

Department of Veterans Affairs Office of Inspector General

Administrative Investigation Prohibited Personnel Practices, Gifts from Prohibited Sources, Lack of Candor, and Misuse of Time and Resources VHA Workforce Management and Consulting Office

Redacted



DEPARTMENT OF VETERANS AFFAIRS Office of Inspector General Washington, DC 20420

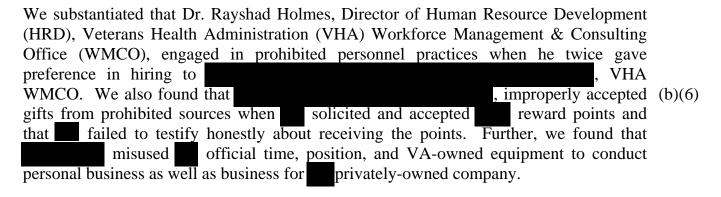
TO: Chief Officer Workforce Management & Consulting Office

SUBJECT: Administrative Investigation – Prohibited Personnel Practices, Gifts

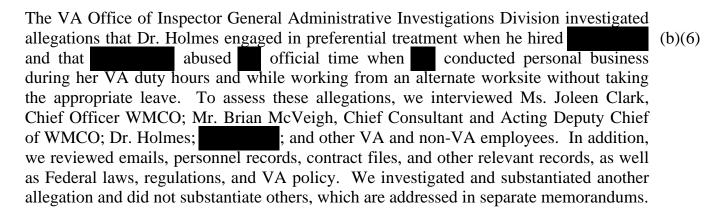
from Prohibited Sources, Lack of Candor, and Misuse of Time and Resources, VHA Workforce Management and Consulting Office,

VA Central Office (2009-3058-IQ-0121)

Summary



Introduction

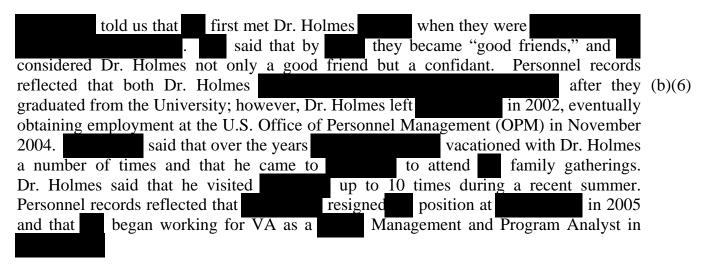


Results

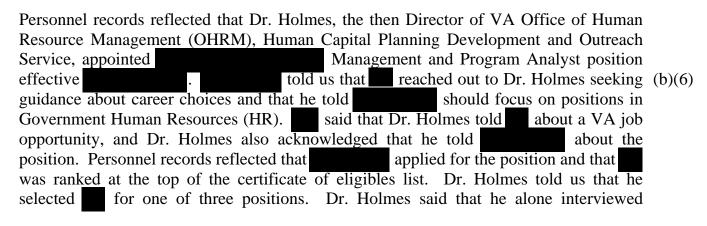
Issue 1: Whether Dr. Holmes Engaged in Prohibited Personnel Practices

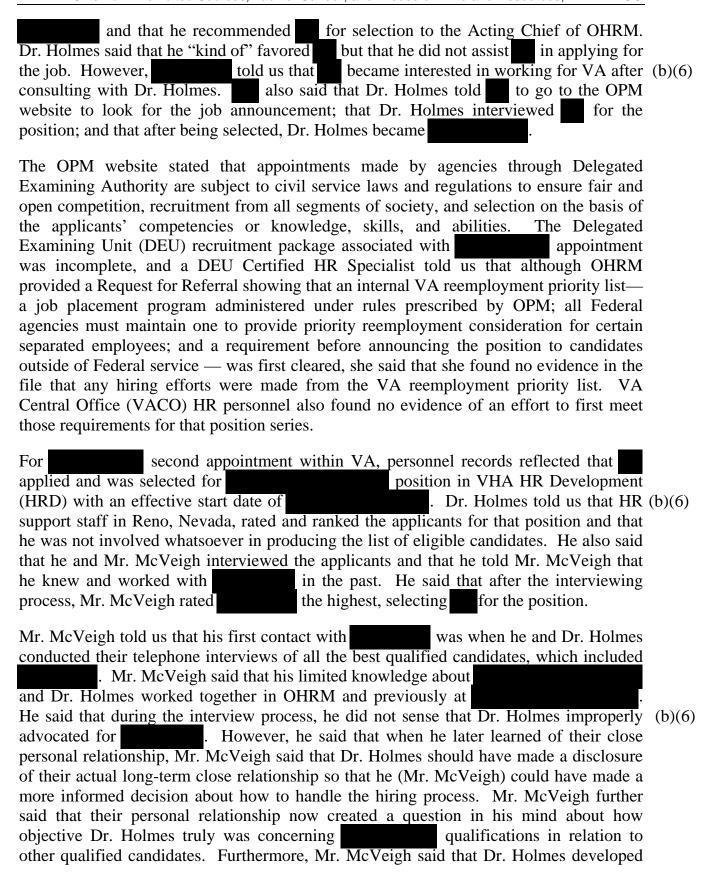
Federal law states that recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a workforce from all segments of society, and that selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity. 5 USC § 2301(b). The law further states that any employee who has the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment for the purpose of improving or injuring the prospects of any particular person for employment. 5 USC § 2302(b). Standards of Ethical Conduct for Employees of the Executive Branch state that employees shall act impartially and not give preferential treatment to any individual. 5 CFR § 2635.101(b).

Background



Preference in Hiring





the interview questions, which gave him the opportunity to tailor them to a favored candidate; no technical HR questions were asked in the interview; and was (b)(6) the only candidate without technical HR experience. He further said that Dr. Holmes should have recused himself from the hiring process in this instance.

An HR Specialist who was one of the rating and ranking panel members for this position told us that Dr. Holmes told her that was someone he was interested (b)(6) in." She said that Dr. Holmes tried to involve the panel members in a discussion about the scoring differences of the candidates but that she rebuffed his offer, reminding him

that he was the selecting official. She also said that she did not believe Dr. Holmes should have had any discussion about how the panel rated and ranked the candidates, and

it was her opinion that if he could not be objective, he should have recused himself.

Another rating and ranking panel member told us that she noted concerns with application, discussed them in depth with the other panel member, and sent her concerns forward to the selecting officials. She said that she was concerned that had only 6 months with VA, the only agency that handled title 38 employees; lack of experience placed at a disadvantage; a gap in that (b)(6)employment history could be an indicator of past problems; and that it was a conflict of interest for to list Dr. Holmes as a reference on resume, since he was in the position. She also recalled that another panel going to possibly be member said that it did not matter how they scored the applicants, as "Rayshad's going to pick who he wants anyway—that's what I heard." The panel member told us that she did was the most qualified for the position and that Dr. Holmes not believe that should have recused himself from the hiring process related to

Conclusion

We concluded that Dr. Holmes first engaged in a prohibited personnel practice when, as a and then long-term close personal friend, conducted a solo interview of for a position in which he would supervise . He again engaged in a prohibited personnel practice when he contacted panel members responsible for rating and ranking application for a second VA position as a subordinate to him, (b)(6) expressing to them his interest in and wanting to discuss with panel members their scoring of the candidates. He also failed to make full disclosure to Mr. McVeigh, who was involved in interviewing applicants, of his close relationship with In addition, Dr. Holmes developed the interview questions for the HR Specialist position; he did not include any technical HR questions as did not have sufficient selection. Mr. McVeigh and the technical HR experience; and he was instrumental in HR Specialists involved in appointment all told us that Dr. Holmes should have recused himself from this process, due to his close personal relationship with

Recommendation 1. We recommend that the Chief Officer Workforce Management and Consulting Office take appropriate administrative action against Dr. Rayshad Holmes for engaging in prohibited personnel practices.

Recommendation 2. We recommend that the Chief Officer Workforce Management and Consulting Office confer with the Office of Human Resources to determine the (b)(6) appropriate corrective action concerning VA appointments.

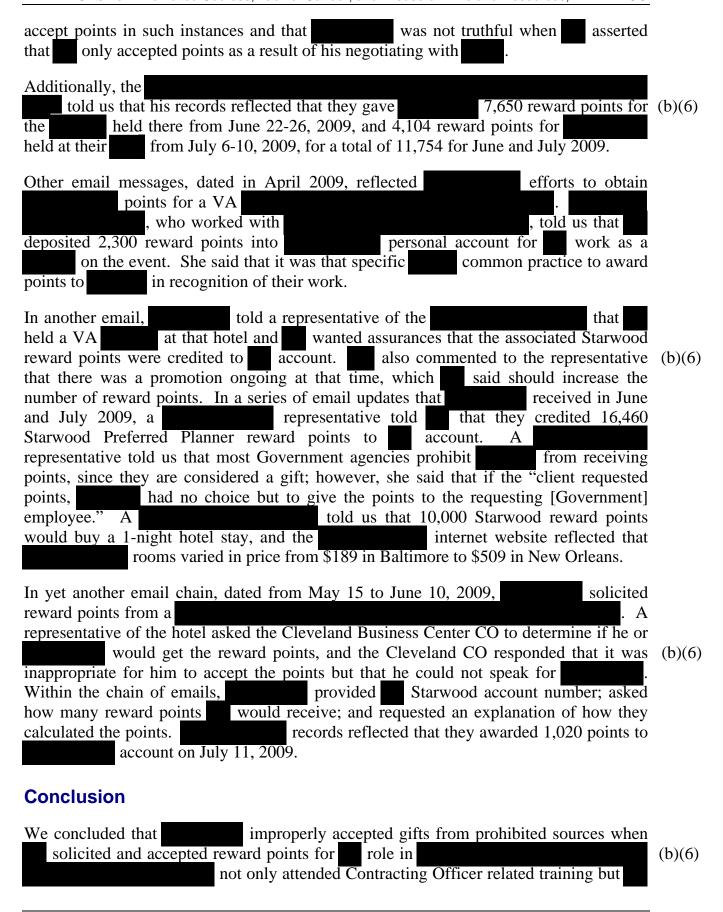
Issue 2: Whether Accepted Gifts from Prohibited Sources

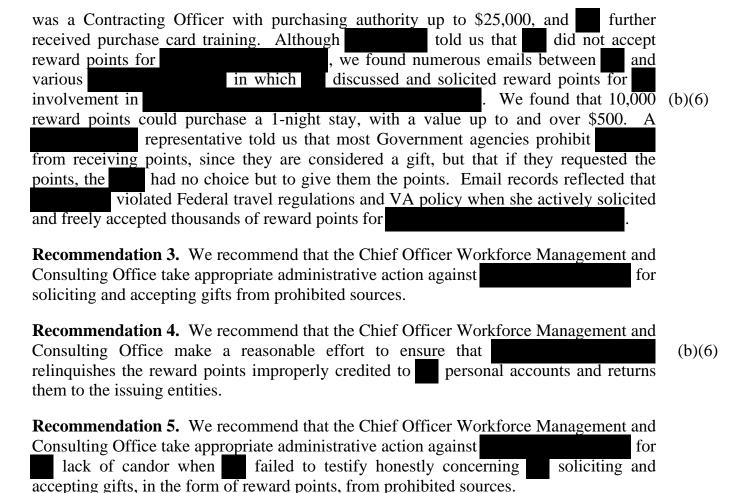
Standards of Ethical Conduct for Employees of the Executive Branch state that an employee shall not, directly or indirectly, solicit or accept a gift from a prohibited source.

5 CFR § 2635.202. Federal travel regulations state that promotional benefits or materials received from a in connection with are considered property of the Government and that the is prohibited from retaining for personal use any promotional benefits (b)(6) or materials as a result of VA policy states that the Standards of Conduct apply to purchase card holders and that employees may not solicit or accept any gratuity, gift, favor, entertainment, loan, or anything of monetary value from any party doing business with or seeking to obtain business with VA. VA Handbook 4080, Paragraph 2(d) (December 29, 2008).

Ms. Clark and Mr. McVeigh told us that Dr. Holmes assigned received Contracting Officers Technical Representative (COTR) training. Personnel records reflected that on was appointed as a Contracting Officer (CO) with a \$25,000 limitation, and told said that while acting in (b)(6) us that also completed purchase card training. was never offered membership reward "points" for official capacity, said that although accepted points from meetings planned by the Cleveland Business Center CO, said that never accepted points for the events Federal regulations state that employees will furnish information and testify freely and honestly in cases respecting employment and that concealment of material facts or willfully inaccurate testimony in connection with an investigation may be ground for disciplinary action. 38 CFR § 0.735-12.

In a June 10, 2009, email chain between and a representative of the they discussed and the representative acknowledged status, telling that account. In another email, dated July 1, 2009, the (b)(6) could apply points to representative confirmed the addition of 32,400 reward points into account of the "Department of Veterans Affairs The Cleveland Business Center CO told us that he did not negotiate or accept points in the letter of intent that he signed with the and that acceptance of any points was done without his knowledge. He also said that he knew that it was improper to



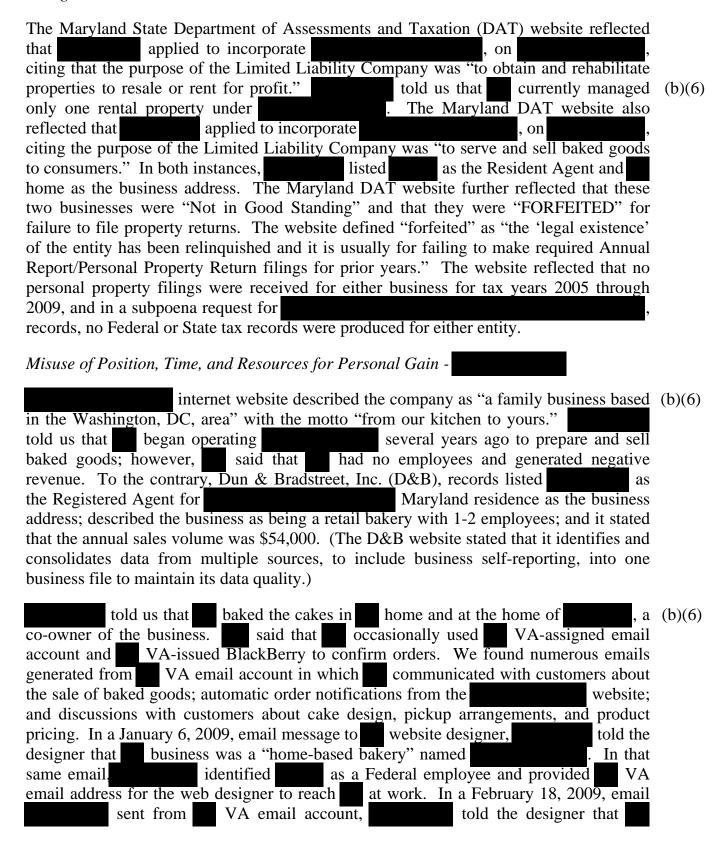


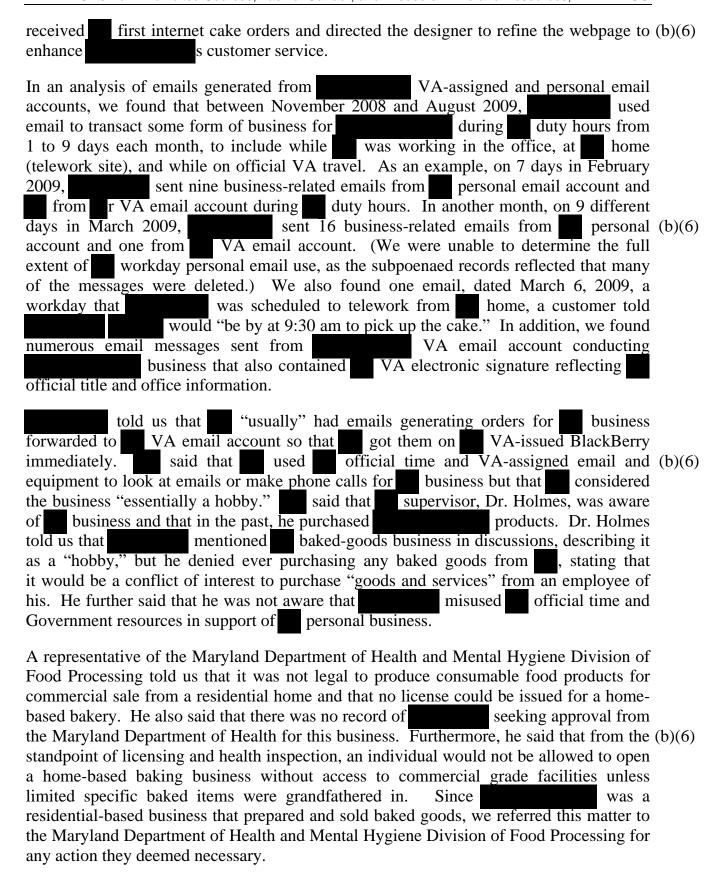
Issue 3: Whether Misused Official Time and Resources (b)(6)

Standards of Ethical Conduct for Employees of the Executive Branch state that an employee shall not use his public office for his own private gain, for the endorsement of any product; that an employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes; and the Standards require an employee to use their official time in an honest effort to perform official duties. Standards further state that employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, such as Federal, State, or local taxes that are imposed by law. 5 CFR §§ 2635.702, 704, 705, and 809.

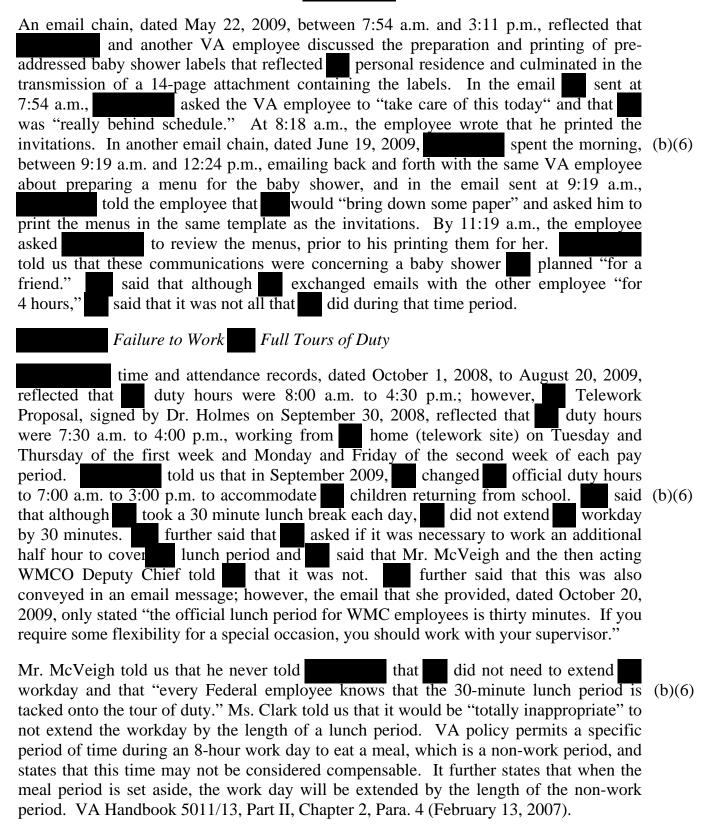
VA policy states that employees are expected to be on duty during the full period of their tours of duty unless absent on approved leave. VA Directive 5011/2, Paragraph 2 (June 16, 2004). Further, VA policy prohibits misuse or other inappropriate use of Government office equipment including any personal use that could cause congestion, delay or disruption of service, such as large attachments, and prohibits using it for commercial purposes or in support of "for profit" activities or in support of other outside employment or business activity. VA Directive 6001 (July 28, 2000).

Background

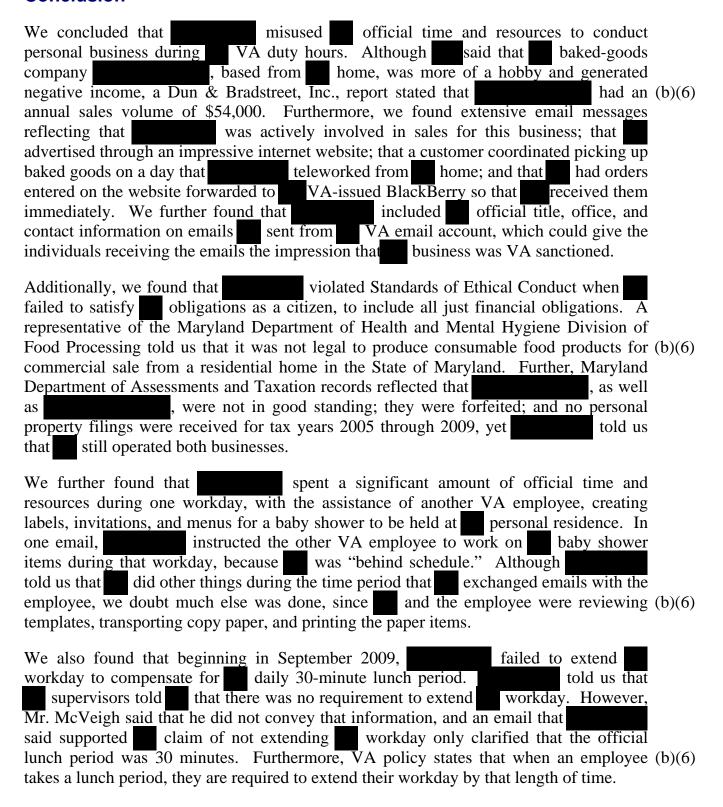








Conclusion



Consulting Office take appropriate administrative action against official time, title, and Government resources for private gain.	
Recommendation 7. We recommend that the Chief Officer Workforce Management and	(b)(6)
Recommendation 8. We recommend that the Chief Officer Workforce Management and Consulting Office take appropriate administrative action against full tours of duty.	

Comments

The Chief Officer Workforce Management and Consulting Office concurred with the recommendations and said that appropriate administrative and corrective actions will be taken. The Chief Officer's response is in Appendix A. We will follow up to ensure all actions are fully implemented.

(original signed by:)

JAMES J. O'NEILL Assistant Inspector General for Investigations

Appendix A

Chief Officer Comments

Department of Veterans Affairs

Memorandum

Date: May 26, 2010

From: Chief Officer Workforce Management & Consulting Office

Subject: Administrative Investigation – Prohibited Personnel Practices, Gifts from Prohibited Sources, Lack of Candor, and Misuse of Time and Resources, VHA Workforce Management & Consulting Office

To: Assistant Inspector General for Investigations

- 1. I have reviewed and concur with the findings and recommendations contained in the above captioned Administrative Investigation Report.
- 2. Appropriate action is being initiated and will be completed as detailed in the attached report.

Joleen Clark

Chief Officer's Comments to Office of Inspector General's Report

The following Chief Officer's comments are submitted in response to the recommendation(s) in the Office of Inspector General's Report:

OIG Recommendation(s)

Recommendation 1. We recommend that the Chief Officer Workforce Management and Consulting Office take appropriate administrative action against Dr. Rayshad Holmes for engaging in prohibited personnel practices.

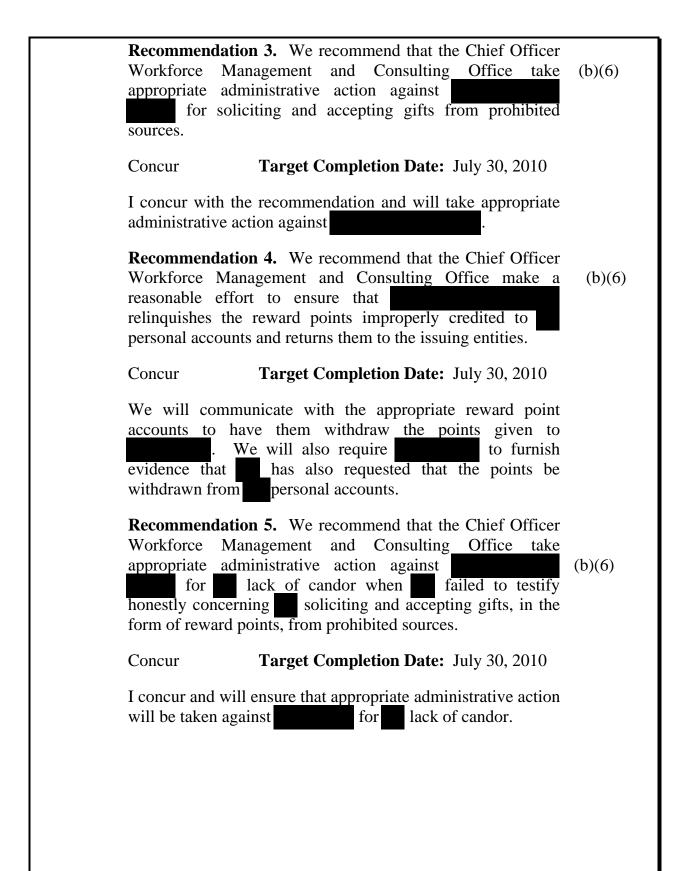
Concur **Target Completion Date:** July 30, 2010

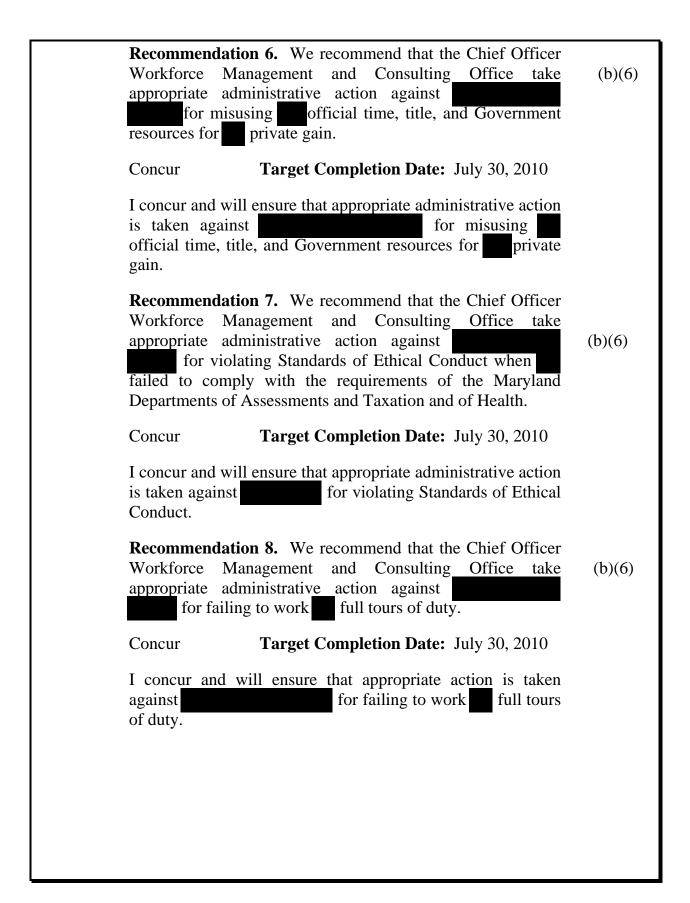
I concur with the recommendation and will take an appropriate administrative action for engaging in prohibited personnel practices.

Recommendation 2. We recommend that the Chief Officer Workforce Management and Consulting Office confer with the Office of Human Resources to determine the appropriate (b)(6) corrective action concerning VA appointments.

Concur **Target Completion Date:** July 30, 2010

I concur with the recommendation to determine the appropriate corrective action concerning VA appointments. (b)(6)





Appendix B

OIG Contact and Staff Acknowledgments

OIG Contact	Linda Fournier (202) 461-4500
Acknowledgments	William A. Tully

Appendix C

Report Distribution

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