



Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

1717 H Street, NW, Suite 825, Washington, DC 20006 • Integrity-Complaint@cigie.gov

March 31, 2021

Ms. Lesley Field

Acting Executive Chairperson

Council of the Inspectors General on Integrity and Efficiency

1717 H Street NW, Suite 825

Washington, D.C. 20006

(b) (6), (b) (7)(C)

Dear Acting Executive Chairperson Field:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to review and investigate allegations of misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General. Pursuant to section 11(d)(8)(A) of the Inspector General Act of 1978, as amended (IG Act), the IC hereby forwards its findings and recommendation regarding Thomas Williams, Assistant Inspector General for the Office of Management and Policy, U.S. Department of Labor Office of Inspector General.

The IC also provided the attached report and recommendation to the President, the Acting Inspector General for the Department of Labor, the CIGIE Chairperson, Mr. Williams, and the Congressional committees of jurisdiction, as required by section 11(d)(8)(A) of the IG Act.

Sincerely,

(b) (6)

Deborah J. Jeffrey
Vice Chairperson
Integrity Committee

Enclosure



Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

1717 H Street, NW, Suite 825, Washington, DC 20006 ▪ Integrity-Complaint@cigie.gov

March 31, 2021

The Honorable Gary C. Peters
Chairman
Committee on Homeland Security and
Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510-6250

The Honorable Rob Portman
Ranking Member
Committee on Homeland Security and
Government Affairs

The Honorable Carolyn Maloney
Chairwoman
Committee on Oversight and Government
Reform
2517 Rayburn House Office Building
Washington, DC 20515-6143

The Honorable James Comer
Ranking Member
Committee on Oversight and Government
Reform

The Honorable Patty Murray
Chair
Committee on Health, Education, Labor
and Pensions
428 Dirksen Senate Office Building
Washington, DC 20510-6250

The Honorable Richard Burr
Ranking Member
Committee on Health, Education, Labor
and Pensions

The Honorable Robert C. "Bobby" Scott
Chairman
Committee on Education and Labor
2176 Rayburn House Office Building
Washington, DC 20515-6143

The Honorable Virginia Foxx
Ranking Member
Committee on Education and Labor

Dear Chairpersons and Ranking Members:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to review and investigate allegations of misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General. Pursuant to section 11(d)(8)(A) of the Inspector General Act of 1978, as amended (IG Act), the IC hereby forwards its findings and recommendation regarding Thomas Williams, Assistant Inspector General for the Office of Management and Policy, U.S. Department of Labor Office of Inspector General.

After thoroughly reviewing the evidence and Mr. Williams's comments, the IC found by a preponderance of the evidence that Mr. Williams abused his authority and engaged in conduct that undermined the integrity reasonably expected of his position. Accordingly, the IC referred its report to the Acting Inspector General of the Department of Labor for appropriate disciplinary action.

March 31,
2021 Page 2

The IC provided its findings and recommendation to the President, the CIGIE Executive Chairperson, the CIGIE Chairperson, and Mr. Williams, as required by section 11(d)(8)(A) of the IG Act.

Sincerely,

(b) (6)

Deborah J. Jeffrey
Vice Chairperson
Integrity Committee

Enclosure



Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

1717 H Street, NW, Suite 825, Washington, DC 20006 • Integrity-Complaint@cigie.gov

March 31, 2021

Ms. Allison Lerner

Chairperson

Council of the Inspectors General on Integrity and Efficiency

1717 H Street, N.W., Suite 825

Washington, D.C. 20006

Dear Chairperson Lerner:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to review and investigate allegations of misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General. Pursuant to section 11(d)(8)(A) of the Inspector General Act of 1978, as amended (IG Act), the IC hereby forwards its findings and recommendation regarding Thomas Williams, Assistant Inspector General for the Office of Management and Policy, U.S. Department of Labor Office of Inspector General.

The IC also provided its findings and recommendation to the President, the Acting Inspector General of the Department of Labor, the CIGIE Executive Chairperson, Mr. Williams, and the Congressional committees of jurisdiction, as required by section 11(d)(8)(A) of the IG Act.

Sincerely,

(b) (6)

Deborah J. Jeffrey
Vice Chairperson
Integrity Committee

Enclosure



Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

1717 H Street, NW, Suite 825, Washington, DC 20006 • Integrity-Complaint@cigie.gov

March 31, 2021

Via Email

Thomas Williams,
Assistant Inspector General
U.S. Department of Labor

Integrity Committee Case 989 Report of Investigation

Dear Mr. Williams:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to review and investigate allegations of misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG).

On May 30, 2019, the IC initiated an investigation into allegations against you and engaged the U.S. Postal Service OIG to conduct the investigation. After thoroughly reviewing the evidence and your comments, the IC found by a preponderance of the evidence that you abused your authority and engaged in conduct that undermined the integrity reasonably expected of your position. Accordingly, the IC recommended appropriate disciplinary action.

The IC provided the attached findings and recommendations to the President, the Acting Inspector General of the Department of Labor, the appropriate Congressional oversight committees, the CIGIE Executive Chairperson, and the CIGIE Chairperson, as required by section 11(d)(8)(A) of the IG Act.

Sincerely,

(b) (6)

Deborah J. Jeffrey
Vice Chairperson
Integrity Committee

Enclosure



Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

1717 H Street, NW, Suite 825, Washington, DC 20006 • Integrity-Complaint@cigie.gov

March 31, 2021

The President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Report of Findings for Integrity Committee Case 989

Dear Mr. President:

This letter sets forth the findings, conclusions, and recommendations of the Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) regarding allegations of misconduct against Thomas Williams, Assistant Inspector General (AIG) for the Office of Management and Policy (OMAP), U.S. Department of Labor Office of Inspector General (DOL OIG). The IC is referring this matter to the DOL Acting Inspector General for appropriate action.¹

The IC is charged by statute to receive, review, and refer for investigation allegations of wrongdoing made against an Inspector General (IG) or a designated staff member within an OIG.² To maintain public trust, Congress designated the IC to be the independent mechanism that ensures senior officials in the IG community “perform their duties with integrity and apply the same standards of conduct and accountability to themselves as they apply to the agencies that they audit and investigate.”³ The IC takes action on allegations of wrongdoing that involve abuse of authority in the exercise of official duties or while acting under color of office; substantial misconduct, such as gross mismanagement, gross waste of funds, or a substantial violation of law, rule, or regulation; or conduct that undermines the independence or integrity reasonably expected of such persons.⁴ Pursuant to that mandate, this report sets forth the IC’s findings of wrongdoing against AIG Thomas Williams, DOL OIG. The IC finds that AIG Williams abused his authority and engaged in conduct undermining the integrity reasonably expected of his position.

Executive Summary

On January 11, 2019, the IC received a complaint alleging that AIG Williams engaged in deceitful behavior when he changed the element weights in his and his subordinate’s 2018

¹ The IC notes the IG or Acting IG has the sole authority to make personnel decisions regarding subordinate OIG employees; however, the statute requires the IC to include all findings in its report to the appointing authority.

² Inspector General Act of 1978, as amended, 5 U.S.C. app. (IG Act), section 11(d)(1).

³ Committee on Oversight and Government Reform, *Improving Government Accountability Act*, 110th Cong. (Sept. 27, 2007) (H. Rept. 110-354).

⁴ Integrity Committee Policies and Procedures (ICP&P) (2018).

annual performance plan. Pursuant to its procedures, the IC investigated the complaint with the assistance of the U.S. Postal Service OIG Special Inquiries Division (IC investigators). Specifically, the IC investigators were asked to determine whether:

- AIG Williams abused his authority when he, without authorization, changed the critical element weights in his 2018 annual performance plan to ensure he received the highest rating and corresponding bonus.
- AIG Williams lacked candor when he told DOL OIG Deputy Inspector General (DIG) Larry Turner that he changed his performance plan to match that of his predecessor and on the advice of a human resources specialist.
- AIG Williams abused his authority when he, without authorization, changed the critical element weights on a subordinate executive's 2018 annual performance plan to ensure that the executive received the highest rating and corresponding bonus.
- AIG Williams lacked candor when, during a discussion regarding the reassignment of a DOL OIG employee, he told DIG Turner that another supervisor did not like the employee and would not want the employee in the supervisor's section.⁵

In accordance with section 11(d) of the IG Act, the IC provided AIG Williams the opportunity to respond to the enclosed Report of Investigation (ROI), which was redacted to protect witness and complainant confidentiality.⁶ After thoroughly reviewing the evidence and AIG Williams's comments, the IC finds by a preponderance of the evidence that AIG Williams abused his authority and engaged in conduct undermining the integrity reasonably expected of an AIG when he, without authorization, (1) changed the critical element weights in his 2018 annual performance plan, and (2) changed the critical element weights on his subordinate executive's 2018 annual performance plan.⁷ The IC finds the remaining allegations were not supported by the evidence.

Findings and Conclusions of the Integrity Committee

- I. AIG Williams abused his authority when he, without authorization, changed the critical element weights in his 2018 annual performance plan.*

The IC finds by a preponderance of the evidence that AIG Williams abused his authority and engaged in conduct undermining the integrity reasonably expected of an AIG when he, without authorization, changed the critical element weights in his 2018 annual performance plan to ensure he received the highest rating and corresponding bonus.

⁵ Enclosure (Encl.) 1 (Report of Investigation), at 3.

⁶ Encl. 1, Exhibit (Ex.) 22.

⁷ "Abuse of authority" means an arbitrary or capricious exercise of power by a federal official or employee that adversely affects the rights of any person or that results in personal gain or advantage to her/him or to preferred other persons. There is no de minimis standard for abuse of authority. ICP&P, Appendix A.

During a yearly assessment of AIG Williams's 2018 performance, DIG Turner detected a discrepancy in the critical element weights on AIG Williams's 2018 performance plan.⁸ AIG Williams had lowered the weights on three critical elements and raised the weight on one critical element, all without seeking DIG Turner's approval or discussing these changes with him.⁹ DIG Turner had not noticed the changes when he signed AIG Williams's performance plan at the beginning of the rating cycle and at the mid-year progress review. Instead, DIG Turner indicated he discovered the changes when he was preparing AIG Williams's annual review for 2018 and looked at his 2017 performance review for comparison.¹⁰ Then-DOL Inspector General Scott Dahl indicated that DIG Turner had a number of direct reports, including all the AIGs, making it understandable that DIG Turner did not notice the weight changes if AIG Williams did not point out the changes to him.¹¹

By changing his 2018 performance plan's critical element weights, AIG Williams increased the likelihood he would receive the highest overall performance rating, Exemplary (EX), making him eligible for a higher SES bonus. In 2017, AIG Williams received the second highest overall performance rating, Highly Effective (HE).¹² When AIG Williams lowered his 2018 performance plan weights, he did so only for the critical elements for which he had received an "HE" rating in 2017 - "Leading Change," "Leading People," and "Building Coalitions"- and correspondingly doubled the weight for the critical element of "Business Acumen," one of the two critical elements for which he had received an "EX" rating in 2017.¹³ IG Dahl confirmed that the effect of the changes was that the critical elements in which AIG Williams historically had done well, "Business Acumen" and "Results Driven," would have accounted for 75 percent of his rating.¹⁴ As a result, AIG Williams could have received a score of HE in the other three categories and still have received an overall EX rating in 2018.¹⁵

DIG Turner stated that when he confronted AIG Williams about changing the 2018 element weights, AIG Williams gave three different justifications. AIG Williams first said he made the changes because he was told by a human resources specialist that all weights needed to be a whole number.¹⁶ This explanation did not make sense to DIG Turner because if weights had to be a whole number, then all senior executives would have had to change their performance plans. DIG Turner told IC investigators that AIG Williams then said he changed the weights to match those of his predecessor.¹⁷ According to DIG Turner, this was not consistent with the prior documentation, which he reviewed, and when he spoke to AIG Williams again, AIG Williams said changing the weights was an innocent mistake.¹⁸ AIG Williams told IC investigators he did not recall telling DIG Turner that he changed the weights to match the performance plan of his

⁸ Encl. 1, Ex. 15 at 2.

⁹ *Id.* See also Ex. 3 and 4.

¹⁰ Encl. 1, Ex. 15 at 2.

¹¹ Encl. 1, Ex. 21 at 2.

¹² Encl. 1, Ex. 3.

¹³ Encl. 1, Ex. 4.

¹⁴ Encl. 1, Ex. 21 at 2.

¹⁵ Had AIG Williams's 2017 performance been considered under the revised weighting he included in his 2018 performance plan, he would have received an EX rating for 2017, which would have made him eligible for an additional \$2,618 in SES bonus funds for that year. Encl. 1, Ex. 10.

¹⁶ Encl. 1, Ex. 15 at 3.

¹⁷ *Id.*

¹⁸ *Id.*

predecessor or that the weights needed to be a whole number because he knew that was not true.¹⁹ Although the accounts of these conversations differ significantly, the IC found the evidence was not sufficient to support the allegation that AIG Williams lacked candor when he allegedly told DIG Turner he changed his performance plan to match that of his predecessor and on the advice of a human resources specialist.

In the course of the IC investigation, DIG Turner further discovered that in 2016, the weights on AIG Williams's plan for "Leading Change" increased by 2.5% and "Leading People" decreased by 2.5%.²⁰ As with the alterations in 2018, DIG Turner was unaware of these changes and neither discussed nor approved these weight changes for AIG Williams.²¹ The evidence established that DIG Turner signed the 2016 plan and rating without realizing the weights were different from those in 2015. The IC finds that AIG Williams engaged in conduct undermining the integrity of his position when he failed to discuss or make DIG Turner aware of the changes he made to his 2016 and 2018 performance plans *prior* to making them.

In his comments to the draft ROI, AIG Williams contests this finding, asserting he did not change any weights, mislead any official, or abuse his authority. AIG Williams states his performance plans were developed under the direction of his supervisor, DIG Turner, and he had every reason to believe DIG Turner had competently reviewed and approved these weights at each stage of the performance review.²² In short, AIG Williams argues that DIG Turner's signature on these plans represented a *de facto* approval of each performance plan, including the weights assigned to the various elements.

The IC finds AIG Williams's arguments to be unpersuasive. AIG Williams knew or should have known that he could not change the weights to critical elements on his performance plan without authorization from DIG Turner, his rating official. Sign-in sheets confirm that in April 2017, AIG Williams attended a training session on DOL OIG's Performance Management System, which was given by an employee from within AIG Williams's division.²³ The training material covered the process for changing performance plan critical element weights for senior executives and included the following language:

Weights assigned may vary year to year as established by the rating official and approved by the reviewing official.²⁴

Accordingly, AIG Williams was or should have been familiar with the requirement for performance plan weights to be approved by a reviewing official because (1) he attended annual training on DOL OIG's Performance Management System,²⁵ (2) DOL OIG's Senior Executive Service Performance Management System contains parallel language,²⁶ and (3) AIG Williams is

¹⁹ Encl. 1, Ex. 20 at 20-24.

²⁰ Encl. 1, Ex. 15 at 3. *See also* Ex. 1 and 2.

²¹ Encl. 1, Ex. 15 at 3.

²² Encl. 2 at 1, 4.

²³ Encl. 1, Ex. 14, Attachment (Att.) 3.

²⁴ Encl. 1, Ex. 14, Att. 2. This language is identical to that of DOL OIG's Senior Executive Service Performance Management System. Encl. 1, Ex. 8 at 4.

²⁵ Encl. 1, Ex. 14, Att. 3.

²⁶ Encl. 1, Ex. 8 at 4.

in charge of the office that oversees the performance management process for DOL OIG.²⁷ The IC considers altering a performance plan to the benefit of the covered person, without proper authorization and notification, to be conduct that undermines the integrity reasonably expected of someone in AIG Williams's position.

II. AIG Williams abused his authority and engaged in conduct undermining the integrity reasonably expected of his position when he, without authorization, changed the critical element weights on a subordinate employee's 2018 performance plan.

The IC finds by a preponderance of the evidence that AIG Williams abused his authority and engaged in conduct undermining his integrity when he changed the critical element weights on a subordinate employee's 2018 performance plan without authorization.

DIG Turner stated he had a meeting with AIG Williams to discuss the 2018 performance of AIG Williams's subordinate employee, who was also a member of the Senior Executive Service.²⁸ DIG Turner acknowledged that, in his presence, AIG Williams changed the ratings on the elements "Leading Change" and "Leading People" from a five to four. However, DIG Turner later discovered that, prior to this meeting, AIG Williams had changed his subordinate's 2018 performance plan weights at the beginning of the rating cycle to match his own plan. AIG Williams did not inform DIG Turner, the subordinate's reviewing official, of these initial changes.²⁹

In his comments to the draft ROI, AIG Williams contests this finding, stating the only changes he made to the subordinate's performance plan were in the presence of DIG Turner, as evidenced by DIG Turner's signature on the page where the weights had clearly been altered.³⁰ The IC finds AIG Williams's argument to be inconsistent with the facts developed in the investigation. As noted above, DOL OIG requires performance plan weights to be approved by the reviewing official.³¹ Other than the changes approved by DIG Turner during their meeting, there is no evidence that AIG Williams discussed or made DIG Turner aware of the changes to his subordinate's performance plan prior to making them. Similar to Finding I, as the senior executive who oversaw the performance plan process for DOL OIG, AIG Williams knew or reasonably should have known that such changes must be approved by the reviewing official. Such conduct undermines the integrity reasonably expected of someone in AIG Williams's position.

Recommendation

The IC concludes by a preponderance of the evidence that AIG Thomas Williams abused his authority and engaged in actions that undermined the integrity reasonably expected of his position. Specifically, AIG Williams changed the critical element weights in the 2018 performance plans for himself and a subordinate employee without authorization and did the

²⁷ Encl. 1, Ex. 15 at 3.

²⁸ *Id.* at 4.

²⁹ *Id.*

³⁰ Encl. 2 at 5.

³¹ Encl. 1, Ex. 8 at 4.

same for his own 2016 performance plan. Accordingly, the IC refers this matter to the Acting Inspector General of the Department of Labor for appropriate disciplinary action. The IC has also provided its findings, conclusions, and recommendation to AIG Williams, the CIGIE Executive Chairperson, the CIGIE Chairperson, the Acting Inspector General, and the Congressional committees of jurisdiction, as required by section 11(d)(8)(A) of the IG Act.

Sincerely,

A black rectangular redaction box covers the signature area. The text "(b) (6)" is written in large, bold, red font across the center of the box.

Deborah Jeffrey
Vice-Chairperson
Integrity Committee

Enclosures:

1. USPS OIG Report of Investigation
2. AIG Williams's Comments

cc: Acting IG, DOL OIG



February 13, 2020

Deborah Jeffrey
Vice-Chairperson, Integrity Committee
Council of the Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington, DC 20006-3900

Ref: CIGIE IC 19-989

Dear Vice-Chairperson Jeffrey:

On May 30, 2019, at the request of the Integrity Committee for the Council of the Inspectors General on Integrity and Efficiency (CIGIE), the U.S. Postal Service Office of Inspector General agreed to conduct an independent investigation into allegations of executive misconduct by Thomas Williams, Assistant Inspector General for the Office of Management and Policy, Department of Labor Office of Inspector General.

On October 18, 2019, pursuant to the Memorandum of Understanding, an Executive Summary and a final draft Report of Investigation (with exhibits) was submitted to CIGIE for review.

Through CIGIE, Mr. Williams had an opportunity to review and comment on the final draft report. On January 6, 2020, CIGIE provided us with a response from Mr. Williams' counsel. Attached is the final Report of Investigation (with exhibits).

For any questions or follow-up to this investigation, please contact Special Agent in Charge (b) (6), (b) (7)(C) USPS OIG Special Inquiries Division, at (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)

Sincerely,

(b) (6)

Tammy L. Whitcomb
Inspector General



**UNITED STATES POSTAL SERVICE
OFFICE OF INSPECTOR GENERAL**

CASE #: 19INV01900	CROSS REFERENCE #: CIGIE 19-989
TITLE: WILLIAMS, THOMAS D. - AIG DOL OIG - WASHINGTON, DC 20210 (CIGIE REFERRAL)	
CASE AGENT (if different from prepared by):	

REPORT OF INVESTIGATION

PERIOD COVERED: FROM June 6, 2019 TO September 23, 2019

STATUS OF CASE: Final ROI for CIGIE Review

JOINT AGENCIES: N/A

DISTRIBUTION:

Deborah Jeffrey
Integrity Committee Vice-Chairperson
Council of the Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington DC 20006-3900

PREPARED BY: SA (b) (6), (b) (7)(C)	DATE: 2/4/2019
--	-----------------------

TABLE OF CONTENTS

- I. PREDICATION
- II. SYNOPSIS
- III. BACKGROUND/SUBJECT IDENTIFICATION
- IV. DETAILS
- V. EXHIBITS

I. PREDICATION

On May 30, 2019, at the request of the Integrity Committee for the Council of the Inspectors General on Integrity and Efficiency (CIGIE), the U.S. Postal Service Office of Inspector General's (OIG) Special Inquiries Division (SID) agreed to conduct an independent investigation into allegations of executive misconduct by U.S. Department of Labor (DOL) OIG's Assistant Inspector General (AIG) for the Office of Management and Policy (OMAP) Thomas Williams.

The Integrity Committee's request focused on the three allegations levied by DOL OIG Deputy Inspector General Larry Turner. Turner alleged that Williams changed the critical element weights in his 2018 annual performance plan without approval to ensure he received the highest rating and corresponding bonus. When confronted by Turner regarding the matter, Williams allegedly lacked candor when he told Turner he changed his performance plan to match that of his predecessor on the advice of a Human Resources (HR) specialist. Turner also alleged Williams changed the critical element weights of (b) (6), (b) (7)(C) without first discussing the changes with Turner. Finally, Turner alleged Williams lacked candor during a discussion regarding the reassignment of an employee, (b) (6), (b) (7)(C), when Williams told Turner that (b) (6), (b) (7)(C) did not like (b) (6), (b) (7)(C) and would not want (b) (6), (b) (7)(C) in his section.

II. SYNOPSIS

The investigation determined Williams changed the critical element weights in the 2018 performance plan for himself and (b) (6), (b) (7)(C) without authority and without discussing the changes with Turner, who is his supervisor and rater.

The investigation revealed Williams increased the critical element weights where he historically excelled, and correspondingly lowered the weights where he historically was rated lower without Turner's approval. Williams also changed (b) (6), (b) (7)(C) 2018 performance plan weights at the beginning of the rating cycle to match his own plan. Williams did not inform Turner, who is (b) (6), (b) (7)(C) reviewing official, of these initial changes. The investigation further revealed Williams changed his critical element weights in his 2016 performance plan without approval as well.

SID interviewed HR specialist (b) (6), (b) (7)(C), Turner, and Williams to investigate the allegation that Williams told Turner that (b) (6), (b) (7)(C) advised him to change the performance plan weights. According to Turner, when he confronted Williams about the weights, Williams asserted that (b) (6), (b) (7)(C) told him to use whole numbers for the critical element

weights. Williams told Turner that based on (b) (6), (b) (7)(C) guidance, Williams changed his critical element weights to match his predecessor's plan. During the SID interview with Williams, he said he never gave this excuse to Turner. He elaborated that his 2018 plan does not match his predecessor and executives can use half percentage points. (b) (6), (b) (7)(C) said she never discussed weights with Williams.

During the investigation, SID interviewed DOL Inspector General (IG) Scott Dahl, Turner, Williams, (b) (6), (b) (7)(C), to investigate the allegation concerning the reassignment of (b) (6), (b) (7)(C). Interviews of Dahl and Turner corroborated the allegation that Williams falsely attributed to (b) (6), (b) (7)(C) the decision not to reassign (b) (6), (b) (7)(C). Interviews of Williams and (b) (6), (b) (7)(C) contradicted Turner's allegation.

Williams had an opportunity to respond to the draft USPS OIG report of investigation issued to CIGIE on October 18, 2019. On January 6, 2020, CIGIE provided the USPS OIG with Williams' response (Exhibit 22).

III. BACKGROUND / SUBJECT IDENTIFICATION

Williams is a member of the Senior Executive Service (SES). He began working for DOL OIG as the AIG for OMAP in May 2015. From 2011 to 2015, Williams served as the Assistant Administrator for Resource, Technology, and Management at the Department of Energy (DOE). From 2007 to 2011, Williams served as an Associate Director for Management at the Food and Drug Administration (FDA).

(b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) started working for DOL OIG as an SES in March 2016. From approximately 2013 to 2016, he served as a (b) (6), (b) (7)(C). From 2007 to 2013, he served as the (b) (6), (b) (7)(C). He worked for Williams at both (b) (6), (b) (7)(C).

At DOL OIG, SES employees go through a yearly performance plan and review process. The executive and their supervisor, who is the rating official, draft the plan together using the agency's organizational goals. The Office of Personnel Management (OPM) has certain criteria that executive plans must meet. The plans must be result-driven with quality indicators. The first four critical element descriptions are the same for all DOL OIG executives. After the executive and the rating official agree on the plan, it is sent to (b) (6), (b) (7)(C) checks to ensure the plan meets the OPM criteria. She makes no substantive changes to the document. The plan is then signed by the executive and the rating official.

The executive's progress toward the plan's goals are reviewed by the executive and rating official on a quarterly basis. During the second and third quarterly reviews, the executive and rating official sign the plan. At the end of the year, the rating official rates the executive on a scale of one to five, with five being the highest score. The five critical elements (Leading Change, Leading People, Business Acumen, Building Coalitions, and Results Driven) are weighted. The score for each critical element is multiplied by the weight and then totaled. That numerical score will fall into five summary level ranges. The highest rating is Exemplary (EX) and the second highest is Highly Effective (HE).

The rating official will review the rating with the reviewing official. The reviewing official can change the rating. After the rating is finalized between the rating and reviewing official, the rating is then discussed with the executive.

Williams' rating official is Turner, and Williams' reviewing official is Dahl. Williams received an EX rating in 2015, 2016, and 2018; and an HE rating in 2017 (Exhibits 1-4).

(b) (6), (b) (7)(C) rating official is Williams, and (b) (6), (b) (7)(C) reviewing official is Turner. (b) (6), (b) (7)(C) received an EX rating in 2016 and 2018; and an HE rating in 2017 (Exhibits 5-7).

The DOL OIG SES Performance Management System document governs the performance management process for DOL OIG senior executives. This document addresses how critical elements are weighted. It states: "Weights assigned may vary year to year as established by the rating official and approved by the reviewing official." (b) (6), (b) (7)(C) gave training on the SES Performance Management System every year, which includes a description of the approval process for weight changes. Williams, (b) (6), (b) (7)(C) Turner, and Dahl attended this training (Exhibit 8).

Agent note: Performance plans at DOL are completed on a fiscal year (FY) schedule. For example, when referring to the 2018 annual performance plan, this would cover dates from October 1, 2017 to September 30, 2018.

IV. DETAILS

Allegation 1:

Williams abused his authority when he, without authorization, changed the critical element weights in his 2018 annual performance plan to ensure he received the highest rating and corresponding bonus.

Additionally, Williams lacked candor when he told Turner he changed his performance plan to match that of his predecessor and on the advice of a human resources specialist.

Allegation 1 Findings:

In a referral dated January 11, 2019, DOL OIG (b) (6), (b) (7)(C) wrote that during the yearly assessment of Williams' 2018 performance, Turner detected a discrepancy in the critical element weights on Williams' 2018 performance plan. Turner noticed that Williams unilaterally lowered the weights on three critical elements and raised the weight on one critical element without seeking his approval or discussing these changes with him. When Turner signed the performance plan at the beginning of the rating cycle and at the mid-year progress review, he was unaware of the changes.

Williams' Annual Performance Plan and Rating

Critical Element	2015		2016		2017		2018	
	Weights	Rating	Weights	Rating	Weights	Rating	Weights	Rating
Leading Change	10	5	12.5*	5	12.5	4	10*	5
Leading People	15	5	12.5*	4	12.5	4	10*	4
Business Acumen	7.5	5	7.5	5	7.5	5	15*	5
Building Coalitions	7.5	5	7.5	4	7.5	4	5*	4
Results Driven	60	5	60	5	60	5	60	5
Overall Rating	EX		EX		HE		EX	

* Denotes change by Williams from prior year performance plan

By changing his 2018 SES performance plan's critical element weights, Williams increased the likelihood he would achieve the highest overall performance rating, Exemplary (EX). Williams lowered critical element weights for "Leading Change," "Leading People," and "Building Coalitions"- elements where he had received lower ratings in 2017. In 2018, Williams doubled the weight of one critical element, "Business Acumen," where he received the highest rating in 2017.

Williams received the second highest overall performance rating, Highly Effective (HE), on his 2017 performance plan. His 2017 weights were the same as his 2016 performance plan weights. If Williams' 2017 performance plan critical elements were weighted under the 2018 weights he unilaterally established, he would have received an

overall Exemplary performance rating in 2017. This would have made him eligible for an additional \$2,618 in SES bonus funds for his 2017 performance (Exhibit 10).

On July 22, 2019, SID interviewed Turner. Turner said while he was determining Williams' 2018 rating, he reviewed Williams' 2017 rating. At that time, he noticed Williams changed the weights on four of the elements, which is significant because the weights are assigned to the position and not the person. Turner said most executives had the same weights. The weights should not change unless a discussion takes place with both the employee's rating official and reviewing official. Since 2015, Turner did not have any conversations with Williams about changing his weights. Turner said he would not have approved the change because the "Leading People" element is a significant aspect of the position and was an aspect Williams has struggled with (Exhibit 15).

Turner said Williams should be familiar with the DOL OIG Senior Executive Service Performance Management System document, which outlined the process for changing weights, because Williams' office oversees the performance management process. Williams is the subject matter expert on the process and he should not change his element weights, or (b) (6), (b) (7)(C) weights, without first consulting with Turner.

During Turner's SID interview, he discovered that in 2016, the weights on Williams' plan for "Leading Change" increased by 2.5% and "Leading People" decreased by 2.5%. Turner was unaware of these changes and approved no weight changes for Williams. He signed the 2016 plan and rating without realizing the weights were different from the 2015 weights. Turner believed Williams changed the weights because Williams was better at leading change than leading people.

Turner said when he confronted Williams about changing the 2018 element weights, Williams said that (b) (6), (b) (7)(C) told him he could not have half-percentage element weight points and that all weights needed to be a whole number. Therefore, he changed the weights to match those of his predecessor. This did not make sense to Turner because if this was true, all senior executives would have been told to change their weights to whole numbers. Turner spoke to (b) (6), (b) (7)(C) who denied ever speaking to Williams about weights. Turner then had the performance plan of Williams' predecessor pulled and found Williams' plan weights did not match those of his predecessor. After Turner examined Williams' initial excuse and found it was not true, he spoke with Williams again. Williams then said changing the weights was an innocent mistake.

Turner said he did not change Williams' weights back to the original amount because he felt at that point he would give Williams an EX anyways, so it would not have changed

his rating. Turner signed the 2018 performance appraisal and did not lower his rating because he believed it was a conduct issue and not a performance issue.

On July 30, 2019, Turner provided SID with a copy of a Memo of Official Reprimand dated April 28, 2017, that Turner issued to Williams following a previous incident. The memo states that as a member of the Senior Executive Service and the OIG's executive team, Williams had a blatant disregard of the Deputy IG's and the IG's instructions, refused to take responsibility for his actions, and placed blame on subordinate OMAP employees. The memo stated, "This reprimand will be filed in your Official Personnel Folder for a period of time not to exceed two years from the date of issuance." Williams signed the memo as "Receipt Acknowledged" on May 18, 2017 (Exhibit 17).

Turner said the memo and Williams' recent actions demonstrate a pattern of behavior wherein Williams did not take responsibility for his own actions.

On June 20, 2019, SID interviewed (b) (6), (b) (7)(C). During her interview, (b) (6), (b) (7)(C) confirmed that to change the critical element weights, the rating official establishes the new weights and then the reviewing official approves them. (b) (6), (b) (7)(C) said she has given training on the SES Performance Management System every year to the executives which addresses process for changing the weights. (b) (6), (b) (7)(C) confirmed Williams, (b) (6), (b) (7)(C) Turner, and Dahl attended this training (Exhibit 13 and 14).

(b) (6), (b) (7)(C) further said she did not have any discussions with Williams about performance plan weights. (b) (6), (b) (7)(C) said there is no restriction on using half-percentage points to weight critical elements on executive performance plans.

On August 26, 2019, SID reviewed Williams' assigned DOL OIG computer and emails. The review yielded no material that supported or refuted the allegations. The performance plans for Williams and (b) (6), (b) (7)(C) were found. However, the change history on those documents could not be obtained because Williams did not use the laptop until April 2, 2019. There were no emails between Williams and Turner about changing the weights on Williams' or (b) (6), (b) (7)(C) performance plans (Exhibit 19).

On August 28, 2019, SID interviewed Williams. Williams said his supervisor (Turner) signed the plan; in-effect, signing off on the element weights during each phase of the performance process. The performance plan remained the same throughout the year and if his supervisor had any issues with the plan's contents, there were three opportunities to address any issues during the year (Exhibit 20, lines 171-176).

Williams said he proposed the weights and put them in the document. The weights were

part of the document when Turner signed the performance plan. Williams said Turner had access to prior year plans if he wanted to see what had changed. Williams said many of the requirements in the plan carry over from year to year (Exhibit 20, lines 204-205, 207, 256-260).

Williams denied telling Turner that he changed his performance plan to match that of his predecessor based on (b) (6), (b) (7)(C) advice. Williams explained that when he first came onboard, his plan was modeled after his predecessor's, but it has since been revised yearly. It does not make sense to him why he would go back to a plan from four or five years ago (Exhibit 20, lines 461-468, 475-476).

Williams said he did not recall telling Turner that (b) (6), (b) (7)(C) told him executive performance plans could not have half-percentage points because he knew that was not true (Exhibit 20, lines 515-523).

On September 24, 2019, SID interviewed Dahl. Dahl said neither Turner or Williams discussed changing Williams' performance plan weights with him. Dahl said he discussed the overall ratings that Turner gave Williams each year and Dahl concurred with the ratings (Exhibit 21).

Dahl said Turner has a lot of direct reports, so Dahl understood why Turner would have missed Williams' weight changes if Williams did not point out the changes to Turner.

Dahl explained that because Williams changed the element "Business Acumen" to 15% he was gaming the system to get an overall EX rating. "Results Driven" is weighted 60% plus the 15% for "Business Acumen" meant that 75% of Williams' score was in two areas where he historically did well. He could have received a score of HE in the other three categories and still have received an overall EX rating.

Allegation 2:

Williams abused his authority when he, without authorization, changed the critical element weights on (b) (6), (b) (7)(C) 2018 annual performance plan to ensure (b) (6), (b) (7)(C) received the highest rating and corresponding bonus.

Allegation 2 Findings:

On July 22, 2019, SID interviewed Turner. Turner said that in 2017, Turner told Williams to change (b) (6), (b) (7)(C) rating from an EX to an HE on his performance appraisal. Williams

wanted to give him an EX, but when Turner looked across the board at all the SES employees, (b) (6), (b) (7)(C) performed at the HE level (Exhibit 15).

Turner said that in 2018, Williams wanted to give (b) (6), (b) (7)(C) an EX rating on all five elements. Turner was fine with giving (b) (6), (b) (7)(C) an EX overall but thought the total score should be a 475 not a 500. During a meeting where Williams and Turner were discussing (b) (6), (b) (7)(C) rating, Williams changed the ratings on the elements “Leading Change” and “Leading People” from a five to four. During the same meeting, Williams also changed the weights for “Leading People” and “Business Acumen.” Turner did not instruct Williams to change (b) (6), (b) (7)(C) weights, nor did he stop him from changing the weights. Turner believed Williams changed the weights at the meeting to appease him.

Turner said before the weights were changed at the meeting, Williams made weight changes on (b) (6), (b) (7)(C) initial 2018 performance plan. Turner discovered those changes when he realized that Williams had changed his own weights. According to the SES Performance Management System document, weights must be approved by the reviewing official. Turner never had a discussion with Williams or (b) (6), (b) (7)(C) about (b) (6), (b) (7)(C) performance plans weights. Turner said if Williams had asked to lower the weight of the “Leading People” element, he would not have approved the change because leading people is a significant part of the job. Turner said Williams is the subject matter expert on this process and knows better than to change (b) (6), (b) (7)(C) weights without consulting with the reviewing official.

On August 28, 2019, SID interviewed Williams. Williams said he “probably” changed the weights on (b) (6), (b) (7)(C) 2018 performance plan, but he definitely discussed the weights with (b) (6), (b) (7)(C) Williams said he did not recall if he discussed changing (b) (6), (b) (7)(C) weights with Turner. Williams said when the plan is initially established, the reviewing official does not sign the plan; there is no signature block for the reviewing official at that point in the process. Williams said Turner would have received the plan, during which time he could have reviewed it to ensure he agreed with the plan (Exhibit 20, lines 229-230, 292-294, 303-314).

On September 20, 2019, SID interviewed Dahl. Dahl said that in 2018, Williams discussed (b) (6), (b) (7)(C) rating with (b) (6), (b) (7)(C) prior to discussing it with Turner, the reviewing official. Turner disagreed with the numerical rating and it was lowered. Williams then had to go back to (b) (6), (b) (7)(C) and inform him of the changes. Turner said Williams should have known not to discuss a rating with a subordinate before discussing it with the reviewing official (Exhibit 21).

Allegation 3:

Williams lacked candor when, during a discussion regarding the reassignment of (b) (6), (b) (7)(C) he told Turner that (b) (6), (b) (7)(C) did not like (b) (6), (b) (7)(C) and would not want (b) (6), (b) (7)(C) in his section.

Allegation 3 Findings:

On June 17, 2019, SID interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was polite and easy to work with. (b) (6), (b) (7)(C) worked with the IT division to create a well-regarded automated legal service system. (b) (6), (b) (7)(C) supervisor was (b) (6), (b) (7)(C) the Office of Legal Services (OLS) (b) (6), (b) (7)(C) and she always spoke highly of (b) (6), (b) (7)(C) (Exhibit 11).

(b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) had accepted a promotion at a different federal agency. To keep him on board at DOL OIG, there was discussion about (b) (6), (b) (7)(C) transferring to the IT division. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) and Turner asked him about the transfer. (b) (6), (b) (7)(C) said because (b) (6), (b) (7)(C) and Turner supported the transfer and he liked (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) was fine with their decision to transfer (b) (6), (b) (7)(C). However, (b) (6), (b) (7)(C) said he also had a meeting with both (b) (6), (b) (7)(C) and Williams around the same time to discuss (b) (6), (b) (7)(C) transferring to the IT division. During the meeting, they asked him if he could justify a GS-14 level for (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) was resourceful and smart but lacked the technical knowledge and experience to warrant a GS-14 position. They all agreed that it would be best for (b) (6), (b) (7)(C) to transfer to another federal agency for a GS-14 position.

On June 19, 2019, SID interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said that when he announced that he had accepted another government position, Turner asked him to stay with DOL OIG. Turner told (b) (6), (b) (7)(C) he would work under (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) spoke to (b) (6), (b) (7)(C) about the position and (b) (6), (b) (7)(C) said told him he would be qualified. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) also told him that he was very impressed with the system that (b) (6), (b) (7)(C) had created for OLS. (b) (6), (b) (7)(C) was fine going to the IT shop as a GS-13 or a GS-14. (b) (6), (b) (7)(C) had worked on the redesign of the hotline system and was on the board to review different IT proposals. His understanding of the offered IT position was to translate and facilitate needs between the IT and other organization components, which he was qualified to do. Within a few days, both (b) (6), (b) (7)(C) and Turner told him that Williams and (b) (6), (b) (7)(C) did not think he was qualified (Exhibit 12).

On July 22, 2019, SID interviewed Turner. Turner said when (b) (6), (b) (7)(C) worked for OLS he created an IT system that Turner and Dahl were very impressed with. When (b) (6), (b) (7)(C) said that he was transferring to another government agency because OLS was not a good fit, Turner and Dahl came up with an idea to laterally transfer (b) (6), (b) (7)(C) to another GS-13 position in the IT department. This was not a promotion, as (b) (6), (b) (7)(C) had recently been hired as a GS-13. During a bi-weekly meeting, where Dahl, Turner, Williams, and

(b) (6), (b) (7)(C) were present, Turner presented the idea to transfer (b) (6), (b) (7)(C) Williams stated that (b) (6), (b) (7)(C) did not like (b) (6), (b) (7)(C) so this was not a good idea (Exhibit 15).

Turner said a few days later, he stopped by (b) (6), (b) (7)(C) office and asked him about (b) (6), (b) (7)(C) Turner stated that (b) (6), (b) (7)(C) thought it was a good idea and could put (b) (6), (b) (7)(C) under (b) (6), (b) (7)(C) for training. (b) (6), (b) (7)(C) said most of the current IT employees learned on the job and had no formal IT education. Turner said (b) (6), (b) (7)(C) “had a knack for IT” so he thought he would quickly pick up the job and be well-placed as a GS-13. At a subsequent meeting, Turner told Williams that (b) (6), (b) (7)(C) would be happy to have (b) (6), (b) (7)(C) Turner said Williams responded that he did not want (b) (6), (b) (7)(C) Williams did not elaborate further.

On September 20, 2019, SID interviewed Dahl. Dahl said after (b) (6), (b) (7)(C) received an outside job offer, Dahl and Turner discussed moving (b) (6), (b) (7)(C) to the IT division. They hoped to keep (b) (6), (b) (7)(C) at DOL OIG. Dahl thought this was a good fit because (b) (6), (b) (7)(C) had experience working with (b) (6), (b) (7)(C) on an IT project and spoke highly of him. This idea was brought up at a bi-weekly with Dahl, Turner, Williams, and (b) (6), (b) (7)(C) present. Dahl said Williams responded to the idea by saying that (b) (6), (b) (7)(C) does not want to work with (b) (6), (b) (7)(C) because he does not like him.

Dahl said Turner did not think Williams’ comment made sense because when Turner spoke with (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) spoke highly of (b) (6), (b) (7)(C) Dahl said Williams later changed his story and said that he did not like (b) (6), (b) (7)(C) and did not want him working for OMAP. Dahl said he and Turner discussed this incident and they were concerned because Williams blamed his subordinate instead of being truthful and saying he did not want (b) (6), (b) (7)(C) Dahl said this incident continued a pattern of behavior where Williams blamed an employee for his own views or conduct.

Dahl said at their bi-weekly meeting, (b) (6), (b) (7)(C) may have said that he did not think (b) (6), (b) (7)(C) would be a good fit for the IT department, but Dahl recalls him saying this after Williams said (b) (6), (b) (7)(C) does not like (b) (6), (b) (7)(C) Williams said nothing about (b) (6), (b) (7)(C) lack of qualifications to work in the IT department at the bi-weekly meeting. Dahl believes the best judge if (b) (6), (b) (7)(C) had the right experience to work in the IT department would be (b) (6), (b) (7)(C) (Exhibit 21).

On August 8, 2019, SID interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) recalled a discussion about (b) (6), (b) (7)(C) at a regularly scheduled bi-weekly meeting with Dahl. Dahl commented that he was concerned that (b) (6), (b) (7)(C) was acting beyond his authority by telling other staff members to talk to him instead of their supervisor (Exhibit 18).

(b) (6), (b) (7)(C) recalled another discussion, which took place within six weeks of the first conversation, about (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said it was at a regularly scheduled bi-weekly meeting with Turner and Williams. He could not recall if Dahl was present, but (b) (6), (b) (7)(C) said Turner asked if they could find a place for (b) (6), (b) (7)(C) in the IT department. (b) (6), (b) (7)(C) told Turner he was concerned about (b) (6), (b) (7)(C) level of IT experience.

(b) (6), (b) (7)(C) said Williams told Turner there were two GS-14 vacancies in the IT department that needed to be filled. One slot was for a network administrator and the other was for a database manager that could develop applications. Both these vacancies needed a high level of experience. (b) (6), (b) (7)(C) had worked on a "primitive" database in Microsoft Access and could not be used to fill either position. As a paralegal, (b) (6), (b) (7)(C) did not have the necessary IT skills. (b) (6), (b) (7)(C) said he had no extra Full-Time Equivalent positions he could use for (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) did not recall speaking to (b) (6), (b) (7)(C) about (b) (6), (b) (7)(C) transferring to IT. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) is a team player who would have taken (b) (6), (b) (7)(C) if asked. (b) (6), (b) (7)(C) said he previously spoke to (b) (6), (b) (7)(C) about (b) (6), (b) (7)(C) work, but he did not recall (b) (6), (b) (7)(C) opinion of (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) did not recall Williams telling Turner that (b) (6), (b) (7)(C) did not like (b) (6), (b) (7)(C). However, (b) (6), (b) (7)(C) recalled the discussion between Williams and Turner about (b) (6), (b) (7)(C) lack of qualifications.

On August 28, 2019, SID interviewed Williams. Williams said that at the bi-weekly meeting where (b) (6), (b) (7)(C) reassignment was discussed, he was "absolutely clear" that he did not want (b) (6), (b) (7)(C) in the IT division. Williams said he did not have a job available for (b) (6), (b) (7)(C) at the needed grade level. Williams said (b) (6), (b) (7)(C) would be a team player and take (b) (6), (b) (7)(C) but Williams did not want him because of a lack of available positions and (b) (6), (b) (7)(C) past behavior issues. Williams recalled that Dahl reiterated a story during the meeting about how (b) (6), (b) (7)(C) threatened someone's career. Williams denied attributing his feelings about (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) (Exhibit 20, lines 705 - 752).

EXHIBITS

1. Other Document, Williams 2015 final performance rating, December 10, 2015
2. Other Document, Williams 2016 final performance rating, December 8, 2016
3. Other Document, Williams 2017 final performance rating, December 19, 2017
4. Other Document, Williams 2018 final performance rating, December 18, 2018
5. Other Document, (b) (6), (b) (7)(C) 2016 final performance rating, December 8, 2016
6. Other Document, (b) (6), (b) (7)(C) 2017 final performance rating, December 19, 2017
7. Other Document, (b) (6), (b) (7)(C) 2018 final performance rating, December 18, 2018
8. Other Document, Senior Executive Service Performance Management System DOL OIG, June 20, 2019
9. Other Document, Predecessor's Final Performance Rating, November 19, 2014
10. Other Document, CIGIE Case File, June 3, 2019
11. Memorandum of Interview, (b) (6), (b) (7)(C), June 17, 2019
12. Memorandum of Interview, (b) (6), (b) (7)(C), June 19, 2019
13. Memorandum of Interview, (b) (6), (b) (7)(C), June 20, 2019 (Attachments are Exhibits 4, 7, and 8)
14. Memorandum of Activity, Email from (b) (6), (b) (7)(C), June 24, 2019
15. Memorandum of Interview, Larry Turner, July 22, 2019 (Attachments are Exhibits 1, 2, 3, 4, 6, 7, 8, and 9)
16. Memorandum of Activity, Email from (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) regarding 2016 weights, July 29, 2019
17. Memorandum of Activity, Email from Larry Turner regarding a letter of reprimand, August 5, 2019
18. Memorandum of Interview, (b) (6), (b) (7)(C), August 8, 2019 (Attachments include Exhibits 6, 7 and 8)
19. Memorandum of Activity, Review of Thomas Williams computer and emails, August 26, 2019
20. Memorandum of Interview, Thomas Williams, August 28, 2019 (Attachments include Exhibits 1, 2, 3, 4, 5, 6, 7, 8, and 9)
21. Memorandum of Interview, Scott Dahl, September 20, 2019 (Attachments are Exhibits 2, 3,4, and 7)
22. Other Document, Response to Draft IC 19-989 Report of Investigation, January 6, 2020

BROWNELL LANDRIGAN

Sent via Email

(b) (5), (b) (7)(C)

Council of the Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington DC 20006-3900

(b) (5), (b) (7)(C)

Re: Response to Draft IC 19-989 Report of Investigation (Thomas Williams)

Dear (b) (5), (b) (7)(C):

Please accept this correspondence on behalf of our client, Mr. Thomas Williams, as his response to the Draft IC 19-989 Report of Investigation (Draft ROI) that he received on November 6, 2019.

The Draft ROI finds that Mr. Williams “changed” his weights on his 2018 performance plan “without authority.” As demonstrated below, Mr. Williams did not “change” any weights, mislead any official, and or abuse his authority. Each year’s performance plan is distinct and developed under the direction of his supervisor, Larry Turner, who approved all aspects of the plan, including the weights. A more complete and accurate understanding of the events and processes at issue, including reviewing relevant email exchanges, would have clarified the false nature of these allegations.

We are hopeful that our response demonstrates that the Integrity Committee should decline to accept the conclusions of the Draft ROI and find the allegations unsubstantiated.¹ In fact, the ROI raises more questions regarding the actions of other officials than that of Mr. Williams. For example, several statements attributed to Mr. Turner are untrue and/or misleading. Moreover, we question the propriety of permitting Mr. Turner to tarnish Mr. Williams’s reputation by reference to a disciplinary action Mr. Turner did not officially issue to Mr. Williams (preventing Mr. Williams from challenging the false allegation upon which it was based) as well as comment on the details an ongoing investigation regarding Mr. Williams’s subordinate. Such comments are inappropriate in any setting and particularly unwarranted when used as baseless personal attacks on their characters.

Likewise, we are disappointed that such statements apparently led to the Inspector General’s misguided understanding of the events at issue. We are confident, however, that an accurate understanding of these events mitigates any confusion and exonerates Mr. Williams. We ask that CIGIE find the conclusions of the Draft ROI and the underlying allegations to be unsupported and close this matter accordingly.

¹ We note that the Draft ROI found another allegation to be unsubstantiated. We assume this finding to be undisputed and therefore do not address it in this response.

BONNIE J. BROWNELL^{1,2}

CHRISTOPHER R. LANDRIGAN^{3,4}

ADAM D. HIGGS¹

BRANDON R. WRIGHT^{4,5}

BROWNELL LANDRIGAN, PC | 1818 N STREET NW, SUITE 520, WASHINGTON, DC 20036

O: (202) 822-1701 | F: (202) 822-1914 | WWW.BROLANLAW.COM

¹ ADMITTED IN DC | ² ADMITTED IN MD | ³ ADMITTED IN VA | ⁴ ADMITTED IN NC

I. Mr. Williams proposed the details of his FY18 performance plan at Mr. Turner's direction, including the weights, and Mr. Turner approved it as proposed after review and discussion.

Mr. Williams did not "change" his FY18 performance plan. The Draft ROI apparently relied on the mistaken assumption that Mr. Williams uses the same plan every year. He does not. As required by regulation, his supervisor develops and approves a new plan every year. The plan is different from year to year, particularly the "Agency Specific Performance Results" under each critical element. The weights often differ from year to year as well. The weights in Mr. Williams's FY16 plan differed from the weights in Mr. Williams FY15 plan, the weights in his FY18 plan differed from the weights in his FY17 plan, and the weights in his recent FY19 plan differed from the weights in his FY18 plan. Moreover, any assumption that Mr. Williams uses the prior year's plan as a "base" from which only "authorized changes" can be made is false. Expectations and the corresponding projects and priorities differ from year to year.

On October 20, 2017, Mr. Turner sent Mr. Williams a blank performance plan "template" and directed Mr. Williams to propose his FY18 plan.² Given that it is Mr. Turner's responsibility to develop this plan – not Mr. Williams's responsibility – this instruction was a rather "hands-off" approach to management. Mr. Turner did not provide any guidance to Mr. Williams or indication that Mr. Turner believed Mr. Williams would copy the prior year's plan onto this blank form. To the contrary, sending the blank form conveyed the opposite indication – that Mr. Williams should propose the "Agency Specific Performance Results" and corresponding weights to each element that he believed to be appropriate for this particular year without copying the prior year's plan. Otherwise, Mr. Turner would have simply provided Mr. Williams a copy of the prior year's plan with the instruction to notify him of any proposed changes.

Mr. Williams completed his proposed plan accordingly and submitted it to Mr. Turner. The plan differed from the prior year's plan (as it should), and Mr. Williams proposed weights that he believed fairly matched the corresponding priorities. The weights happened to be different from the weights of the prior year, but this difference is irrelevant and is not fairly understood as "changing" any weights. Conveying the notion that weights have "changed" simply because they differ from the prior year is contrary to the entire purpose the performance plan process. Management must develop expectations (and corresponding weights) based on the upcoming FY, not the prior year. Regardless, to be clear, no weights were "established" in FY18 prior to Mr. Williams proposing the weights at issue. Mr. Williams therefore did not "change" any weights when filling out a blank plan at Mr. Turner's direction.

Mr. Turner's allegation that Mr. Williams somehow mislead him in proposing these weights is without merit. After Mr. Williams filled out this blank form at Mr. Turner's direction, they engaged in several discussions regarding the details of the proposed plan. The ROI suggests that the fact that these discussions did not involve the weights supports the notion that Mr. Williams was misleading Mr. Turner. The opposite is true; they demonstrate that Mr. Turner was intimately involved in the development of the details of the plan and knew that the plan differed from the prior year's plan. Mr.

² See Emails from Larry Turner and (b) (5), (b) (7)(C) dated October 20, 2017, enclosed.

Turner stated that he approved the proposed plan with only slight modifications.³ If Mr. Turner honestly held a belief that all the details of the plan would be different from the prior year's plan but somehow the weights would automatically remain the same, this belief would be irrational and irresponsible. Regardless, Mr. Williams did not provide any indication or suggestion throughout this process that he copied the weights from the prior year.

In any event, Mr. Turner issued the performance plans with the weights at issue. If Mr. Turner did not actually review the plan he issued, he would have falsely signed the associated attestation. On May 2, 2018, Mr. Turner went over this plan with Mr. Williams again during his progress review. He again signed the same plan on the same page that displayed the weights on the plan that he issued. On July 30, 2018, Mr. Turner again reviewed the plan during the "Quarter 3 Feedback" and again signed the same page of this plan. Mr. Williams fairly assumed that Mr. Turner was competently reviewing and assessing Mr. Williams on the plan that Mr. Turner had issued rather than operating under an erroneous assumption regarding these weights that Mr. Turner could have only held if he was repeatedly misrepresenting his review of Mr. Williams's performance plan and performance.⁴

Mr. Turner's insinuation that Mr. Williams manipulated the weights to accommodate for areas he has previously struggled (i.e. "Leading People") is likewise false. Mr. Williams's prior performance appraisals demonstrates that he has not struggled in these areas. Rather, in 2017, he received a level 4 rating for Leading People, which is indicative of a high performer, not a struggling one. Regardless, suggesting that Mr. Williams could (and would) anticipate that he would perform better in one area than another area and then embark on a year-long manipulation that depended on Mr. Turner making an erroneous assumption and failing to read the performance plan throughout this entire process (rather than simply discussing such concern with his supervision) is irrational.⁵ Additionally, achieving a certain rating does not automatically entitle Mr. Williams to a bonus (i.e. management retains discretion to award bonuses regardless of his rating, and Mr. Williams plays no role in the bonus decision-making process), further demonstrating the implausibility that Mr. Williams would embark on this alleged scheme. Regardless, Mr. Williams would not take any action to mislead management regarding his performance plan or rating. In sum, Mr. Williams would not, could not, and did not "change" his performance plan, let alone do so in a misleading manner.

Mr. Turner's actions are also inconsistent with his accounting of events in his sworn statement and related supporting documentation, specifically with regards to Mr. Williams's past performance appraisals. For example, Mr. Turner states that Mr. Williams controls the budget and will put other offices' budgets at the bottom of the list or that he will drag his feet on hiring if he does not like that AIG. However, Mr. Turner's statement to the investigators vastly diverges from, and is contradicted by, other documented statements where Mr. Turner has lauded Mr. Williams's budget and HR

³ See Email from Larry Turner dated January 18, 2018, enclosed (emphasis added via highlight).

⁴ The Draft ROI suggests Mr. Turner may not have noticed the weights due to having numerous direct reports. Had the investigators inquired regarding this issue, they would have discovered that Mr. Turner has only five SES-level direct reports, hardly a number so great as to warrant an inability to read their plans. Regardless, Mr. Turner had already demonstrated his attention to several details of the plan, details arguable less significant than the weights of the elements.

⁵ We further note that the proposed and approved element weights for Mr. Williams 2018 performance plan did not result in Mr. Williams receiving a higher performance rating than would have otherwise resulted had the 2017 weights been used. Under either scenario, based on Mr. Turner's scoring, Mr. Williams would receive an Exemplary rating.

acumen.⁶ As another example, Mr. Turner claims he approved Mr. Williams's request to hire an ombudsman when morale in his office did not improve in 2017, and then blames Mr. Williams for incurring substantial expenses. However, as noted in Mr. Turner's comments in Mr. Williams's 2017 performance appraisal, morale was improved.⁷ Further, the "ombudsman" contract, as it is titled by Mr. Turner, was a multi-faceted organizational development initiative.⁸ Contrary to Mr. Turner's statement, this contract was awarded on August 3, 2018, nearly a year after the end of 2017 as claimed by Mr. Turner. Thus, the actual record rebuts Mr. Turner's statements.

Perhaps most inexplicable is Mr. Turner's assertion that he issued Mr. Williams's FY18 rating and awarded Mr. Williams with a cash bonus despite his alleged concern regarding these weights. Had Mr. Turner held any concern regarding these weights, he should have addressed them in a responsible manner. Issuing an award while allegedly having such concern is not a rationale or reasonable action of a Rating Official, and we hope that CIGIE will reject the Draft ROI's implicit adoption of Mr. Turner's alleged reasoning. Regardless, contrary to Mr. Turner's statement, he did not have a discussion with Mr. Williams regarding these weights after issuing Mr. Williams his rating, and Mr. Williams did not advise Mr. Turner that he changed them to avoid having fractional weights. Mr. Williams had fractional weights in FY15, FY16, and FY17 – he would not and did not indicate that each of these years were inappropriately weighted. In any event, Mr. Turner should have addressed and corrected any issue with the weights prior to issuing the rating and obtaining Mr. Dahl's approval of the rating. Mr. Turner's assertion that he held a concern regarding these weights prior to issuing the rating and awarding Mr. Williams a bonus should have raised more questions regarding Mr. Turner's actions than Mr. Williams's conduct.

In sum, the allegation that Mr. Williams misled Mr. Turner by "changing" these weights is false for several independent reasons. He did not "change" the weights, did not issue the plan, had every reason to believe Mr. Turner had competently reviewed and approved these weights, had every reason to believe that Mr. Turner was reviewing such weights at each stage of the FY18 performance review process, and would not have engaged in such an irrational conspiracy in the first place.

II. Mr. Williams changed a subordinate's performance rating weights based on direction from Mr. Turner.

Mr. Turner's allegation that Mr. Williams's changed the performance rating weights of his subordinate employee ("Subordinate") without authorization is likewise false. The allegation that Mr. Williams "changed" these weights at the beginning of FY18 pursuant to some scheme to ensure a higher rating is unsupported. Mr. Williams did not change Subordinate's element weights to ensure that he would receive a higher bonus. He exercised sound and honest judgment when weighing the elements of Subordinate's performance plan according to the priorities outlined in the plan and when rating Subordinate's performance.

At the beginning of FY18, Mr. Williams developed a performance plan for Subordinate. He based the weights on the priorities of the plan goals. He did not "change" any weights or embark on a

⁶ See Turner's performance appraisal comments on Mr. Williams's performance reviews for years 2015- 2019.

⁷ See Turner's performance appraisal comments on Mr. Williams's performance reviews for years 2017-2018.

⁸ The contract is available for examination in the DOL OIG as necessary.

scheme to justify a higher rating for Subordinate than Subordinate's performance merited. Any suggestion that Mr. Williams would have done so is irrational – had he wanted to rate Subordinate's performance higher than it deserved, he would simply have rated it so without regard to the weights. He was the Rating Official – no need existed to mislead himself. Regardless, Mr. Williams would not have done so. Additionally, as is the case for himself, Mr. Williams had no control over any bonus that Subordinate would receive regardless of Subordinate's rating. Mr. Williams does not control the bonus amounts and he is not involved in recommending bonuses or in deciding bonuses.

At the end of FY18, Mr. Williams proposed rating Subordinate as exemplary on all five elements, resulting in a total score of 500. Mr. Williams received an email from Mr. Turner to discuss the suggested rating. During the meeting with Mr. Turner, Mr. Turner advised Mr. Williams that he believed Subordinate should receive a score of 475, a statement Mr. Turner admits having made. Mr. Turner did not provide any explanation as to how he arrived at that conclusion but instead merely instructed Mr. Williams to change the proposed rating to achieve that result. At the meeting, in the presence of Mr. Turner, Mr. Williams adjusted the scores on two elements from a 5 to a 4 and the weights on two elements on Subordinate's performance plan. Mr. Turner signed the revised rating, with the changes that he directed, indicating his approval.

The investigators conclusion that "Mr. Williams did not inform Turner...of these changes" is false. Mr. Williams changed the ratings during the meeting right in front of Mr. Turner. Mr. Turner signed the document on the page that had a prominent, unambiguous alteration of the weights to meet the specified score Mr. Turner directed Mr. Williams to achieve. If Mr. Turner desired Mr. Williams to change the rating in some other method to reduce the score, Mr. Turner should have so specified and certainly should not have issued the rating as altered. Moreover, if such alteration constitutes inappropriate "manipulation," Mr. Turner's instruction to change the score without any explanation as to which elements had been inappropriately rated in the proposed rating would constitute far worse manipulation. In any event, any allegation that Mr. Williams implemented Mr. Turner's instruction in anything but a transparent and straightforward manner is false.⁹

III. CIGIE should reject Mr. Turner's attempts to tarnish the characters of Mr. Williams and Subordinate through false allegations and citation to an unofficial reprimand and ongoing investigation.

As an ancillary matter, we ask CIGIE to reject Mr. Turner's comments regarding a Letter of Reprimand that he did not officially issue to Mr. Williams and an open investigation regarding an allegation against Subordinate. In Mr. Turner's statement, he incorrectly informed the investigator that Mr. Williams received a Letter of Reprimand and that it was placed in Mr. Williams personnel file for a period of one year. This statement is false. Mr. Williams is aware that Mr. Turner had intended, at one point, to issue Mr. Williams a Letter of Reprimand. However, after Mr. Williams advised Mr. Turner of the baseless nature of the underlying allegation, Mr. Turner decided against officially issuing it. Had Mr. Turner issued it, Mr. Williams would have submitted a grievance that demonstrated the allegation to be false. It is shocking that Mr. Turner would decline to issue the Letter of Reprimand but nevertheless cite this unissued reprimand in his statement, and apparently provide a copy of it to

⁹ We further note that Mr. Williams transparently explained his alteration of the weights to Subordinate – nothing about this process was secretive or manipulative in any way.

investigators. We request CIGIE to rescind any reference to this reprimand and counsel all officials involved that any reliance and/or further distribution of an unissued, unofficial reprimand is inappropriate.

Likewise, Mr. Turner claims that Subordinate was internally investigated for lack of candor and that he was issued a suspension. Mr. Turner's statement appears designed to mislead the investigators to believe that the suspension resulted from the investigation. Contrary to this implication, Subordinate was not initially internally investigated for lack of candor and then issued a suspension based on this allegation. Rather, in June 2017, Mr. Turner accused Subordinate of a lack of candor in a suspension memo that he issued to Subordinate. That suspension was withdrawn as an illegal action. It was only then that the Office of Inspector General initiated an investigation for which no conclusion has been reached. Not only was Mr. Turner's statement inaccurate and prejudicial, it is concerning that he divulged to the investigators the existence and details of an internal investigation, and stated that he disclosed it to demonstrate past integrity issues with respect to Subordinate, when that investigation has borne no results to substantiate any allegation of past integrity issues.

IV. Conclusion

We are hopeful that you will agree our response demonstrates that adopting and issuing the draft ROI is unwarranted. The record not only lacks preponderant evidence to support these allegations, it affirmatively demonstrates that they are erroneous.¹⁰

Mr. Williams has maintained a good relationship with management, earning yet another stellar rating in FY19. Whatever (erroneous) concerns management held regarding his actions have long passed, and we are confident that all individuals look forward to moving beyond this matter without further action.

Thank you for your consideration. Please do not hesitate to contact us if you believe any further information would be helpful in making your decision.

Sincerely,

(b) (6)

Bonnie J. Brownell

(b) (6)

Christopher R. Landrigan

(b) (6)

Kathleen M. Left

Enclosure

¹⁰ To the extent the Integrity Committee provides material to the DOL OIG regarding this matter, we request the Committee include a copy of this response with such material.

-----Original Message-----

From: (b) (6), (b) (7)(C) >

Sent: Friday, October 20, 2017 9:11 AM

To: IG Executive Staff (b) (6), (b) (7)(C) >

Cc: (b) (6), (b) (7)(C)

Subject: FY18 SES Performance Plans

Good morning,

I have included the performance plan template referenced in Mr. Turner's email.

-----Original Message-----

From: Turner, Larry - OIG

Sent: Friday, October 20, 2017 8:53 AM

To: IG Executive Staff (b) (6), (b) (7)(C) >

Cc: (b) (6), (b) (7)(C)

Subject: Fwd: FY18 SES Performance Plans

>

>

> Executive staff,

>

> A key part of SES certification is ensuring that our FY18 performance plans comply with OPM's requirement that results are linked directly to organizational goals and that they are measurable and contain indicators of quality.

>

> To assist with achieving this requirement, all executives MUST complete OPM's HR University course entitled Linking and Developing Measurable SES Results-Focused Performance Requirements using the following link: http://www.hru.gov/Course_Catalog.aspx?cid=178 Please notify (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) by October 24 that you have completed this course. I am also attaching information provided by DHRM which will help you with the Results Driven Critical Element.

>

> Attached for your use in completing your FY18 performance plan is the OIG SES Performance Plan template. Draft FY18 plans are due to (b) (6), (b) (7)(C) of DHRM for review by November 1st . The Results Driven element must be marked as follows: the result should be bolded; the quality indicator should be underlined; and all other measures should be encased in brackets [].

>

> Once DHRM has completed their review of the proposed plans the rating official will be notified and the performance plans can be finalized. If you need any assistance please contact (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C).

>

Ldt

>

>

>

Department of Labor – Office of Inspector General

SES Performance Management System

Executive Performance Plan

Appraisal Cycle [October 1– September 30]



Part 1. Consultation *I have reviewed this plan and have been consulted on its development.*

Executive's Name (Last, First, MI):	Appraisal Period: _____ to _____
Executive's Signature:	Date:
Title:	Organization:
Rating Official's Name (Last, First, MI):	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature:	Date:

Part 2. Progress Review

Quarter 2 Feedback	
Executive's Signature:	Date:
Rating Official's Signature:	Date:
Reviewing Official's Signature (Optional):	Date:
Quarter 3 Feedback	
Executive's Signature:	Date:
Rating Official's Signature:	Date:
Reviewing Official's Signature (Optional):	Date:

Part 3. Summary Rating

Initial Summary Rating	<input type="checkbox"/> Exemplary (EX) Level 5	<input type="checkbox"/> Highly Effective (HE) Level 4	<input type="checkbox"/> Effective (EFF) Level 3	<input type="checkbox"/> Minimally Satisfactory (MS) Level 2	<input type="checkbox"/> Unsatisfactory (US) Level 1
Rating Official's Name (Last, First, MI):	Rating Official's Signature:		Date:		
Executive's Signature:	Date:		Date:		
Reviewing Official's Signature (Optional):	Date:		Date:		

Higher Level Review (if applicable)

<input type="checkbox"/> I request a higher-level review.	Executive's Initials: _____	Date: _____
Higher Level Review Completed <input type="checkbox"/>	Date: _____	
Higher Level Reviewer Signature: _____		

Performance Review Board Recommendation	<input type="checkbox"/> EX	<input type="checkbox"/> HE	<input type="checkbox"/> EFF	<input type="checkbox"/> MS	<input type="checkbox"/> US
PRB Chair Signature: _____	Date: _____				
Annual Summary Rating	<input type="checkbox"/> EX	<input type="checkbox"/> HE	<input type="checkbox"/> EFF	<input type="checkbox"/> MS	<input type="checkbox"/> US
Appointing Authority Signature: _____	Date: _____				

Part 4. Derivation Formula and Calculation of Annual Summary Rating

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change						475-500 = EX 400-474 = HE 300-399 = EFF 200-299 = MS Any CE rated Level 1 = US
2. Leading People						
3. Business Acumen						
4. Building Coalitions						
5. Results Driven						
Total			100			

Part 5. Performance Standards and Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- **Exemplary (EX) - Level 5:** The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or Government wide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- **Highly Effective (HE) - Level 4:** The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- **Effective (EFF) - Level 3:** The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and sometimes exceeds challenging performance expectations established for the position.
- **Minimally Satisfactory (MS) - Level 2:** The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- **Unsatisfactory (US) - Level 1:** In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive routinely does not meet established performance expectations/timelines/targets and fails to produce – or produces unacceptable – work products, services, or outcomes.

Element Rating Level Points

EX = 5 points
 HE = 4 points
 EFF = 3 points
 MS = 2 points
 US = 0 points

Executive Name:

Appraisal Period:

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight			
Mandatory Performance Requirement: Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.					
Agency-Specific Performance Requirements					
Rating Official Narrative: <i>(Optional)</i>					
Critical Element Rating – Leading Change	<input type="checkbox"/> EX	<input type="checkbox"/> HE	<input type="checkbox"/> EFF	<input type="checkbox"/> MS	<input type="checkbox"/> US

Executive Name:

Appraisal Period:

Critical Element 2. Leading People	(Minimum weight 5 points)	Weight			
Mandatory Performance Requirement: Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.					
Agency-Specific Performance Requirements					
Rating Official Narrative: <i>(Optional)</i>					
Critical Element Rating – Leading People	<input type="checkbox"/> EX	<input type="checkbox"/> HE	<input type="checkbox"/> EFF	<input type="checkbox"/> MS	<input type="checkbox"/> US

Executive Name:

Appraisal Period:

Critical Element 3. Business Acumen	(Minimum weight 5 points)	Weight			
Mandatory Performance Requirement: Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision-making. Executes the operating budget; prepares budget requests with justifications; and manages resources.					
Agency-Specific Performance Requirements					
Rating Official Narrative: <i>(Optional)</i>					
Critical Element Rating – Business Acumen	<input type="checkbox"/> EX	<input type="checkbox"/> HE	<input type="checkbox"/> EFF	<input type="checkbox"/> MS	<input type="checkbox"/> US

Executive Name:

Appraisal Period:

Critical Element 4. Building Coalitions	(Minimum weight 5 points)	Weight
Mandatory Performance Requirement: Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.		
Agency-Specific Performance Requirements		
Rating Official Narrative: <i>(Optional)</i>		
<i>Critical Element Rating – Building Coalitions</i>	<input type="checkbox"/> EX	<input type="checkbox"/> HE
	<input type="checkbox"/> EFF	<input type="checkbox"/> MS
		<input type="checkbox"/> US

Executive Name:

Appraisal Period:

Critical Element 5. Results Driven	(Minimum Weight 20 points)	Weight		
<p>Agency Goals/Objectives</p> <p>In this section, the rating official must provide three to five results-specific Organizational Performance Elements, complete with standards, which demonstrate direct linkage with the agency’s operating plan for each performance result specified.</p> <p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the <u>performance requirements must contain measurable results and their quality indicators describing the range of performance at Effective for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate.</u> It is recommended to also establish the threshold quality indicators and measures for Exemplary and Minimally Satisfactory. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p> <p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives <u>with cited page numbers</u> from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p> <p>Note: Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>				
Performance Requirement 1:	Strategic Alignment:			
<input type="checkbox"/> EX	<input type="checkbox"/> HE	<input type="checkbox"/> EFF	<input type="checkbox"/> MS	<input type="checkbox"/> US

Executive Name:

Appraisal Period:

Performance Requirement 2:

Strategic Alignment:

EX

HE

EFF

MS

US

Performance Requirement 3:

Strategic Alignment:

EX

HE

EFF

MS

US

Executive Name:

Appraisal Period:

Performance Requirement 4:

Strategic Alignment:

EX

HE

EFF

MS

US

Performance Requirement 5:

Strategic Alignment:

EX

HE

EFF

MS

US

Rating Official Narrative: *(Optional)*

Executive Name:

Appraisal Period:

Determine the Critical Element Rating for the Results Driven element by using the following criteria:

Summary Rating	Requirement
Exemplary	Rated EX for all performance requirements
Highly Effective	Rated EX or HE for the majority of performance requirements with none less than EFF for the other performance requirements
Effective	Rated at least EFF for all performance requirements but does not meet the criteria for HE
Minimum Satisfactory	Rated MS for one or more performance requirements
Unsatisfactory	Rated US for one or more performance requirements

Critical Element Rating – Results Driven

<input type="checkbox"/> EX	<input type="checkbox"/> HE	<input type="checkbox"/> EFF	<input type="checkbox"/> MS	<input type="checkbox"/> US
-----------------------------	-----------------------------	------------------------------	-----------------------------	-----------------------------

Part 6: Summary Rating Narrative (Mandatory)

Part 7: Executive's Accomplishment Narrative (Optional)

Part 8: Agency Use



Measurable Results

What is a Measurable Result?

Measurable results are results, whether communicated as outcomes or outputs, as appropriate, that are measurable in terms of the quality, quantity, timeliness, and/or cost effectiveness of the result. Measures should be verifiable and observable. Results should be achievable in a given appraisal cycle



Results

- **Outcomes** are another type of result. They are generated by the creation, use, or implementation of output products or services
 - Can be short-term, long-term or intermediate
 - Tangible or intangible
 - Generally more difficult to measure
 - Likely to be more visible outside the agency than within it
 - Examples:
 - Increased community involvement
 - Improved communication within the organization



Results

- **Outputs** are a type of result. They are the direct products (i.e., goods or services) generated by activities
 - **Describe what you are looking for**
 - Generally described as nouns
 - Results that individuals have significant control over accomplishing
 - Typically more visible within the agency than outside it
 - Often feed into outcomes
 - Generally easier to measure
 - Tangible
 - Examples include the following:
 - Report
 - Guidance
 - New training program
 - Revised hiring process



Indicators and Measures

- Performance requirements/objectives must be measurable, meaning they must contain metrics
- Metrics must:
 - Emphasize results, not activities
 - Provide accountability
 - Encourage better performance
- Four types of metrics:
 - **Quality Indicators (required)**
 - Quantity measures (as appropriate)
 - Timeliness measure (as appropriate)
 - Cost-effectiveness measures (as appropriate)



Quality Indicators

- **Quality Indicators (Required)** address how well work is performed. May include indicators of—
 - **Conformance to Standards/Accuracy** - The degree to which the product meets relevant standards and is free of errors
 - **Durability** - The dependability or life-expectancy of the product
 - **Appearance/Aesthetics** - The degree to which the physical characteristics or layout of the product is appealing to the customer/stakeholder
 - **Distinctiveness** - The degree to which the product is unique from other similar products
 - **Usefulness** - The degree to which the product meets the needs of the customer/stakeholder
 - **Reliability** - Consistency of performance and dependability
 - **Tangibles** - Physical evidence of the service (e.g., cleanliness of physical facilities, receipts or statements)
 - **Satisfaction** - Employee or customer/stakeholder satisfaction



Quality Indicators

- **Examples of Quality Indicators:**
 - 95-97% accuracy rate in case completion
 - 87% customer satisfaction achieved
 - Follow consistent analytical approaches
 - Reach compatible outcomes
 - Obtain approval from the Office of the Director
 - In accordance with agency policy
 - In compliance with established procedures
 - Based on all source information
 - Follow the required process, as indicated in XYZ policy
 - Requires less than two revisions
 - Approved by Higher-level official
 - Published or Accepted by Executive Director
 - Legally-sound
 - Accepted by specific community
 - Resolved in accordance with case procedures, as outlined in XYZ document



Quality Indicators

- Generic measures that denote quality, **but do not – by themselves** – meet the intent of including quality indicators as part of measurable results
 - Efficient
 - Solid
 - Sound
 - Effective
 - Successful
 - Closed
 - Accurate
- A description of what quality looks like must accompany the words above



Quantity Measures

- **Quantity (Optional)**

- Number of products or services provided, a production quota to be met, or percent to be achieved
- **Use ranges**, where applicable, that do not overlap
- Examples:
 - Backlog reduced by 50-55%
 - An average increase of 100-105 cases per month over the year
 - A 60-75% increase in stakeholder use
 - The percentage of lead in the water is reduced by 10-15%
 - 88-90% of partners are satisfied



Timeliness Measures

- **Timeliness**

- Timeframe or deadline for the result
- The end of the appraisal cycle (e.g., September 30) is not a measure of timeliness
- Use ranges, where applicable, that do not overlap (e.g., 3-5 days)
- Examples:
 - Result achieved by June 1
 - Project meets quarterly milestones
 - Complete within agency-established timeframe
 - Published within 2-3 weeks of approval



Cost-effectiveness Measures

- **Cost-Effectiveness**
 - How much savings or cost controls
 - Important for Government accountability
 - Use ranges, where applicable, that do not overlap
 - Examples:
 - Reduced expenses by 1-3%, maintaining quality
 - Reduced waste by at least 5%, maintaining quality
 - Completed project within 95-100% of budget



Activities

- Activities are **not** results. They are actions/steps taken or processes used/taken to produce results. Examples include the following:
 - Collaborate with other departments/organizations
 - Direct staff to hire an expert
 - Inform staff at all locations of training requirements
 - Encourage completion of the Federal Employee Viewpoint Survey
 - Attend a meeting
 - Provide support of newly-developed audit feature
 - Facilitate working group
 - Develop partnerships



Alignment to Strategic Goals

Agency Strategic Goal:

Reduce energy consumption by 12% in the next five years



Annual Performance Goal

Reduce energy consumption by 3% in the year



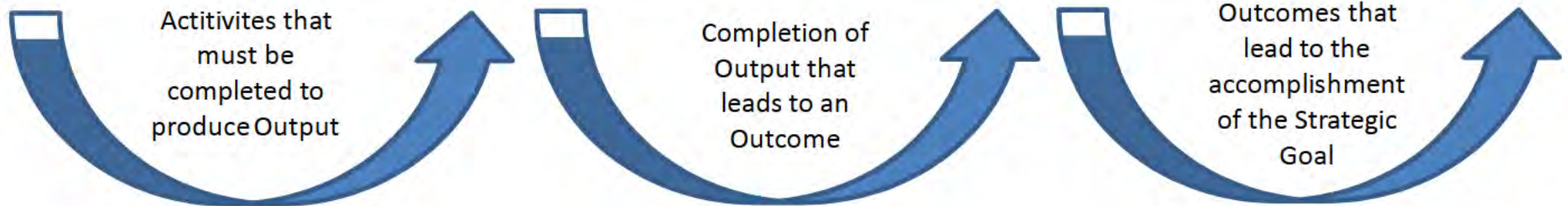
Performance Requirement:

Energy consumption at each regional office and headquarters will decrease between 10-15% in accordance with procedures for decreasing regional energy consumption outlined in the agency report for reducing energy consumption.



Measurable Results

Activities	Outputs	Outcomes	Strategic Goal
Attend meetings Write recommendations report Collaborate with other divisions	Report of areas where reduction of energy is suggested	Increase usage of alternative/green energy sources	Reduce Energy Consumption by 12% in the next five years





Exercise: Activities

Identify whether the statements below contain measurable activities or measurable results:

- Hold at least one staff meeting per month to communicate the Secretary's initiatives **Activity**
- Participate in at least five conference calls and an internet conference to collaborate with District Office personnel representing 56% of the region in compliance with goal setting strategy **Activity**
- Attend two conferences on leadership development as designated by EDP **Activity**
- Improve the protection of the park services so that 57% of archaeological sites listed in the database are in good condition.



Exercise 1 – Identify Results and Measures

1. Identify, research, evaluate, and produce two finished reports based on all source information. The reports are aligned to the overall strategic goals laid out in the agency mission and follow the required form. The products (reports) should require minimal revisions to conform to agency analytical standards.
2. Complete and publish for agency head comment 2-3 oversight reviews of senior official investigative reports and Hotline complaints in compliance with established timeframe.
 - Level 2: 1 reviews
 - Level 4: 4-5 reviews
3. Implement internal employee outreach plan for all agency employees in GS 12-14 positions to communicate operational priorities, and strengthen focus on organizational and individual performance management. Plan must be implemented by the end of Q3 with feedback compiled by June 1, and must be implemented in accordance with guidelines established by OGC and agreed upon by OD.
4. Award Title II/Title XVI grants following proper grant standards and procedures.
 - Level 5 = 100% of all grants have zero gaps in coverages
 - Level 3 = 90-95% of all grants have zero gaps in coverages
 - Level 2 = 80-89% of all grants have zero gaps in coverages
5. The Cyber Security Program Plan Business Case will be completed within planned cost and approved by the Chief Information Officer by July 2015.

LEGEND:

XXX: Quality Indicator

XXX: Measure of Timeliness, Cost-effectiveness or Quantity

XXX: Result

Williams, Thomas - OIG

From: Turner, Larry - OIG
Sent: Thursday, January 18, 2018 9:45 AM
To: Williams, Thomas - OIG
Subject: Performance Plan


Thom,

After reviewing your performance plan there were two items that new to be adjusted in Results Driven. First, as previously discussed, I expect the Mentor Program to be restarted NLT June 30 vice the Sep 30 date you propose. Second, you need to add the New Employee Orientation Program with a restart date on NLT June 30 as well. Other than those changes, I am okay with the rest of the plan.

Larry

Larry D. Turner
Deputy Inspector General
Office of the Inspector General
Department of Labor

(b) (6), (b) (7)(C)



"It's a great day to be an IG"

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Subject: {EXTERNAL} IC 989 - Resolution
Date: Thursday, September 9, 2021 12:12:35 PM

This email originated from outside of CIGIE. Do not click links or open attachments unless you recognize the sender and know the content is safe.

DOL-OIG completed its review and actions in this matter. As a non-disciplinary measure, the subject was reassigned from his prior position, AIG-Management and Policy, to a more confined role as the DOL-OIG's Chief Technology Officer.

The subject also received a 15-day suspension in an unmitigated disciplinary action. Let me know if you require any additional information.

Take care,

(b) (6), (b) (7)(C)

TELEWORK CONTACT INFORMATION:

(b) (6), (b) (7)(C)

OFFICE OF INSPECTOR GENERAL

(b) (6), (b) (7)(C)

Notice: **ATTORNEY WORK PRODUCT:** The contents of this message and any attachments may be privileged and confidential. **Do not disseminate without the approval of the Office of Legal Services.** If you are not an intended recipient, or have received this message in error, please delete it without reading it and please do not print, copy, forward, disseminate, or otherwise use the information. Also, please notify the sender that you have received this communication in error. Your receipt of this message is not intended to waive any applicable privilege.