



Office of Professional Responsibility

Management Inspections Unit – Report of Office Inspection

Management and Administration
Assistant Director, Freedom of Information Act Office
Washington, DC

June 1-2, 2016



**U.S. Immigration
and Customs
Enforcement**

REPORT OF OFFICE INSPECTION
OFFICE OF THE DIRECTOR
MANAGEMENT AND ADMINISTRATION
FREEDOM OF INFORMATION ACT OFFICE
WASHINGTON, DISTRICT OF COLUMBIA

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EXECUTIVE SUMMARY

This report provides the results of an inspection of the U.S. Immigration and Customs Enforcement (ICE), Office of the Director, Management and Administrations (M&A) Freedom of Information Act (FOIA) Office located in Washington, DC. The Office of Professional Responsibility, Management Inspections Unit, Field Inspections Section (FIS) conducted the inspection from June 1 to June 2, 2016. The objective of the inspection was to assess FOIA's compliance with Department of Homeland Security (DHS) and ICE-specific policies and procedures.

FOIA's area of responsibility (AOR) includes Headquarters (HQ) and one sub-office located in Orlando, Florida.

As part of the inspection, FIS assessed internal relationships by administering an anonymous web-based survey that was open to all FOIA employees including the Orlando sub-office. Of FOIA's 33 employees, 22 (67 percent) responded to the survey. Of the 22 respondents, four (18 percent) reported morale as excellent; nine (41 percent) as good; seven (32 percent) as fair and two (nine percent) as poor. Of the 22 respondents, eight (36 percent) indicated morale is improving; 12 (55 percent) indicated morale remains constant and two (nine percent) indicated morale is declining. Issues reported as affecting morale include: unmanageable workload and unequal workload distribution. Issues reported as affecting morale positively include: open communication between management and staff and the availability of flexible work schedules.

FIS also assessed external relationships by interviewing an official from one DHS component that routinely interacts with the FOIA office. The interview characterized the FOIA office as very responsive, providing timely assistance and support whenever a request for information is needed.

FIS reviewed the office's compliance with the requirements in nine universal core areas common to all ICE programs: Asset Management (i.e., Fleet Management and Government-Issued Property), Debit Card, Financial Controls, Firearms Program, Pay Administration, Purchase Card, Security Management, and Travel Administration.

FIS identified 14 deficiencies in the universal core areas during the inspection. Travel Administration had the most (i.e. four) deficiencies. Although Travel Administration had the most deficiencies of any core area, Pay Administration was the only core area requiring additional supervisory attention. Pay Administration's most significant deficiencies are as follows: employees' annual performance appraisals were not completed within 30 days after the end of the rating cycle; employees did not have a written Performance Work Plan (PWP) established for FY 2016; and employees did not have a progress review conducted at either the mid-point of the rating cycle or the mid-point of the employees' appraisal period.

FIS reviewed the results of the fiscal year (FY) 2015 FOIA Self-Inspection Program (SIP) report and compared them to the results of the current inspection. FOIA reported zero deficiencies on the FY 2015 SIP, and FIS identified a total of 14 deficiencies during the on-site inspection.

Additionally, FIS provided eight recommendations in the report to improve office efficiencies and policy compliance.

INSPECTION PROCESS

Prior to the inspection, FIS collected and analyzed relevant data from Firearms, Armor & Credential Tracking System (FACTS); PaymentNet; Sunflower Asset Management System (SAMS); Federal Financial Management System (FFMS); Web-based Time & Attendance (WebTA); Concur, and other administrative computer systems.

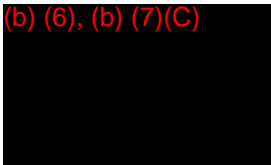
FIS evaluated the FOIA Office for compliance with policies and procedures through interviews, physical inventories, and examinations of field office records. FIS interviewed FOIA management and administered a web-based survey available to all personnel within the FOIA office.

REPORT ORGANIZATION

The report contains background information on the office and a detailed analysis of the inspected core areas. FIS reports instances where policies are not being followed as deficiencies, highlighted in bold throughout the report and numbered sequentially. Corresponding policy requirements for each deficiency are noted as citations. While FIS identifies non-compliance by citing deficiencies, one instance and multiple instances of non-compliance are cited as one deficiency; the number of deficiencies does not reflect the prevalence of the non-compliance. Corrective actions completed by the office during the on-site inspection are identified directly beneath the associated deficiency. FIS also provides recommendations to improve the effectiveness and efficiency of the office, identified as such throughout the report.

This report documents inspection results to provide executive and office management with a concise evaluation of policy compliance and feedback on the core areas inspected. Comments and questions regarding the report findings can be forwarded to the Deputy Division Director, Office of Professional Responsibility, Management Inspections Unit.

FIS INSPECTION TEAM MEMBERS

(b) (6), (b) (7)(C) 	(Lead)	Lead Inspections and Compliance Specialist	OPR Headquarters
		Inspections and Compliance Specialist	OPR Headquarters
		Management and Program Analyst	OPR Headquarters
		Inspections and Compliance Specialist	OPR Headquarters

FINDINGS BY CORE AREA IN COMPARISON TO THE SELF INSPECTION PROGRAM (SIP)

FIS reviewed the FOIA Self-Inspection Program (SIP) results from FY 2015 and compared them to the results of the current inspection. FOIA reported zero deficiencies on the FY 2015 SIP and FIS identified a total of 14 deficiencies during the on-site inspection.

UNIVERSAL CORE AREAS	DEFICIENCIES	
	FY 2015 SIP RESPONSES	FIS FINDINGS
Asset Management		
- Fleet Management	N/A ¹	N/A
- Government-Issued Property	0	3
Debit Card	N/A	N/A
Financial Controls	0	0
Firearms Program	N/A	N/A
Pay Administration	0	3
Purchase Card	0	0
Security Management	0	4
Travel Administration	0	4
Sub-Total	0	14
Total Deficiencies	0	14

¹ N/A signifies that the office does not currently conduct functions in these core areas.

OPERATIONAL ENVIRONMENT

INTERNAL AND EXTERNAL RELATIONSHIPS

FIS developed the Operational Environment section of this report to highlight the concerns and opinions of employees, management, and external counterparts. FIS assesses office viewpoints through an anonymous web-based survey made available to all employees, supplemented with in-person and/or telephonic interviews with management, external counterparts, and employees. No employees requested interviews.

Management Interviews

FIS conducted interviews with the Assistant Director (AD) and the Deputy Assistant Director (DAD). Interviews with management indicated a significant imbalance between an increased workload and low staffing levels. Also, management indicated that a lack of control over their budget and administrative functions are an impediment to their successful accomplishment of the office's mission. These functions are currently being managed by the Office of the Director, Management and Administration. The AD would prefer direct control of these functions in order to proactively manage purchase actions, property inventory changes, and allocation of travel funds as required.

External Interviews

FIS interviewed one local official from an internal DHS component: DHS Privacy Office, Production Manager, Washington, District of Columbia. The individual interviewed characterized the FOIA Office as very interactive and responsive, providing mutual support via information sharing and FOIA's request for assistance.

Online Survey Results

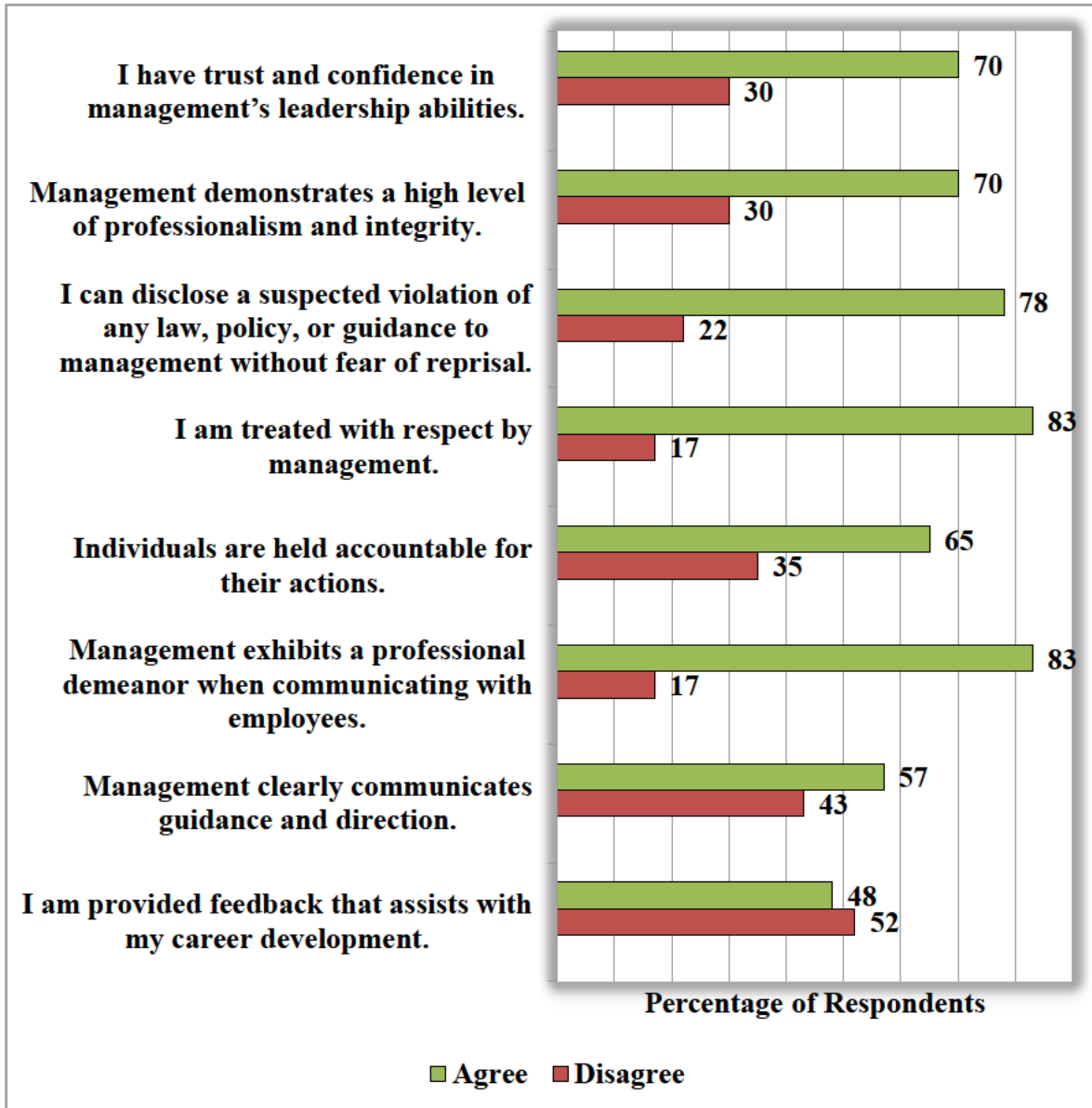
The employee survey consisted of multiple-choice questions and opportunities to comment about morale, leadership, ethics and integrity, treatment of employees, resources available to employees, and communication. Of FOIA's 33 employees, 22 employees (67 percent) responded to the anonymous survey, the complete results from which are reported in the following section.²

Of the 22 respondents, four (18 percent) reported morale as excellent; nine (41 percent) as good; seven (32 percent) as fair and two (nine percent) as poor. Of the 22 respondents, eight (36 percent) indicated morale is improving; 12 (55 percent) indicated morale remains constant and two (nine percent) indicated morale is declining. Issues reported as negatively affecting morale include: unmanageable workload and disproportionate workload distribution; issues reported as positively affecting morale include: open communication between management and staff and the availability of flexible work schedules.

² FIS cautions, due to the nature of the information obtained, it is not possible to verify each statement. Nonetheless, it is important employees have their views represented. FIS also notes that it cannot determine whether the views of the survey respondents align with the majority of employees who chose not to complete the survey.

The final survey question asks respondents to provide comments that may have not been covered in the survey. One individual stated “Management favors some over others and it makes staff feel angry and unappreciated”. Another comment was “Main reasons for good morale: great co-workers and excellent work-life balance options with flexible work schedules.” Lastly, one respondent stated, “workload is unevenly distributed and the office is severely shorthanded.”

The complete multiple-choice results are reported below.³



³ Calculation rounded to the next whole number to compensate for a +/- variable difference when adding multiple decimal numbers to equal 100 percent.

UNIVERSAL CORE AREAS

ASSET MANAGEMENT (AM)

FIS inspected Asset Management at the FOIA office to ensure compliance with ICE policy and procedures. Asset Management is reviewed as two separate areas: Fleet Management and Government-Issued Property (including the badge and credentials program). The reviews for these two areas are below.

FLEET MANAGEMENT

The FOIA office does not currently maintain any government vehicles.

GOVERNMENT-ISSUED PROPERTY (GP)

FIS inspected government property under the control of the FOIA Office to assess the office's accountability for and safeguarding of property, completion of documentation, and accuracy of information recorded in the Sunflower Asset Management System (SAMS). FIS also inspected the badge and credential program to assess the accountability of badges and credentials. A Property Custodian (PC) was assigned to the FOIA Office in name only; the actual responsibilities and day-to-day management of the program is done by the Office of the Director, Management and Administration. The FOIA office is aware of the deficiencies listed below and as a result has requested complete oversight and management of the government property program for their office. Government-Issued Property is adequately managed.

Core Area Review Process: FIS conducted a physical inventory and reviewed property records for 25 employees and a physical inventory of 15 randomly selected property items.

DEFICIENCY FINDINGS

Deficiency 1: The PC did not ensure all government property issued for an employee's exclusive use was accurately reflected on 20 of 25 *Records Receipt-Property Issued to Employee* (ICE Forms G-570), to include missing items, incorrect serial numbers, missing date and signatures (**AM-6**).

Citation: *In accordance with Immigration and Customs Enforcement, Office of the Chief Financial Officer, Office of Asset & Facilities Management, Office of Asset Administration - Property Branch, Personal Property Operations Handbook (April 2014), Chapter 2, Section 2.9, Chapter 5, Section 5.3, Chapter 6, Section 6.1 (6-7), and Chapter 10, Section 10.1 (1), a Record Receipt-Property Issued to Employee (ICE Form G-570) is prepared whenever an ICE employee is issued personal property. The employee dates and signs the form for all items issued. The form must be signed and dated each time an employee receives an item or turns in an item.*

Deficiency 2: Field Office Responsible Officials did not properly complete the Exit Clearance Forms (ICE Form G-559) for two employees who have separated from or transferred within ICE (AM-7). The forms could not be located or retrieved from the PC.

Citation: In accordance with ICE Office of Human Capital, Directive 1038.1, Employee Exit Clearance Process and Form (October 25, 2013), when employees separate from ICE, changes Directorates, or Program Office, they must return or account for all ICE-issued property, relinquish access to U.S. Government facilities and information systems, settle all financial liabilities, and relinquish all government records in their possession. Headquarters Responsible Officials and Field Office Responsible Officials must ensure that employees separating from, or moving within, ICE are cleared in accordance with policy and procedures established by this Directive.

Deficiency 3: The PC did not properly assign property items that are not assigned to office personnel to the PC/LPC (AM-3).

Citation: In accordance with Immigration and Customs Enforcement, Office of the Chief Financial Officer, Office of Asset and Facilities Management, Office of Asset Administration - Property Branch, Personal Property Operations Handbook (April 2013), Chapter 6.1(6), if an asset is not assigned to a user immediately, the PC and/or Local Property Custodian [LPC] becomes the default user in [SAMS] record, and retains ownership of the asset until it is assigned to an individual.

RECOMMENDATIONS

- FIS recommends updating all ICE Forms G-570 during the annual performance review process or during each annual inventory process to ensure an accurate inventory of property items.
- FIS recommends all ICE Forms G-570 be updated, to include identifying information for listed items, as applicable.

DEBIT CARD (DC)

The FOIA Office does not currently maintain a debit card.

FINANCIAL CONTROLS (FC)

FIS reviewed various financial responsibilities at FOIA, to include financial management, employee reimbursements, awards, by interviewing responsible officials and reviewing relevant documentation. The majority of the financial controls program functions are handled by personnel assigned to the Office of the Director, Management and Administration; FOIA is only responsible for invoices paid through WebView and maintaining incentive award documentation; the Financial Controls program is well managed.

Core Area Review Process: FIS found zero outstanding invoices in the WebView system; all other functions are handled by the Office of the Director, Management and Administration.

FIREARMS PROGRAM (FP)

The FOIA office does not maintain firearms.

PAY ADMINISTRATION (PA)

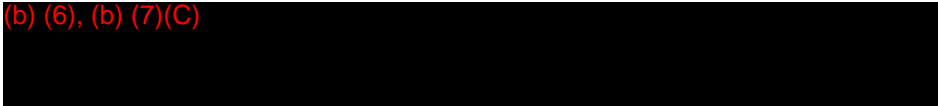
FIS inspected Pay Administration at FOIA to assess compliance with policy, ensure Time and Attendance (T&A) hours are accurately reported, and verify documentation is complete for performance records and premium pay. Pay Administration requires supervisory attention.

Core Area Review Process: FIS reviewed 25 employee performance records and bi-weekly T&A reports; zero employees received premium pay during the review period. FOIA does not have any 1811 series or AUO-eligible employees.

DEFICIENCY FINDINGS

Deficiency 4: Seven employees' annual performance appraisals were not completed within 30 days after the end of the rating cycle, one of which was not provided for review during the on-site inspection* (**PA-1**); no exceptions to policy existed.

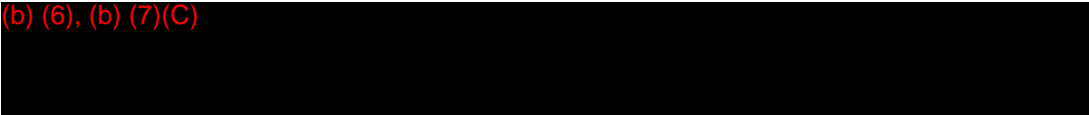
(b) (6), (b) (7)(C)



***Citation:** In accordance with DHS Human Resources General Instruction Guide Performance Management Program (December 1, 2008), IV.C and V.E.1(a), a performance appraisal is the process under which performance is reviewed and evaluated. The appraisal period is the 12-month time period established under this Program for reviewing employee performance; i.e., October 1 to September 30. Rating officials must complete ratings of record within 30 days after the end of the appraisal period except as otherwise provided in this Instruction and should encourage employees to provide input prior to completing the rating. Rating Officials submit ratings of record to Reviewing Officials who approve the ratings before the Rating Official discusses it with the employee. The rating of record becomes final when issued to the employee with all appropriate reviews and signatures.*

Deficiency 5: Seventeen employees did not have a written Performance Work Plan (PWP) established for FY 2016, and four of those seventeen employees' PWPs were not provided or located for FIS' review during the on-site inspection* (**PA-2**); no exceptions to policy existed.

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



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

Citation: *In accordance with DHS Human Resources General Instruction Guide Performance Management Program (December 1, 2008), Sections V.A.1 and V.A.10, a Performance Work Plan (PWP) is a written plan that describes the performance expectations (i.e., performance goals, core competencies, and associated performance standards) that are to be met during the appraisal period. Rating officials shall develop and submit performance plans to employees within 30 days after the beginning of an appraisal period, within 30 days after an employee's entrance into a new position covered under the Program, or within 30 days of an employee's entrance into a detail or temporary promotion that is expected to last more than 90 days. The rating of record becomes final when issued to the employee with all appropriate reviews and signatures.*

Deficiency 6: Twelve employees did not have a progress review conducted at either the mid-point of the rating cycle or the mid-point of the employees' appraisal period; in fact, four of those twelve employees' progress reviews were not provided or located* (PA-3).

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

Citation: *In accordance with DHS Human Resources General Instruction Guide Performance Management Program (December 1, 2008), Section V.B, Progress Reviews document discussions between rating officials and employees on employees' performance. Progress reviews are required at approximately the mid-point of the formal rating cycle, or the mid-point of the employee appraisal period (documented with signatures of supervisors and employees in the appropriate Work Plan locations) . This review is to focus on performance during the first half of the rating cycle, or the first half of the employee appraisal period.*

RECOMMENDATIONS

(b) (7)(E)

PURCHASE CARD (PC)

The Purchase Card program for the FOIA office is handled by personnel assigned to the Office of the Director, Management and Administration.

SECURITY MANAGEMENT (SM)

FIS assessed FOIA's handling, processing, and storing of classified materials to ensure it is being safeguarded in accordance with DHS policy. The Security Management program is well managed.

Core Area Review Process: FIS reviewed all classified material and classified storage containers located within the FOIA office.

DEFICIENCY FINDINGS

Deficiency 7: FOIA employees did not properly use the *Security Container Check Sheet* (SF-702) for security containers designated to store classified material **(SM-2)**.

Citation: In accordance with DHS Instruction 121-01-011 (April 25, 2011), The Department of Homeland Security Administrative Security Program, Chapter 4, Section 1 (D), an integral part of the security check system is the securing of all vaults, secure rooms, and containers used for the storage of classified material; Security Container Check Sheet (SF-702) is used to record such actions.

Deficiency 8: FOIA employees did not properly use and maintain the *Security Container Information Part 2* (SF-700) for all containers that are designated to store classified material. One classified container combination was not changed within the last two years **(SM-3)**.

Citation: In accordance with DHS Instruction 121-01-011 (April 25, 2011), The Department of Homeland Security Administrative Security Program, Chapter 14, Section 3(C), The SF-700 provides the names, addresses, and telephone numbers of employees who are to be contacted if the security container to which the form pertains is found open and unattended. The form also includes the means to maintain a current record of the security container's combination and provides the envelope to be used to forward this information to the appropriate component official. Parts 2 and 2A of each completed copy of SF-700 are classified at the highest level of classification of the information authorized for storage in the security container. A new SF-700 is completed each time the combination to the security container is changed.

Deficiency 9: FOIA employees did not properly conduct and document end-of-day security checks on an *Activity Security Checklist* (SF-701) **(SM-4)**.

Citation: In accordance with DHS Instruction 121-01-011 (April 25, 2011), The Department of Homeland Security Administrative Security Program, Chapter 4, Section 1 (D), activities that process or store classified information must establish and implement a

system of security checks at the close of each working day to ensure that the area is secure and classified information has been properly stored. The Activity Security Checklist (SF-701) is used to record such checks.

Deficiency 10: The FOIA security manager did not locally maintain administrative security container forms (SF-701/SF-702) for 90 days (**SM-5**).

***Citation:** In accordance with National Archives and Records Administration General Records Schedule 18, Item 7.b, forms placed on safes, cabinets, or vaults containing security classified documents that record opening, closing, and routine checking of the security of the container, such as locking doors and windows, and activating alarms, to include such forms as the Activity Security Checklist (SF-701), and Security Container Check Sheet (SF-702) must be destroyed three months following the last entry on the form.*

RECOMMENDATION

(b) (7)(E)

TRAVEL ADMINISTRATION (TA)

FIS reviewed Travel Administration at the FOIA Office to determine compliance with federal, DHS, and ICE travel policies. The inspection included a review of Concur Government Edition (ConcurGov) generated reports, an audit of travel authorizations and corresponding expense reports, receipts, and government-issued travel card statements. The Travel Administration program requires additional attention by travelers and travel approvers.

Core Area Review Process: FIS reviewed 35 employees' travel authorizations, associated vouchers, and supporting documentation for accuracy and validity.

DEFICIENCY FINDINGS

Deficiency 11: Two employees (b) (6), (b) (7) and (b) (6), (b) (7) did not have documented approval in the form of a travel authorization from their approving officials prior to incurring any travel expense or engaging in Temporary Duty (TDY) travel (**TA-1**); no comments were included to reflect the reason(s) written approval was not provided to the employee prior to travel.

***Citation:** In accordance with the ICE Travel Handbook (April 1, 2014), Chapters I.B.1(a) and I.B.5(a), employees must obtain documented approval in the form of a travel authorization from their approving officials prior to incurring any travel expense or engaging in Temporary Duty (TDY) travel. Some exceptions apply, such as emergency travel situations. In instances where obtaining a signed manual or electronic travel authorization prior to TDY departure is impractical due to urgent mission requirements,*

emergencies, or other extenuating circumstances, the employee must obtain written approval (email or physical memo) to travel from his or her supervisor prior to TDY departure. The employee and the approving official are responsible for documenting the following information within three business days after the start of TDY: explanation for why submitting the travel authorization through the travel system was not feasible; and when the travel authorization will be completed in the travel system.

Deficiency 12: Six employees did not submit their travel voucher within five working days after completion of travel or every 30 days if on extended temporary duty assignment (TA-2); no comments were included to reflect the reason(s) vouchers were not submitted on time.

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

Citation: *In accordance with the ICE Travel Handbook (April 1, 2014), Chapter X.C.1(a), employees must submit a travel voucher within five working days after returning from Temporary Duty (TDY) or, at minimum, every 30 calendar days on extended TDY.*

Deficiency 13: One employee ((b) (6), (b) (7)) did not upload all required supporting documentation to ConcurGov (i.e., airfare receipts and hotel receipts) (TA-3). Travelers must include an airline invoice with their travel vouchers; an itinerary or boarding pass is not sufficient. None of the employees provided comments to reflect the reason(s) supporting documentation was not uploaded to ConcurGov.

Citation: *In accordance with the ICE Travel Handbook (April 1, 2014), Chapters X.B.2(b)(c) and X.B.4(a), copies of the original receipts are required and must be submitted with the voucher for the following expense types: air travel (any amount), lodging (any amount), rental cars (any amount), registration fees (any amount), internet (any amount), laundry expenses (if total exceeds \$30 in one week); and all other expenses where the transaction total is over \$75. If the employee cannot provide a receipt for any expense requiring a receipt, the employee must indicate on the travel expense report that a receipt was not obtained, lost, or not provided by the vendor. Each employee should maintain travel-related documentation, including the authorization, voucher, and receipts required by policy for six years and three months to comply with audit activity.*

Deficiency 14: One employee ((b) (6), (b) (7)) did not use the government-issued travel card for all travel related expenses where the travel card is accepted (TA-5). Generally, if a personal credit card is listed on the receipt, this indicates the travel card would have been accepted by the vendor.

Citation: *In accordance with the ICE Travel Handbook (April 1, 2014), Chapters IX.A.1 and IX.D.2, the travel card must be used for all travel related expenses where the travel card is accepted. Specifically, this includes using the travel card where accepted for: airfare; rental cars; lodging; laundry/dry cleaning; meals (except when use of the travel card is impractical); parking; taxi; phone calls; ATM withdrawals for official travel; and*

all other travel expenses where the travel card is accepted. A travel card ATM withdrawal is the appropriate method to obtain cash for the payment of travel expenses when the travel card is not accepted or its use is not possible.

RECOMMENDATIONS

(b) (7)(E)

