



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Office of the Director
Reston, Virginia 20192

Ms. Carolyn N. Lerner
The Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4503

JAN 25 2013

RE: OSC File No. DI-12-1820

Dear Ms. Lerner:

I have been delegated authority from the Secretary of the Interior to respond to your letter dated November 13, 2012, requesting investigation of Office of Special Counsel (OSC) File No. DI-12-1820, a whistleblower disclosure made by Ms. Sheri L. Mills. Ms. Mills alleges that employees at the U.S. Geological Survey (USGS), Central Energy Resources Science Center (CERSC), located in Denver, Colorado, are engaging in conduct that may constitute violations of law, rule, or regulation. Specifically, that Ms. Nancy C. Williams, Administrative Officer for the organization, improperly required Ms. Mills to access the USGS Quicktime system using Ms. Williams' user name and password to certify employees' time and attendance from 2006 through 2012, in violation of USGS rules.

The Department of the Interior assigned the USGS the responsibility for investigating Ms. Mills' allegations. A fact-finding inquiry was conducted that included interviews of individuals with information bearing on the allegations. Consistent with OSC policy to interview a whistleblower who has consented to release of his or her name, the USGS fact-finder interviewed Ms. Mills on December 11, 2012. A copy of the inquiry report is enclosed.

I have reviewed the report, concur with its conclusions, and believe the enclosed report satisfies the requirement of 5 U.S.C. § 1213. The USGS determined that the allegations made by the whistleblower, Ms. Mills, were substantiated. The USGS has initiated both immediate and future planned actions to correct the rules violation. These actions are identified in the fact-finding report.

Enclosed are two versions of the report of investigation. The first contains names of witnesses and is for your official use. I understand that you will provide a copy of this version to the President, appropriate congressional committees, and the Complainant for their review. Because personal information in the unredacted report is exempt from public release under the Freedom of Information Act (FOIA), the report is designated "FOR OFFICIAL USE ONLY." I ask that you coordinate any additional releases of the unredacted report with the Department of the Interior's FOIA Office. The second version excludes the names of witnesses and is suitable for release to the general public. I request that you make only this redacted version available to members of the public.

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Carolyn N. Lerner

Thank you for bringing this matter to my attention. If I may be of any further assistance, please let me know at your earliest convenience.

Sincerely,

Marcia McNutt

Marcia McNutt
Director

Enclosures

REPORT SUMMARY: OSC File No. DI-12-1820

1. **Purpose:** To provide the results of a fact-finding investigation into a whistleblower allegation made by Sheri L. Mills, a former Administrative Technician, to the Office of Special Counsel that employees at the Central Energy Resources Science Center (CERSC), US Geological Survey (USGS), located in Denver, Colorado, are engaging in conduct that may constitute violations of law, rule, or regulation. Specifically, that Nancy C. Williams, Administrative Officer for the organization, improperly required Ms. Mills to access the USGS Quicktime system using Ms. Williams' user name and password to certify employees' time and attendance from 2006 through 2012, in violation of USGS rules.

2. **Conduct of the Investigation:**

a. This investigation was limited to the specific allegation.

b. [REDACTED] Human Resources Specialist (Employee/Labor Relations), Employee/Labor Relations and Benefits Teams, Office of Human Resources, USGS, was the assigned fact-finder.

c. Questions to be used in fact-finding interviews were developed from information contained in the Office of Special Counsel's letter of November 13, 2012, to Department of the Interior Secretary Kenneth Salazar. Interviews and contacts with others to obtain and review relevant information occurred between December 11, 2012, and December 18, 2012.

d. Individuals contacted who had information bearing on the allegation were:

(1) Sheri L. Mills.

(2) Nancy C. Williams, Administrative Officer (AO), GS-341-13, for the CERSC. Ms. Williams has served as AO for the CERSC since February 28, 1999. She will be retiring from this position and federal service at the end of 2012.

(3) [REDACTED], Supervisory Geologist/Team Chief Scientist and Center Director, GS-1350-15, for the CERSC. [REDACTED] (Supervisory Geologist/Team Chief Scientist and Center Director) was detailed to this position on November 15, 2006; and was permanently reassigned into this position on June 24, 2007.

(4) [REDACTED], IT Specialist (Systems Administration)/USGS Administrator for Quicktime in the Human Resources Systems Branch, USGS.

(5) [REDACTED], IT Specialist (Information Security) in the Information Security Office, Office of Enterprise Information, USGS.

e. Ms. Mills was interviewed first, then [REDACTED] (Supervisory Geologist/Team Chief Scientist and Center Director), and finally Ms. Williams. [REDACTED] (IT Specialist (Systems

Administration)/USGS Administrator for Quicktime) was contacted for information relating to the Quicktime Time and Attendance System. [REDACTED] (IT Specialist (Information Security)) was contacted for information relating to Information Technology security training completed by Ms. Mills, Ms. Williams, and [REDACTED] (Supervisory Geologist/Team Chief Scientist and Center Director).

3. **Summary:** The CERSC is an organization that still requires its employees to record their duty hours on paper time sheets as follows:

- The employees complete their paper time sheets with the days/hours they worked for each pay period and submit paper time sheets to their supervisors.
- The supervisors review their employees' time sheets to ensure they accurately reflect the time worked and/or leave taken. If the supervisors find discrepancies in the time recorded, the supervisors resolve them with the employees before completing their review. Once the review is completed, the supervisors sign the time sheets certifying their correctness. Following this, the supervisors pass the time sheets to timekeepers in the organization's Administrative Office.
- The timekeepers in the Administrative Office input the employees' information from the paper time sheets into the automated Quicktime Time and Attendance System. The timekeepers serve two functions – as validating official and as certifying official. They do this for all of the organization's employees – approximately 80.
- The AO for the organization conducts a periodic review (i.e., at least once per quarter, if not more frequently than that, depending on time availability) of Quicktime reports against the manual time sheets to ensure the accuracy of the information flowing to Payroll through Quicktime. During the close-out periods in August, September, and October, the AO conducts this review every pay period.

The USGS Manual 344.8, Time and Attendance Accounting, dated September 12, 2002, gives USGS organizations the latitude to use either an automated or a paper-based time and attendance system. Specifically, Paragraph 5, Time Accounting Systems, Sub-paragraphs A and B, says:

“A. Automated, Web-based Time and Attendance System-If a USGS organization has access to an automated, web-based time and attendance system, employees shall enter and verify their own time and attendance data, including the time worked on projects or tasks during the reporting period. For employees on flexible or alternative schedules, the use of the sign in/out module is strongly encouraged instead of the basic payroll screen. If the automated sign in/out screen is not used, paper copies of sign in/out times must be maintained as the official record for legal and audit purposes of when an employee was at work.

B. Paper-Based Time and Attendance System-Employees shall enter their own time and attendance data on the Employee Attendance Record and verify them on the Employee Attendance Report each reporting period. Timekeepers shall record the time and attendance data accurately and enter them into an automated time and attendance system.”

While Paragraph 6, Responsibilities, Sub-paragraph B(4), says that timekeepers will “use the ... paper records to enter timesheet entries into the automated Time and Attendance system for electronic certification by the supervisor,” this last is contradicted by Sub-paragraph C(1) which, in its second sentence, allows supervisors the discretion to “certify the accuracy of time and attendance data either manually [on paper records] or electronically in an automated system.”

When CERSC adopted the process currently in use, they did so to avoid the potential for input errors (e.g., accounting codes for different projects) that could otherwise be introduced by all individuals accessing the Quicktime Time and Attendance System, thereby decreasing the amount of time spent by the timekeepers correcting the errors and submitting amended time cards to Payroll. Another concern leading to implementation of the process was the frequency with which CERSC supervisory personnel travel, making it problematic for them to timely access the Quicktime system to perform their automated certification responsibility.

By following the paper-based process allowed for in USGS Manual 344.8, CERSC leadership believed that they were acting appropriately in keeping the supervisors’ role as certifying official and the timekeepers’ role in inputting the employees’ time sheets to Quicktime separate in accordance with USGS internal controls for separation of duties.

4. Discussion of Findings:

a. Ms. Mills was originally hired on October 30, 2005, by the CERSC as an Administrative Operations Assistant, GS-303-6. She was subsequently promoted within the CERSC to an Administrative Technician (Office Automation), GS-303-7, on February 4, 2007. She voluntarily resigned from this position on February 3, 2012.

b. Nancy Williams was Sheri Mills’ first-line supervisor throughout Ms. Mills’ employment at the CERSC. [REDACTED] (Supervisory Geologist/Team Chief Scientist and Center Director) was her second-line supervisor from November 2006 through February 2012, when she resigned.

c. Ms. Mills received timekeeper training for using the automated Quicktime Time and Attendance System. Neither Ms. Williams nor [REDACTED] (Supervisory Geologist/Team Chief Scientist and Center Director) received any training for using the Quicktime system. [REDACTED] (IT Specialist (Systems Administration)/USGS Administrator for Quicktime) verified that there has not been Quicktime training for certifying officials for some time.

d. Ms. Mills did use Ms. Williams’ Quicktime user name and password to access the Quicktime Time and Attendance System to certify time for the group of CERSC employees whose time she inputted to the Quicktime system. She had to access Quicktime using two separate user names and passwords to perform the timekeeping functions she was assigned.

██████████ (IT Specialist (Systems Administration)/USGS Administrator for Quicktime) verified that there is a rule in Quicktime that one user cannot both validate and certify the same time card, the Quicktime system does not allow it.

e. Ms. Mills does not remember how she obtained Ms. Williams' Quicktime user name and password; she thought she was given it by Ms. Williams on a piece of paper or via e-mail.

f. Ms. Mills consistently changed the password associated with Ms. Williams' Quicktime user name as it approached expiration and shared this information via e-mail with other timekeepers in the CERSC's Administrative Office and Ms. Williams. She did this in the event someone else needed to access the system when she was not available. Ms. Williams acknowledged receiving these notifications and said the changes in password were shared with other management personnel of the CERSC. According to ██████████ (IT Specialist (Information Security)), both Ms. Williams and ██████████ (Supervisory Geologist/Team Chief Scientist and Center Director) are current in their Federal Information Systems Security Awareness training which covers, among other things, employees' responsibility to safeguard not only computer systems to which they have access but also the passwords they create and use to access those systems. As well, he said that all employees repeat their awareness of and willingness to abide by systems security requirements on a daily basis when they sign onto their computers. He could not verify this same information for Ms. Mills as she is no longer a USGS employee and her information was unavailable to him.

g. Ms. Williams does not remember giving her Quicktime user name and password to Ms. Mills. She did not ever use the Quicktime system. She does not remember establishing a Quicktime user name or password for herself at any time; she thought one of the CERSC's timekeepers did this for her. Ms. Williams thought Ms. Mills only used one user name and password to access the Quicktime system. She did not know that two user names and passwords were required to fulfill the two different roles of timekeeper/validating official and certifying official.

h. ██████████ (IT Specialist (Systems Administration)/USGS Administrator for Quicktime) indicated that the Quicktime system created user names for all employees on USGS rolls when the Quicktime system was initially implemented in approximately 2003. For employees employed after that time, organizations' timekeepers are responsible for creating user names in Quicktime. This may explain why Ms. Williams does not remember establishing a Quicktime user name for herself and her thought that one of the CERSC's timekeepers did it for her.

i. Ms. Mills, ██████████ (Supervisory Geologist/Team Chief Scientist and Center Director), and Ms. Williams all described the paper-based time and attendance process in use by the CERSC consisting of employees' completion of hard copy/paper time sheets, review of the time sheets by the employees' supervisors for accuracy and/or resolution of discrepancies before signature by the supervisors and submission to the timekeepers in the Administrative Office for input to and certification in the Quicktime Time and Attendance System.

j. Ms. Mills, [REDACTED] (Supervisory Geologist/Team Chief Scientist and Center Director), and Ms. Williams all identified the reasons for using the paper-based process involved decreasing the likelihood for and number of errors entered into the system by individual users and that it was a more efficient system for the organization given the amount of travel performed by CERSC employees, including supervisors, that could impact supervisors' timely entry of information into the Quicktime system.

k. Ms. Williams thought the time and attendance process used by the CERSC was authorized by USGS Manual 344.8 based on that document's allowance for use of a paper-based time and attendance system. She thought that supervisors' signatures on their employees' paper time sheets satisfied the requirement for supervisory certification of employees' time based on the provision for this contained in USGS Manual 344.8, Paragraph 6, Sub-paragraph B(1).

l. Ms. Mills became aware of the separation of duties between timekeepers/validating officials and supervisors/certifying officials in October of 2011 after researching a timekeeping issue for a CERSC employee. She did not notify Ms. Williams of this. She talked to [REDACTED] (Supervisory Geologist/Team Chief Scientist and Center Director) about it on or about October 5, 2012, or October 6, 2012. [REDACTED] (Supervisory Geologist/Team Chief Scientist and Center Director) records reflect that he met with Ms. Mills on either October 4, 2012, or October 5, 2012. He said they discussed several things. The topics that he wrote down as having been discussed at their meeting did not include time validation and certification. However, he did recall that she and he discussed those topics at some point in the Fall of 2011 and, while he has no record of it, he does not dispute her claim that these topics came up in this early October conversation.

m. [REDACTED] (Supervisory Geologist/Team Chief Scientist and Center Director) believes that Ms. Williams had Quicktime time and attendance certification authority for employees' time and attendance entries. He said that to his knowledge Ms. Williams certifies for a group of employees, approximately 85. For her own employees, she follows the same paper-based time and attendance process previously described. He subsequently stated that Ms. Williams has delegated her certifying authority to the CERSC's timekeepers but he does not know whether that is entirely appropriate. However, he did not worry about it nor did he ever question her proper use of the system.

n. [REDACTED] (IT Specialist (Systems Administration)/USGS Administrator for Quicktime) verified that, while not recommended, timekeepers may be designated as alternate certifying officials in the Quicktime system. She did clarify, however, that they should not be certifying time for the same employees for whom they are entering time.

o. Ms. Mills did not talk to [REDACTED] (Supervisory Geologist/Team Chief Scientist and Center Director) about her use of Ms. Williams' Quicktime user name and password. Ms. Williams said that she has held secure any passwords she has created. [REDACTED] (Supervisory Geologist/Team Chief Scientist and Center Director) has not had occasion to question Ms. Williams' safeguarding of computer systems to which she has access; he has not seen her do anything to compromise systems security.

5. Conclusions:

a. Proper control over the use of Nancy Williams' Quicktime user name and password for certifying time in the Quicktime system was not maintained. This is not compliant with USGS Manual 644.8, Time and Attendance Accounting, Paragraph 6, Responsibilities, Sub-paragraph A(6), which says that employees will "protect their passwords for automated time and attendance systems to ensure security within the system. Sharing of user IDs and passwords is not allowed." Nor is it compliant with USGS internal controls for use of the automated Quicktime Time and Attendance System.

b. The password associated with Ms. Williams' Quicktime user name was not properly safeguarded.

(1) This is not compliant with USGS Manual 644.8 (Time and Attendance Accounting), Paragraph 6 (Responsibilities), Sub-paragraph A(6).

(2) This is not compliant with USGS Manual 600.5, Information Systems Security – General Requirements, as follows:

(a) Paragraph 4, Policy:

(i) Sub-paragraph A, which says in pertinent part that "all data processed by USGS IT systems shall be protected against unauthorized disclosure."

(ii) Sub-paragraph B, which says that "Compliance with Federal, Departmental, and Bureau regulations and policies pertaining to IT systems is required. Violations of said regulations and policies shall result in appropriate administrative, disciplinary, or legal action against the violators."

(b) Paragraph 6, Responsibilities:

(i) Sub-paragraph M(1), which says that computer users are responsible for "following and adhering to USGS computer and information systems security policies, standards, procedures, and guidelines to safeguard and protect all USGS data and applications, including the utilization of file protection mechanisms to maintain appropriate file access control."

(ii) Sub-paragraph M(4), which says that computer users are responsible for "Selecting hard-to-guess passwords, per Departmental and Bureau guidance, and ensuring that passwords are held in strict confidence and properly safeguarded from unauthorized access and unauthorized use."

c. The violations that occurred were USGS policy violations. They do not rise to the level of criminal wrongdoing.

d. The investigation revealed no information reflecting any dollar savings, or projected savings, or management initiatives related to cost savings.

6. **Immediate Corrective Action:**

a. The CERSC immediately changed their timekeeping procedures and stopped having the timekeepers in their Administrative Office serve as both timekeeper/validating official and certifying official in Quicktime. The CERSC Center Director and Associate Director are certifying time in Quicktime.

b. Nancy Williams has created a new password associated with her Quicktime user name. She has also been directed not to share that password with anyone.

c. There is at least one other certifying official in the CERSC as well as one alternate certifying official. If their Quicktime passwords have been shared with the timekeepers and upper management in the CERSC, they are being directed to immediately create new passwords associated with their Quicktime user names. Once those passwords are created, they are not to be shared with anyone.

7. **Future Planned Action:**

a. The CERSC will establish a new timekeeping policy for their organization that maintains the required separation of duties in the automated Quicktime Time and Attendance System between timekeepers as validating officials and those individuals designated to serve as certifying officials. Timekeepers will not be identified to serve as certifying officials.

b. CERSC employees responsible for accessing the Quicktime Time and Attendance System will receive appropriate training on their roles and responsibilities in the automated system within 60 days from issuance of this report.

c. Take appropriate administrative action for CERSC employees involved.