

Summary of Closed Employee Integrity Cases
April 1, 2016, to September 30, 2016

Senior Executive Service

CASE 1

An EPA Senior Executive Service-level official allegedly misused official position for personal gain by using the position to influence an EPA compliance investigation and the resulting penalty for a contractor who completed work for the EPA official at the official's personal residence. The investigation found that the EPA official received no personal gain as a result of official position nor had any influence on the compliance investigation and its penalty outcome involving the contractor.

GS-14/15

CASE 2

While reviewing email files related to a separate investigation, several emails were discovered alleging that two EPA employees may have violated prohibited personnel practices by knowingly altering position descriptions to match the resumes of the intended selectees. The subject of this investigation was a GS-15 employee. (See Case 10 to read about the subject of a related investigation.) A review of the subject's email account produced additional emails which indicated that, from 2006 to 2012, the subject knowingly altered resumes and changed position descriptions several times to give others an unfair advantage when seeking employment with the EPA, including some current EPA employees competing for promotions. The allegation was supported. The U.S. Office of Special Counsel determined that a prohibited personnel practice had occurred and ordered corrective action, training and a Letter of Reprimand to the employee.

CASE 3

A GS-15 U.S. Chemical Safety and Hazard Investigation Board (CSB)¹ manager allegedly solicited donations from subordinate employees for the legal defense fund of another CSB employee in exchange for favorable treatment. The investigation disclosed that the management official personally contributed funds to the employee's legal defense fund, but there was insufficient evidence to support the allegation that the manager solicited donations from subordinate employees. No further action was taken.

CASE 4

An EPA GS-15 employee allegedly exhibited abusive and threatening behavior. The incident was referred to an EPA conflict management advisor and subsequently to EPA management. EPA management issued its own report concluding that the EPA employee was not a threat to office staff, but the employee was counseled regarding the behavior and provided conflict management training.

¹ The OIG of the U.S. Environmental Protection Agency is also the OIG for CSB.

CASE 5

The Office of Inspector General (OIG) received a complaint that three EPA employees traveling together on official business in a commercial rental vehicle were in an automobile accident that they failed to report to local police. The driver was a GS-12, one passenger was a GS-15 and the other was a GS-14. The investigation confirmed that, while an accident had occurred, no one was injured and the drivers exchanged information. EPA management acted to familiarize the three employees with EPA guidance on appropriate steps to be taken when an accident occurs on temporary duty travel; no administrative action was deemed warranted.

CASE 6

An EPA GS-14 employee allegedly engaged in outside activities using EPA property while on EPA time. The investigation disclosed that the employee conducted limited outside activities and sent emails using an EPA-issued computer during official work hours. While the number of emails sent was not significant, it showed a pattern of conducting outside activity while in official duty status. As a result, the employee received a warning letter from EPA management stating that any further conduct inconsistent with the employee's outside employment agreement would result in revocation of that agreement and more severe disciplinary action.

CASE 7

The OIG received a complaint alleging that a threatening internet communication had been made from the home of an EPA GS-14 employee. The investigation determined that the employee's government laptop computer was not the source of the threatening communication. However, additional allegations developed during the investigation concerning instances of unapproved telework, discrepancies in time and attendance records, and the use of the government laptop for personal purposes. It was determined that the additional allegations were supported. As a result, the employee was suspended for 2 weeks for misconduct and misreporting official time.

CASE 8

An EPA GS-14 employee allegedly falsely claimed, on a signed background check form, to have earned a college degree in the fall of 1997. The investigation disclosed that the employee did complete requirements for a degree in the fall of 1997, but was not awarded a degree until August 2011 due to the employee's failure to administratively apply for graduation in 1997. The allegation was not supported.

GS-13 and below

CASE 9

An EPA GS-13 employee allegedly performed several prohibited personnel practices by providing candidates for EPA employment and promotion an unfair advantage and improperly authorizing awards. The investigation found that from 2007 to 2012, the employee altered resumes and position descriptions and/or coached candidates for EPA employment or promotion. It was also found that the employee was acting in an official capacity and directly intervened in the hiring of the employee's child. Additionally, the employee committed the following violations: improperly signed as the funds obligating official, authorized cash award payments for the child and the employee, and served as the obligating official for a personal 40-hour time-off award. The employee admitted to the violations, and

the case was referred to the U.S. Office of Special Counsel. Pending the Office of Special Counsel's investigation, the employee resigned from the EPA and subsequently received a \$25,000 voluntary separation incentive from the agency. (See Case 3 to read about the subject of a related investigation.)

CASE 10

The investigation supported that an EPA GS-13 employee created an appearance of a loss of impartiality by failing to disclose a personal, intimate relationship with the owner of a company that had contracts over which the employee had official review and oversight responsibilities. Additionally, the employee misused an official EPA position to write letters of recommendation for the company on behalf of the EPA to the U.S. General Services Administration and the U.S. Army Corps of Engineers. The employee was suspended by EPA management for three days for violating the Standards of Ethical Conduct for Employees of the Executive Branch.

CASE 11

An EPA GS-13 employee was allegedly on a 2-year probation resulting from a judicial proceeding and making weekly calls from work to "check in." The investigation disclosed that the employee, during a traffic stop by the local police department, had been arrested for possession of crack cocaine. Following the arrest, the employee pleaded guilty, agreed to a deferred adjudication and was sentenced to 2 years of probation. The employee claimed to have attended a drug treatment program and notified the supervisor about the arrest and deferred adjudication upon return to work. The supervisor said that neither he nor upper management knew of the arrest prior to the investigation. Subsequently, EPA management issued the employee a *Notification of Mandatory EPA Counseling and Follow-Up Drug Testing* memorandum. Upon reviewing the OIG report, EPA management determined that there was insufficient supporting documentation to take formal disciplinary action for any workplace rule or policy violation.

CASE 12

An EPA GS-13 employee allegedly falsified insurance claims or applications, converted an official airline ticket for personal use, converted an EPA-issued computer for personal use, engaged in outside employment without approval and worked on non-official business while on official duty in telework status. The allegations of misconduct were not supported.

CASE 13

An EPA GS-13 employee allegedly falsified documents related to training required to maintain inspection credentials. The investigation disclosed that after the employee moved from one EPA region to another, the employee could not find all relevant training records or certificates. The employee retook the necessary training and obtained the proper certifications. The investigation did not find any evidence of criminal activity. The allegation was not supported.

CASE 14

An EPA GS-13 employee allegedly falsified documents related to training required to maintain inspection credentials. The employee and management both certified that all required training had been taken. The employee later discovered that one specific training actually had not been taken and reported this to management. The investigation did not find any evidence of criminal activity. The allegation was not supported.

CASE 15

An EPA GS-13 employee allegedly falsified documents related to training required to maintain inspection credentials. The investigation found that the division's training records, which contained sign-in sheets for the required training, were missing the employee's name. However, the employee produced a certificate of completion for the required training completed almost 2 years earlier. The investigation did not find any evidence of criminal activity. The allegation was not supported.

CASE 16

An EPA GS-12 employee allegedly falsified documents related to training required to maintain inspection credentials. The investigation found that there had been a series of miscommunications and misunderstandings attributable to a gap between responsible supervisors while the employee was on military deployment, as well as in agency oversight in terms of acknowledging training the employee had taken that met standards and what was still needed. The investigation did not find any evidence of criminal activity. The allegation was not supported.

CASE 17

An EPA GS-12 employee allegedly falsified documents related to training required to maintain inspection credentials. The allegation questioned the employee's attendance at a training class for which the employee did not submit proof of attendance. The investigation did not find any evidence of criminal activity. As there were conflicting statements between management and the employee, and a lack of supporting evidence, the investigation was inconclusive.

CASE 18

An EPA GS-12 employee allegedly attended graduate school classes while reporting to be teleworking at an alternate worksite. The investigation found that the employee had and continued to attend graduate school exclusively at night once a week, after working hours. Previous and current supervisors had approved the employee for telework, stating that the employee was a reliable and sound performer. The allegation was not supported.

CASE 19

An EPA GS-12 employee allegedly did not work on days that were recorded as worked in the official EPA timekeeping system. Upon review of the employee's timecards, investigators noted that there appeared to be 45 discrepancies. The employee subsequently provided support of specific work activities performed on the days in question. The allegation was not supported.

CASE 20

An EPA GS-11 employee allegedly committed time and attendance fraud by not working the time attested to on timecards submitted in the official EPA timekeeping system. The investigation found that the employee had misrepresented reported time and attendance. The employee was verbally counselled and received a written Memorandum of Counseling from EPA management.

CASE 21

An EPA GS-9 employee allegedly conducted non-EPA-related business during work hours. The employee's emails and EPA-issued computer were reviewed, and numerous documents were found showing evidence that the employee had conducted outside employment during work hours for at least 2 years. Those activities included private sales of cosmetics and operating catering and nonprofit

businesses. As a result of the investigative findings, EPA management officials made the employee aware of the misconduct and demoted the employee's grade level to GS-7.

Miscellaneous (Unknown Subjects and Contractor Employees)

CASE 22

It was alleged that a former EPA employee, shortly after his retirement from the agency, attempted to register and publicly market a fuel additive tablet that was similar to another company's product, which he had approved for registration while working at the EPA. The investigation found that the former employee manufactured, marketed and sold fuel additive products in India while he was still employed with the EPA and attempted to sell the fraudulently registered products in the United States. The investigation also found that the former employee illegally registered his own version of fuel additives while still employed at the EPA. In both instances, the former employee took steps to conceal his identity and affiliation with the companies registering the products. The investigation found that the former employee had EPA confidential business information at his residence and released confidential business information documents to an individual in India. During negotiations over a plea, the former employee fled the United States for India. The former employee was arrested upon his return to the United States and a trial date was set. The U.S. District Court for the District of Columbia ordered that the defendant's motion to dismiss on speedy trial grounds be granted. The case was dismissed.

CASE 23

The OIG received a complaint alleging improper contracting practices by EPA employees, including making improper split purchases, using sole source instead of competitive contracts and assigning contractor personnel work beyond the contract scope. The investigation found that at least one administrative error already had been addressed through internal oversight, but there was no support that any criminal wrongdoing had occurred. The allegations were not supported.

CASE 24

An EPA employee allegedly received harassing and sexually explicit telephonic threats via blocked source phone numbers from an unknown caller. During the course of the investigation, documentation was obtained that identified the caller as someone who previously had worked at the EPA as contracted custodial staff and who had possession of or association with both of the source phone numbers of the calls. The subject denied making the calls, claiming a problem with the phone or the carrier. The subject was barred from entry to EPA facilities, and the subject's associated phone numbers were blocked from calling EPA telephones.