

Summary of Closed Employee Integrity Cases April 1, 2013 to September 30, 2013

Statistics on employee integrity investigation cases closed during the semiannual reporting period April 1, 2013, through September 30, 2013, as well as summaries of the cases, follow.

| | Political appointees | SES | GS-14/15 | GS-13 and below | Misc | Total |
|-----------------|----------------------|----------|----------|-----------------|----------|-----------|
| Pending 4/1/13 | 4 | 4 | 20 | 36 | 4 | 68 |
| Open | 3 | 2 | 4 | 13 | 2 | 24 |
| Closed | 1 | 0 | 6 | 13 | 1 | 21 |
| Pending 9/30/13 | 6 | 6 | 18 | 36 | 5 | 71 |

Political Appointees

Use of Influence: An EPA political appointee allegedly attempted to improperly influence the U.S. Attorney's Office to alter its decision to prosecute an environmental crime. Based on the findings of the investigation, the allegation was unsubstantiated.

SES

None

GS-14/15

Eavesdropping: A GS-15 EPA employee allegedly used a telephonic device to listen in on the phone calls of co-workers. The investigation found that the telephonic device was configured in such a way that enabled the employee to listen in on other employees' phone calls. However, the allegation was unsubstantiated as the investigation did not find any direct evidence that the employee had used the device to intercept phone calls. During the course of the investigation, the employee provided false oral statements on two occasions to OIG special agents. The U.S. Attorney's Office declined criminal prosecution. The employee received a written warning for making false statement and was advised to correct his conduct. The employee was subsequently promoted to SES.

False Statements: An EPA GS-15 supervisor allegedly made false statements on an employee's 2011 Performance Appraisal Report and also admonished the employee for using the EPA grievance procedure, causing the employee to receive a lower performance rating. During the investigation, neither the employee nor the supervisor were able to identify any statements in the employee's Performance Appraisal Report that showed any ratings that were negatively impacted because of the employee's use of the grievance process. In addition, there was no evidence to show that false statements had been made by the supervisor. The allegations were unsubstantiated and the case was closed.

False Statements: An EPA employee alleged that his GS-15 supervisor asked him to lie in support of allegations against another employee. The allegation was unsubstantiated and the case was closed.

Ethic Violations: It was alleged that a GS-15 manager made false statements to EPA OIG auditors and that the manager engaged in ethics violations when her former employer was awarded an EPA contract. The investigation disclosed both allegations were unsubstantiated.

Assault: A GS-14 EPA employee allegedly physically assaulted another employee. The investigation revealed evidence that one employee held another employee's arm/wrist and did not release it until a document was signed. The allegation was substantiated, but the U.S. Attorney's Office declined criminal prosecution. The employee was orally counseled.

Time and Attendance Fraud: A GS-14 employee allegedly committed time and attendance fraud. The investigation determined there were errors made by the administrative assistant responsible for inputting the employee's time and attendance and that no fraud was committed. The allegation was unsubstantiated and the case was closed.

GS-13 and Below

Weapons Possession: While on official government travel, a GS-13 EPA employee was arrested by the Transportation Security Administration for attempting to board a flight with a small knife secreted in one of his shoes. The employee pleaded guilty to possession of a dangerous weapon in a secure airport area, paid a monetary fine and was sentenced to 180 days of probation. The employee's supervisor discussed proper travel procedures with the employee to preclude recurrence.

Misrepresentation: Without permission and authority, a GS-13 EPA employee allegedly shifted old EPA grant funds toward new projects. In addition, the employee allegedly misrepresented himself as a state employee and signed four state requests for reimbursement forms as a state project officer. The allegations were substantiated, but the U.S. Attorney's Office declined criminal prosecution. As a result of the investigation, the employee was suspended for 14 days. The last 7 days of the suspension will be held in abeyance in return for the employee's compliance with the terms of an abeyance agreement that includes the employee's retirement in early 2014.

Conflict of Interest: A former GS-13 EPA employee allegedly accepted employment with a subcontractor on an EPA contract. The employee was formerly the contracting officer's representative on the aforementioned contract. The investigation developed sufficient information to believe that the employee had negotiated for employment with the subcontractor while still employed by EPA and serving as the contract's contracting officer's representative. However, the investigation did not develop sufficient information that either the employee or subcontractor inappropriately benefited. Consequently, the U.S. Attorney's Office declined criminal prosecution of this case based on insufficient evidence showing willful conduct, as well as the fact that the employee is no longer employed with the federal government.

Computer Misuse: A GS-13 EPA employee allegedly used an unauthorized EPA laptop computer at his residence for personal and family use. It was later learned that the employee may have been allowing others to use his network administrator password to use the computer, potentially putting EPA networks at risk. The employee admitted he used the EPA computer for various personal activities, including his wife's business, family photos, college course work and paying personal bills online. The employee also admitted that his 13-year-old son would use the laptop with the employee's network administrator password. The employee was placed on administrative leave, barred from the EPA facility and allowed to resign from his position.

Solicitation: A GS-13 EPA employee allegedly engaged in misconduct by soliciting a financial contribution from a government contractor to support the employee's child's sports team. The investigation disclosed that the employee discussed the sponsorship opportunity with the contractor because the employee's relationship with the contractor's representative had evolved into a close personal friendship after 20 years of business and personal interactions. The contractor contributed \$150 to the team to have its company name on a banner. Neither the employee nor the contractor received any direct financial gain from this contribution. The allegation was substantiated, but the U.S. Attorney's Office declined criminal prosecution. The employee received ethics counseling relative to this matter.

False Police Report: A GS-13 EPA employee alleged that the employee's residence had been broken into and EPA litigation documents were stolen from a personal computer by a local police officer. The police department conducted an internal investigation that determined the employee had lied to the police. The employee subsequently pleaded guilty to filing a false police report, a misdemeanor. The employee's supervisor issued the employee an official reprimand due to the employee's actions.

False Statements: An EPA supervisor alleged that a GS-13 employee made a false statement in a letter. The investigation determined that the employee made inconsistent and inaccurate statements in the letter. However, no administrative action was taken because the GS-13 employee had already retired.

False Statement: A GS-13 EPA employee allegedly claimed that an unknown person forged the signature on the 2011 Performance Plan and also allegedly made false statements to secure an extended period of leave from EPA. The investigation was unable to determine the identity of the person who signed the 2011 Performance Plan Coversheet and could not substantiate any false statements made to secure leave. Due to these findings as well as the employee's resignation for unrelated reasons, this investigation was closed.

Time and Attendance Fraud: For many years, two GS-13 EPA employees allegedly falsified their time and attendance records by coming into work late and exercising for long periods of time during the work day. The investigation did not find any evidence to substantiate the allegations but both employees were counseled on time and attendance policies. All regional employees were sent an email reminding them of the proper time keeping practices.

Time and Attendance Fraud: A GS-13 EPA employee working at an alternate location allegedly did not return telephone calls or emails in a timely manner, and the office management allegedly did not know what the employee was working on. The investigation determined that the employee had been excused from coming into the office due to medical reasons and that work performance had been satisfactory until 2012, at which point the employee's management began taking action concerning her performance. Subsequent to being interviewed by OIG special agents, the employee went on extended medical leave and retired from EPA. The investigation was unable to substantiate the allegations.

Improper Possession of Credentials: A former GS-12 EPA employee was arrested for an incident unrelated to his employment with EPA. At the time of his arrest, the ex-employee was allegedly in possession of photocopies of EPA enforcement credentials. Subsequently, the ex-employee was deemed unfit to stand trial and released, and reportedly was living on the street. Extensive attempts to locate the employee to retrieve the credentials were unsuccessful, and the case was closed.

Time and Attendance Fraud: A GS-12 employee allegedly committed time card fraud. Through investigation, it was determined that the allegation was unsubstantiated. However, numerous deviations from the regional order governing the flexible work schedule were observed within a specific office. Based on information provided during the investigation, the office strengthened its practices on flexible work schedules.

Threats: A former GS-8 EPA employee allegedly made threats of bodily harm upon receiving a Notice of Removal. The allegation was substantiated, but the U.S. Attorney's Office declined criminal prosecution. The employee already had been terminated from employment.

Miscellaneous (unknown subjects and contractor employees)

Firearm in a Federal Facility: A contractor employee was arrested for possessing a firearm in a federal building. The employee was terminated from the position with the contractor and barred from EPA facilities. At the subsequent trial, the employee was found not guilty on all charges. In accordance with the laws of the District of Columbia, the firearm was confiscated and not returned.