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OFFICE OF INSPECTOR GENERAL

2021-0007-INVI-P – Supervisors Failed to Provide Adequate Oversight While Employees Took One-Hour Lunches for Years

Three AOC Employees; Suspected Violations of the AOC “Time and Attendance Policy and Procedures” and “Standards of Conduct” Policies: **Substantiated. Two AOC Supervisors; Suspected Violations of the AOC “Time and Attendance Policy and Procedures,” “Standards of Conduct” and “Government Ethics” Policies: **Substantiated**.**

On February 3, 2021, the Architect of the Capitol (AOC) Office of Inspector General (OIG) initiated a spin off investigation from information obtained while conducting a previous investigation (AOC OIG 2020-0009-INVI-P). Interviews conducted during AOC OIG 2020-0009-INVI-P revealed that employees of the Senate Office Buildings had been consistently taking a one-hour meal period (in addition to their two 15-minute breaks) during the eight-hour workday, thus only working seven and a half hours per day and claiming eight hours for time and attendance (T&A).

The three AOC employees identified testified to taking one-hour lunches and the two AOC supervisors failed to provide adequate daily oversight. These supervisors continued to certify their bi-weekly T&A records with inaccurate hours recorded.

A three-month review of the employees’ T&A records showed that two of the employees were overpaid by a total of \$463.75 each and the third was overpaid by a total of \$524.99, contributing to a government overpayment of at least \$1,452.49 for just these three identified employees. The supervisor responsible for certifying these employees’ T&A records, Mr. Yaki Sidberry, former WS-04, Custodial Worker Supervisor, Night Custodial Unit, Senate Office Buildings, has since left the agency.

The OIG interviewed a total of 14 employees and supervisors who all confirmed a long-standing culture of AOC employees taking one-hour meal breaks, greatly increasing the amount the government was defrauded. Employees and supervisors both stated the practice of one hour meal periods has happened at the AOC for decades. This investigation also identified that most senior supervisors were aware of AOC policy allowing for a 30-minute meal period; however, mid-level and direct supervisors were either unaware or dishonest about their knowledge of the policy. Supervisors who were aware of the policy did not enforce the 30-minute meal period due to: (1) an inability to communicate with subordinate employees while on shift; (2) limited contact with subordinate employees and (3) a lack of support from other supervisors spread throughout the Congressional buildings.



Investigative Summary

2021-0007-INVI-P "Extended Meal Breaks"

This prevailing issue is indicative of waste and not holding employees accountable. The OIG has conducted multiple investigations and referrals on this topic since 2011 and has included the topic of waste as a Management Opportunity and Performance Challenge. On January 25, 2012, the Chief Administrative Officer sent a "Lunch Break Policy Reminder" to AOC supervisors to remind them of the 30-minute meal period. The memorandum mentioned that AOC leadership had learned that supervisors from several work units throughout the AOC had been allowing employees to take one-hour or longer meal periods. The memorandum reminded supervisors of the policy and allowable exceptions.

We used the one-year cost avoidance method to conservatively estimate the positive impact and savings from investigations that result in the removal or resignation of employees engaged in misconduct in the workplace, as reported in the Semiannual Report to Congress. The AOC average salary for fiscal year 2021 was \$71,760 per employee and divided by 26 pay periods equates to \$2,760 a pay period or \$34.50 per hour for an 80-hour pay period. Using this same method, if all AOC employees within the specific jurisdiction investigated took an additional 30 minutes of paid time for lunch (one hour total) for one pay period, it would cost the AOC \$83,663.

Testimony from supervisors stated this is common practice across multiple jurisdictions where they previously worked. The AOC employs a total of 2,493 employees. If all AOC employees took an additional 30 minutes of paid time for lunch (one hour total) for one pay period, it would cost the government \$430,043, or approximately \$11,181,118 per year.

Final Management Action: Three employees and one supervisor received letters of counseling. Sidberry, former WS-04, resigned from the agency effective July 6, 2021. The investigation is closed.