLA)” Policies: Substantiated

On August 23, 2019, the AOC Office of Inspector General (OIG) received a Hotline complaint from an anonymous source, citing an AOC employee was arrested for driving under the influence and subsequently incarcerated. The anonymous complainant alleged the AOC employee was using FMLA entitlements to cover their absences from work while incarcerated.

The investigation determined that on August 10, 2019, the AOC employee was involved in an automobile accident, arrested for driving under the influence of alcohol, and incarcerated from August 10 to September 10, 2019. On August 30, 2019, the AOC employee submitted a doctor’s note to AOC Management citing they had been under doctor’s care since August 12, 2019, incapacitated, and unable to report for work. The AOC employee also submitted a Certification of Health Care Provider for Employee’s Serious Health Condition (U.S. Department of Labor Form, WH-380-E) in support of their request for FMLA entitlements.

Final Management Action: The OIG substantiated the AOC employee violated AOC Order 752-2, Standards of Conduct by not being truthful to management or truthful regarding the actual facts of their absence from work. The AOC employee also violated AOC Order 630-1, Absence and Leave Policy, and AOC Order 630-2, FMLA policy by requesting unscheduled sick leave or intermittent FMLA entitlements by submitting a doctor’s note and a certification of health care provider claiming FMLA to cover the time period when they were incarcerated for driving under the influence of alcohol. During an interview, the AOC employee admitted to their incarceration from August 10 to September 10, 2019, and submitting the doctor’s note and a certification of health care provider to cover their absences from work. The AOC employee was removed from federal service on February 14, 2020. The AOC employee requested an appellate hearing that was scheduled for June 26, 2020, but the AOC employee canceled the hearing on June 25, 2020. The investigation is closed.