

**FY 2013**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**OFFICE OF INSPECTOR GENERAL**



# OFFICE OF INSPECTOR GENERAL

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# OFFICE OF INSPECTOR GENERAL

## INSPECTOR GENERAL REFORM ACT (PUB. L. 110-409)

The Inspector General Reform Act (Pub. L. 110-409) amended Section 6 of the Inspector General Act of 1978, 5 U.S.C. app. 3, to require certain specifications concerning Office of Inspector General budget submissions each fiscal year. Each Inspector General (IG) is required to transmit a budget request to the head of the establishment to which the IG reports specifying: the aggregate amount of funds requested for the operations of the OIG, the portion of this amount requested for OIG training, including a certification from the IG that the amount requested satisfies all OIG training requirements for that fiscal year, and the portion of this amount necessary to support the Council of the Inspectors General on Integrity and Efficiency.

**U.S. Department of Labor**

Office of Inspector General  
Washington, DC 20210



January 10, 2012

MEMORANDUM FOR THE SECRETARY

*Daniel R. Petrole*

FROM: Daniel R. Petrole  
Deputy Inspector General

SUBJECT: Requirements Under the Inspector General Reform Act

As required by the Inspector General Reform Act (Pub. L. 110-409), I am submitting the following information relating to the OIG's requested budget for fiscal year 2013:

- the aggregate budget request for the operations of the OIG is \$85,435,000
- the portion of this amount needed for OIG training is \$477,000,
- the portion of this amount needed to support the Council of Inspectors General on Integrity and Efficiency is \$468,000, and
- the amount initially requested in the OMB submission was \$86,946,000.

Please let me know if you have any questions.

Working for America's Workforce

# OFFICE OF INSPECTOR GENERAL

## APPROPRIATION LANGUAGE

*For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, [\$77,937,000] \$79,199,000, together with not to exceed \$5,909,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund. (Department of Labor Appropriations Act, 2012)*

## OFFICE OF INSPECTOR GENERAL

<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>						
(Dollars in Thousands)						
	FY 2011 Enacted		FY 2012 Enacted		FY 2013 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
<b>A. Appropriation</b>	<b>378</b>	<b>\$78,093</b>	<b>378</b>	<b>\$77,937</b>	<b>378</b>	<b>\$79,199</b>
Reduction pursuant to enacted rescission in P.L. 112-74 in FY 2012	0	\$0	0	-\$147	0	\$0
Reduction pursuant to P.L. 112-10 in FY 2011	0	-\$156	0	\$0	0	\$0
Offsetting Collections From:						
Reimbursements	0	\$54	0	\$500	0	\$500
Unemployment Trust Fund	36	\$5,909	36	\$5,898	36	\$5,909
Black Lung Disability Trust Fund	1	\$327	1	\$327	1	\$327
Recovery Act Unobligated Balance Carried Forward	2	\$3,372	2	\$1,675	0	\$0
<i>Subtotal</i>	<i>39</i>	<i>\$9,506</i>	<i>39</i>	<i>\$8,253</i>	<i>37</i>	<i>\$6,736</i>
<b>B. Gross Budget Authority</b>	<b>417</b>	<b>\$87,599</b>	<b>417</b>	<b>\$86,190</b>	<b>415</b>	<b>\$85,935</b>
Reimbursements	0	-\$54	0	-\$500	0	-\$500
Recovery Act Unobligated Balance Carried Forward	-2	-\$3,372	-2	-\$1,675	0	\$0
<i>Subtotal</i>	<i>-2</i>	<i>-\$3,426</i>	<i>-2</i>	<i>-\$2,175</i>	<i>0</i>	<i>-\$500</i>
<b>C. Budget Authority Before Committee</b>	<b>415</b>	<b>\$84,173</b>	<b>415</b>	<b>\$84,015</b>	<b>415</b>	<b>\$85,435</b>
Reimbursements	0	\$54	0	\$500	0	\$500
Recovery Act Unobligated Balance Carried Forward	2	\$3,372	2	\$1,675	0	\$0
<i>Subtotal</i>	<i>2</i>	<i>\$3,426</i>	<i>2</i>	<i>\$2,175</i>	<i>0</i>	<i>\$500</i>
<b>D. Total Budgetary Resources</b>	<b>417</b>	<b>\$87,599</b>	<b>417</b>	<b>\$86,190</b>	<b>415</b>	<b>\$85,935</b>
Recovery Act Unobligated Balance Unexpiring	0	-\$1,675	0	\$0	0	\$0
Lapsed FTE & Unobligated Balance Expiring	-5	-\$337	0	\$0	0	\$0
<b>E. Total, Estimated Obligations</b>	<b>412</b>	<b>\$85,587</b>	<b>417</b>	<b>\$86,190</b>	<b>415</b>	<b>\$85,935</b>

# OFFICE OF INSPECTOR GENERAL

## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2012 Enacted	FY 2013 Request	Net Change
<b>Budget Authority</b>			
General Funds	\$77,790	\$79,199	+ \$1,409
Trust Funds	\$6,225	\$6,236	+ \$11
<b>Total</b>	\$84,015	\$85,435	+ \$1,420

### Full Time Equivalents

General Funds	380	378	-2
Trust Funds	37	37	0
<b>Total</b>	417	415	-2

Explanation of Change	FY 2012 Base		Trust Funds		FY 2013 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	417	\$46,393	0	\$6	0	\$1,058	0	\$1,064
Personnel benefits	0	\$0	0	\$0	0	\$0	0	\$0
Employee health benefits	0	\$15,116	0	\$5	0	\$351	0	\$356
One day more of pay	0	\$0	0	\$0	0	\$0	0	\$0
Federal Employees Compensation Act (FECA)	0	\$529	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$3,945	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$0	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$4,847	0	\$14	0	\$325	0	\$339
All Other Rental	0	\$115	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$507	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$9	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$4,100	0	\$0	0	\$0	0	\$0
Other services	0	\$739	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$5,246	0	\$0	0	\$0	0	\$0
Other government accounts (DHS Charges)	0	\$334	0	\$0	0	\$0	0	\$0
Other purchases of goods and services from Government accounts	0	\$457	0	\$0	0	\$13	0	\$13
Operation and maintenance of facilities	0	\$9	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$0	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$371	0	\$0	0	\$0	0	\$0
Equipment	0	\$252	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$0	0	\$0	0	\$0	0	\$0

# OFFICE OF INSPECTOR GENERAL

Explanation of Change	FY 2012 Base		Trust Funds		FY 2013 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Insurance claims and indemnities	0	\$45	0	\$0	0	\$0	0	\$0
<b>Built-Ins Subtotal</b>	<b>417</b>	<b>+\$83,014</b>	<b>0</b>	<b>+\$25</b>	<b>0</b>	<b>+\$1,747</b>	<b>0</b>	<b>+\$1,772</b>
<b>B. Programs:</b>								
<b>Total Increase</b>	<b>417</b>	<b>+\$83,014</b>	<b>0</b>	<b>+\$25</b>	<b>0</b>	<b>+\$1,747</b>	<b>0</b>	<b>+\$1,772</b>
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Operation and maintenance of equipment	0	\$1,001	0	-\$14	0	-\$338	0	-\$352
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>+\$1,001</b>	<b>0</b>	<b>-\$14</b>	<b>0</b>	<b>-\$338</b>	<b>0</b>	<b>-\$352</b>
<b>B. Programs:</b>								
Reduce ARRA FTE	417	\$0	0	\$0	-2	\$0	-2	\$0
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>-2</b>	<b>\$0</b>	<b>-2</b>	<b>\$0</b>
<b>Total Decrease</b>	<b>0</b>	<b>+\$1,001</b>	<b>0</b>	<b>-\$14</b>	<b>-2</b>	<b>-\$338</b>	<b>-2</b>	<b>-\$352</b>
<b>Total Change</b>	<b>417</b>	<b>+\$84,015</b>	<b>0</b>	<b>+\$11</b>	<b>-2</b>	<b>+\$1,409</b>	<b>-2</b>	<b>+\$1,420</b>

## OFFICE OF INSPECTOR GENERAL

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	FY 2011 Enacted		FY 2012 Enacted		FY 2013 Request		Diff. FY13 Req. / FY12 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>OIG Program Activity</b>	<b>412</b>	<b>84,173</b>	<b>417</b>	<b>84,015</b>	<b>415</b>	<b>85,435</b>	<b>-2</b>	<b>1,420</b>
General Funds	375	77,937	380	77,790	378	79,199	-2	1,409
Unemployment Trust Funds	36	5,909	36	5,898	36	5,909	0	11
Black Lung Disability Trust Funds	1	327	1	327	1	327	0	0
<b>Total</b>	<b>412</b>	<b>84,173</b>	<b>417</b>	<b>84,015</b>	<b>415</b>	<b>85,435</b>	<b>-2</b>	<b>1,420</b>
<b>General Funds</b>	<b>375</b>	<b>77,937</b>	<b>380</b>	<b>77,790</b>	<b>378</b>	<b>79,199</b>	<b>-2</b>	<b>1,409</b>
<b>Unemployment Trust Funds</b>	<b>36</b>	<b>5,909</b>	<b>36</b>	<b>5,898</b>	<b>36</b>	<b>5,909</b>	<b>0</b>	<b>11</b>
<b>Black Lung Disability Trust Funds</b>	<b>1</b>	<b>327</b>	<b>1</b>	<b>327</b>	<b>1</b>	<b>327</b>	<b>0</b>	<b>0</b>

NOTE: FY 2011 reflects actual FTE.

## OFFICE OF INSPECTOR GENERAL

<b>BUDGET AUTHORITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
	Full-Time Equivalent				
	Full-time Permanent	417	417	415	-2
	<b>Total</b>	<b>417</b>	<b>417</b>	<b>415</b>	<b>-2</b>
	Average ES Salary	\$170,000	\$170,000	\$170,000	\$0
	Average GM/GS Grade	13	13	13	0
	Average GM/GS Salary	\$109,000	\$110,428	\$115,000	\$4,572
	Average Salary of Ungraded Positions	0	0	0	0
11.1	Full-time permanent	40,788	41,960	43,007	1,047
11.3	Other than full-time permanent	0	208	209	1
11.5	Other personnel compensation	4,785	4,225	4,241	16
11.8	Special personal services payments	0	0	0	0
<b>11.9</b>	<b>Total personnel compensation</b>	<b>45,573</b>	<b>46,393</b>	<b>47,457</b>	<b>1,064</b>
12.1	Civilian personnel benefits	16,188	15,645	16,001	356
21.0	Travel and transportation of persons	3,324	3,945	3,945	0
22.0	Transportation of things	50	0	0	0
23.1	Rental payments to GSA	4,846	4,847	5,186	339
23.2	Rental payments to others	120	115	115	0
23.3	Communications, utilities, and miscellaneous charges	528	507	507	0
24.0	Printing and reproduction	22	9	9	0
25.1	Advisory and assistance services	4,115	4,100	4,100	0
25.2	Other services from non-Federal sources	869	739	739	0
25.3	Other goods and services from Federal sources 1/	6,633	6,037	6,050	13
25.4	Operation and maintenance of facilities	6	9	9	0
25.7	Operation and maintenance of equipment	643	1,001	649	-352
26.0	Supplies and materials	360	371	371	0
31.0	Equipment	696	252	252	0
41.0	Grants, subsidies, and contributions	200	0	0	0
42.0	Insurance claims and indemnities	0	45	45	0
	<b>Total</b>	<b>84,173</b>	<b>84,015</b>	<b>85,435</b>	<b>1,420</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	5,757	5,246	5,246	0
	DHS Services	334	334	334	0
	Services by Other Government Departments	148	2	2	0
	CIGIE	394	455	468	13

## **OFFICE OF INSPECTOR GENERAL**

### **AGENCY OUTCOME GOALS SUPPORTING “GOOD JOBS FOR EVERYONE”**

Consistent with the Government Performance and Results Act of 1993, the OIG has a strategic plan that is driven by responsibilities under the IG Act and other statutes, as well as the mission of the Department of Labor. All of the OIG’s strategic goals support the vision of the Department of “good jobs for everyone.” Through the OIG’s audit and investigative programs, it helps the Department in optimizing results and promoting integrity and accountability, which enables the Department to better meet its vision. The OIG’s specific goals are as follows:

Goal 1: Optimize performance and accountability of DOL employment and training programs.

Goal 2: Safeguard and improve worker and retiree benefit programs.

Goal 3: Optimize the performance and accountability of worker protection and workplace safety programs.

Goal 4: Assist DOL in maintaining an effective strategic management process.

Goal 5: Combat the influence of organized crime and labor racketeering in the workplace.

The OIG plans its work based on these five OIG goals and establishes performance targets based on workload trends. However, the OIG cannot anticipate with precision, a full year in advance: what risks, complaints, or allegations may emerge; what oversight requests from Congress or the Administration may be forthcoming; and what audits and investigations the OIG will conduct. This approach to the budget also permits the OIG to exercise its independent authority to initiate audits and investigations as the OIG deems appropriate based on risks or oversight needs.

# OFFICE OF INSPECTOR GENERAL

## PERFORMANCE STRUCTURE

The OIG’s goals generally align to the Department’s five goals as follows:

OIG Goals	DOL Goals				
	Prepare workers for good jobs and ensure fair compensation	Ensure workplaces are safe and healthy	Assure fair and high quality work-life improvements	Secure health benefits and, for those not working, provide income security.	Produce timely and accurate data on the economic conditions of workers and their families
<b>Goal 1: Optimize performance and accountability of DOL employment and training programs</b>	X				X
<b>Goal 2: Safeguard and improve worker and retiree benefit programs</b>				X	
<b>Goal 3: Optimize the performance and accountability of worker protection and workplace safety programs</b>		X			
<b>Goal 4: Assist DOL in maintaining an effective strategic management process</b>	X	X	X	X	X
<b>Goal 5: Combat the influence of organized crime and labor racketeering in the workplace</b>	X	X	X	X	

# OFFICE OF INSPECTOR GENERAL

## SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS

Senate Report 112-84: The Committee requests that the OIG include in its fiscal year 2013 congressional budget justification information on steps it will take to carry out its responsibilities more cost effectively.

Response: The OIG prioritizes its work based on several factors, including risk to the Department's programs and operations, risk to taxpayer funds, and risk to the safety and health of workers, among others. The OIG strives to maximize the use of its funding through strategic planning of its activities and by exercising strict internal controls on spending and continuous identification of cost saving measures. For example, the OIG has implemented increased use of video conferencing and web-meetings, as well as telecommuting, to increase efficiency and productivity and reduce travel costs. The OIG is also reviewing its travel and vehicle fleet management to maximize cost savings. Moreover, we are using student appointments to reduce salary costs. The OIG will continue to review and evaluate every aspect of its audit and investigative operations with a goal of streamlining processes, achieving efficiencies, while focusing on mission critical strategic priorities. In addition, the OIG is using blanket purchase agreements for information technology equipment and supplies.

# OFFICE OF INSPECTOR GENERAL

## AUTHORIZING STATUTES

<b>Public Law/Act</b>	<b>Legislation</b>	<b>Statute No. U.S. Code</b>	<b>Expiration Date</b>
Pub. L. 95-452, as amended	Inspector General Act of 1978	5 U.S.C. App. 3 92 Stat. 101	Indefinite

# OFFICE OF INSPECTOR GENERAL

<b>APPROPRIATION HISTORY</b>					
(Dollars in Thousands)					
	<b>Budget Estimates to Congress</b>	<b>House Allowance</b>	<b>Senate Allowance</b>	<b>Appropriations</b>	<b>FTE</b>
2003...1/	\$62,590	\$62,590	\$60,090	\$62,185	453
2004...2/	67,133	67,133	65,190	65,677	470
2005...3/	69,932	69,932	69,932	69,337	468
2006...4/	71,163	71,163	72,163	71,445	450
2007	73,112	74,107	76,107	73,112	432
2008...5/	78,993	78,993	79,993	74,725	407
2009...6/	82,466	0	82,466	82,466	415
2010	84,341	84,341	84,341	84,341	420
2011...7/	84,173	84,173	84,173	84,173	412
2012	84,772	84,772	84,772	84,015	417
2013	85,435	0	0	0	415

Unemployment Insurance (UI) and Black Lung Disability (BL) trust fund are included in the amount for each year indicated.

- 
- 1/ Includes \$405,000 reduction pursuant to P.L. 108-7.
  - 2/ Includes \$485,000 reduction pursuant to P.L. 108-199.
  - 3/ Includes a \$595,000 reduction pursuant to P.L. 108-447 and a reduction of 12 FTE.
  - 4/ Includes a \$718,000 reduction pursuant to P.L. 109-148.
  - 5/ Includes a \$1,323,000 reduction pursuant to P.L. 110-161.
  - 6/ Does not include \$6,000,000 received for the American Recovery and Reinvestment Act pursuant to P.L. 111-5.
  - 7/ A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

# OFFICE OF INSPECTOR GENERAL

## OVERVIEW

### Introduction

The mission of the Office of Inspector General (OIG) at the Department of Labor (DOL) is to:

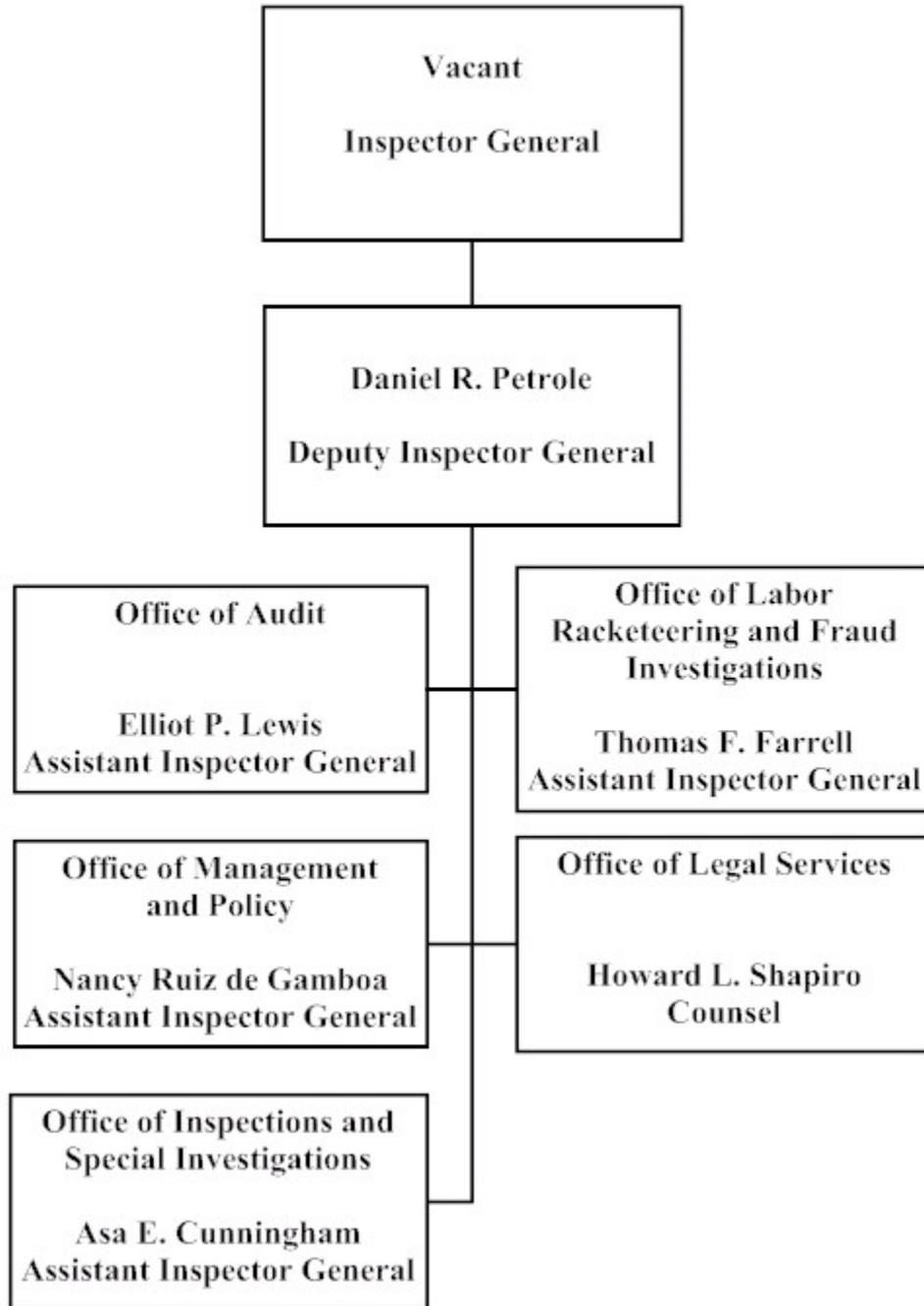
- increase the economy and efficiency of DOL programs, operations and management by preventing and detecting fraud, waste, and abuse;
- conduct and supervise audits and investigations of DOL's programs and activities;
- inform the Secretary of Labor and the Congress of problems and corrective action taken with respect to the administration of DOL operations and programs;
- assess the potential for fraud, waste, and abuse, and make recommendations to DOL and the Congress; and
- operate a criminal investigative program to reduce the influence of organized crime and labor racketeering on employee benefit plans, internal union affairs, and labor-management relations.

### Cost Model

The OIG requests a total of \$85,435,000 and 415 FTE, an increase of \$1,420,000 and decrease of 2 FTE over the FY 2012 enacted level. This includes \$79,199,000 and 378 authorized FTE for salaries, benefits, and expenses, \$5,909,000 and 36 authorized FTE for Unemployment Insurance trust fund, and \$327,000 and 1 authorized FTE for Black Lung Disability trust fund. This level of funding will enable the OIG to carry out its mandate under the IG Act of 1978.

# OFFICE OF INSPECTOR GENERAL

## ORGANIZATION CHART



## OIG PROGRAM ACTIVITY

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY 13 Req. / FY 12 Enacted</b>
Budget Authority	84,173	84,015	85,435	1,420
FTE	412	417	415	-2

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 417.

### **Introduction**

In carrying out its statutory responsibility to conduct and supervise audits and investigations relating to the programs and operations of the DOL, the Inspector General provides program direction over: the Office of Audit, the Office of Labor Racketeering and Fraud Investigations, and the Executive Direction and Management function.

- **Office of Audit:** The Office of Audit is responsible for conducting and supervising audits relating to the Department’s programs and operations and for making recommendations to promote economy and efficiency in the administration of DOL programs and operations. It is similarly responsible for preventing and detecting fraud, waste, abuse, and mismanagement in these programs and operations. Finally, it assists the Inspector General in keeping the Secretary and the Congress fully and currently informed about problems and deficiencies relating to the administration of the Department’s programs and operations as well as the necessity for, and progress of, corrective action.
  
- **Office of Labor Racketeering and Fraud Investigations:** The mission of the Office of Labor Racketeering and Fraud Investigations is to prevent and detect fraud and abuse in DOL programs and operations. In order to accomplish this mission, the OIG conducts criminal investigations relating to programs, operations, and employees of the Department. In addition, the Department of Labor OIG has a unique program responsibility for investigating labor racketeering and organized crime influence or control in unions, employee benefit plans, and the workplace.
  - o **Program Fraud:** The OIG administers an investigative program to detect and deter fraud, waste, and abuse in DOL programs and operations, and investigate employee misconduct allegations. Its primary goals are to increase the economy and efficiency of DOL programs by seeking criminal prosecution of those who defraud those programs and to deter future violations by reporting vulnerabilities to program managers and working with those managers to ensure corrective action is taken.
  
  - o **Labor Racketeering:** The OIG has a statutory mission to combat the influence of organized crime, labor racketeering, and corruption in employee benefit plans, labor-management relations, and internal union affairs. The primary emphasis of the program continues to be the investigation and removal of the influence and control over the nation's labor unions and employee benefit plans of organized criminal enterprises, in support of the Justice Department’s Organized Crime Program. In recent years, the OIG has also investigated non-traditional organized

## OIG PROGRAM ACTIVITY

crime groups and their impact on DOL programs. The influence of organized criminal enterprises and labor racketeering continues to have an adverse impact on the U.S. economy by reducing competitiveness in affected industries, thereby creating additional costs that are borne by American workers, businesses, and consumers, and undermining benefits protected by the Employee Retirement Income Security Act (ERISA).

- **Executive Direction and Management.** This function provides the overall direction, planning, management, administration, and inspections necessary to independently carry out the OIG’s nationwide mission, supplying centralized management of OIG headquarters and regional staff. The major components of the Executive Direction and Management function include:
  - Office of Management and Policy provides for overall direction, planning, management, and administration necessary to carry out the nationwide responsibilities of the OIG. This includes human resources, information technology, budget, procurement, and EEO. The office is also responsible for congressional liaison and reporting, agency-wide strategic planning, developing OIG policy, and reviewing and assessing proposed legislation and regulations.
  - Office of Legal Services provides independent legal services and counsel to the IG and the OIG components. Services provided include legal support and advice relating to audit and investigative activities, representation of OIG employees, litigation support, ethics training, and disclosure determinations. Moreover, the office operates a hotline and complaint analysis unit to address stakeholder allegations of wrongdoing involving DOL operations and programs.
  - Office of Inspections and Special Investigations is responsible for employee integrity investigations and performs internal inspections of the OIG functions.

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2008	\$74,725	407
2009	\$82,466	415
2010	\$84,341	420
2011	\$84,173	412
2012	\$84,015	417

### **FY 2013**

The OIG requests a total of \$85,435,000 and 415 FTE, an increase of \$1,420,000 and decrease of 2 FTE over the FY 2012 enacted level. This includes \$79,199,000 and 378 authorized FTE for salaries, benefits, and expenses, \$5,909,000 and 36 authorized FTE for Unemployment Insurance trust fund, and \$327,000 and 1 authorized FTE for Black Lung Disability trust fund. This level of funding will enable the OIG to carry out its mandate under the IG Act of 1978.

## OIG PROGRAM ACTIVITY

In FY 2013, the OIG would continue to operate at the same level as in FY 2012. Specific examples of audit and investigative work cannot be anticipated with precision 16 months in advance because it is unknown what complaints, allegations, or risks may emerge and what oversight requests may be forthcoming from Congress or the Administration. Indeed, in FY 2011, many discretionary audits were initiated as a result of hotline complaints and requests from the Department and Congress. However, the OIG’s performance in FY 2011 is an indicator of the type of high-impact work that the OIG would complete in FY 2013.

In FY 2011, the OIG contributed significantly towards the achievement of the Department’s mission and goals through improved integrity of DOL programs and operations, reduced vulnerabilities, and efficiencies and cost savings realized. In FY 2011, the OIG issued 68 audit and other reports and completed 445 investigations. In addition, the OIG questioned \$34.3 million in costs and recommended that \$682 million be put to better use. The OIG also attained \$205 million in investigative monetary accomplishments (i.e., recoveries, cost efficiencies, restitutions, fines/penalties, forfeitures, and civil monetary actions.)

### Summary of Agency Performance in FY 2011

	<b>Target</b>	<b>Result</b>
Number of investigations completed	431	445
Number of OIG audits and other reports completed (non-ARRA)	58	57
Number of ARRA audits and other reports	7	11
Total number of audits and other reports	65	68

### OIG Goal 1: Optimize performance and accountability of DOL employment and training programs

<b>Indicators, Targets, and Results</b>	<b>FY 2010 Result</b>	<b>FY 2011 Target</b>	<b>FY 2011 Result</b>
Number of investigations completed	105	98	86
Percentage of prosecutions that result in a conviction for those indicted	88%	85%	93%
Number of audits and other reports completed	26	24	22
Percentage of prior year recommendations resolved by DOL	95%	50%	93%

Under Goal 1, the OIG seeks to promote the effectiveness of employment and training programs such as Workforce Investment Act programs, Job Corps, Veterans’ Employment and Training, and Youthbuild. The OIG also seeks to improve the integrity of DOL’s training and employment programs by identifying fraud, waste or abuse involving these important programs. Examples of our work in this area include:

- The Recovery Act provided \$500 million for research, labor exchange, and job training projects that prepare workers for careers in energy efficiency and renewable energy -

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"green jobs." Our performance audit of the Employment and Training Administration's (ETA's) green jobs program included a review of the status of grant fund expenditures and how they have been used, and the extent to which performance targets for training and placing workers have been achieved. We found that as of June 30, 2011, grantees' reported training expenditures were only 29% of the amounts awarded, with more than 60% of the grant time elapsed; and non-training expenditures were at 67% of the amounts awarded, although 95% of the grant periods had elapsed. More telling, the grantees reported meeting only 10% of their target goal for participants being placed into employment, and only 2% of their target goal for participants retaining employment for at least 6 months. We recommended that ETA take actions to evaluate the green jobs program; and in doing so, obtain a current estimate of the green jobs funds each grantee requires, which will aid ETA in assessing the need for the remaining \$327.3 million of unspent grant funds. Ultimately, if grantees fail to utilize their Recovery Act funding, ETA should terminate the grants and return the funds to the Treasury.

- The OIG conducted a performance audit of training services provided through the WIA Adult and Dislocated Worker programs to determine if ETA had a comprehensive performance accountability system to assess the programs' effectiveness; what the results were of the training services provided; and if the training services were linked to demand occupations. Our audit found that WIA does not allow ETA to establish any new performance measures apart from the core employment indicators required, thus limiting the results of training services included in the WIA performance accountability system. Our analysis showed that almost 24% of sampled program exiters obtained employment in jobs that were not related to the training program in which the Department invested. Additionally, for another 10% of exiters, grantees could not provide sufficient evidence to demonstrate whether job placement was training related. We estimated that up to \$124 million was spent on training participants who did not obtain training-related employment in the 6 states we audited, or information was insufficient to make that determination. We recommended ETA pursue legislative authority in the WIA reauthorization to develop performance measures for training outcomes, and require State Workforce Agencies to report training costs and funding sources at the participant level.
- The OIG conducted a performance audit to determine whether Job Corps ensured outreach and admissions service providers enrolled only eligible students. Our audit found Job Corps did not ensure this occurred because of significant and systemic control weaknesses at both the Job Corps and service provider levels. If the ineligibility rate (10% of students enrolled in March 2011) remained constant, we estimated the amount of potential funds that would be spent on ineligible students over a one-year period could total \$165.1 million. We recommended that Job Corps determine the eligibility of all active students with recorded family incomes over the established income thresholds and take appropriate action; recover program funds spent on ineligible students from outreach and admissions service providers; and develop policies, procedures, training, and oversight to ensure these providers comply with established eligibility criteria and other Job Corps policies for program enrollment.

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- The owners of a software company were sentenced for conspiracy as a result of using their company to provide numerous false documents to DOL and the U.S. Department of Homeland Security (DHS) in order to sponsor foreign workers under the H-1B visa program, making false statements to the United States, and for engaging in monetary transactions in criminally derived property. Both owners received sentences of three years and four months in prison and three years' supervised release. The defendants were also ordered to forfeit more than \$2.8 million in proceeds from the fraud.
- The wife of a former DHS official was sentenced to four years in prison and two years' supervised release for her role in assisting her husband in defrauding the foreign labor certification process. The couple accepted approximately \$425,854 in bribes to illegally adjust the immigration status of foreign nationals. They filed several false applications with ETA and DHS, charging each applicant up to \$20,000 per petition.

### OIG Goal 2: Safeguard and improve worker and retiree benefit programs

Indicators, Targets, and Results	FY 2010 Result	FY 2011 Target	FY 2011 Result
Number of investigations completed	200	205	200
Percentage of prosecutions that result in a conviction for those indicted	91%	85%	96%
Number of audits and other reports completed	13	12	12
Percentage of prior year recommendations resolved by DOL	97%	50%	100%

Under this goal, the OIG promotes improved integrity and cost efficiency of the Unemployment Insurance program and Federal disability compensation programs, such as FECA and EEOICPA. The OIG also seeks to improve the programs that safeguard the Nation's pension and health and welfare benefit plans. Examples of our work in this area include:

- The enactment of the Patient Protection and Affordable Care Act (PPACA) imposed new coverage requirements on ERISA-covered, employer-sponsored group health plans. Our audit of EBSA's implementation of PPACA found that the agency has taken significant actions toward this end, using its authority to issue eight interim final regulations. EBSA received more than 1,900 public comments on these regulations, but has not established a timeline to address them. We also found that EBSA could provide PPACA compliance assistance during health plan investigations. We recommended that EBSA: establish specific timetables to respond to public comments and issue final regulations, and incorporate PPACA requirements immediately into the enforcement program to assist plans in complying with PPACA.
- A former civilian employee of the Department of the Army was sentenced to 10 months in prison, a year supervised release, and ordered to pay \$100,000 in restitution after being found guilty of making false statements and fraudulently obtaining Federal worker's compensation benefits over a 10-year period.

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- A chiropractor pled guilty to health care fraud in a \$1.5 million scheme in which he and others submitted fraudulent claims for medical services. The chiropractor also forged doctor’s signatures and documents supporting false claims filed for Federal worker’s compensation benefits.
- The owner and operator of Advantage Medical Health Care, LLC was sentenced for his role in fraudulently billing the Office of Workers’ Compensation Program (OWCP) and others for millions of dollars for physical therapy treatments that never occurred. He was sentenced to a year and one day in prison, three years’ supervised release, and ordered to pay restitution of more than \$2.5 million and fined \$50,000.
- A former USPS letter carrier pled guilty to theft of government funds for defrauding OWCP by filing falsified medical travel refund requests claiming mileage for physician and rehabilitation appointments that he did not attend. As a result, OWCP issued payments of \$230,861 to the former letter carrier, who was not entitled to any reimbursement.
- A former Texas Workforce Commission employee was sentenced to two years in prison and three years’ supervised release, restitution of \$262,909, and 250 hours of community service. While employed as a workforce development specialist, she schemed with 57 UI applicants by assisting them in filing 84 fraudulent claims.
- A former California Employment Development Department (EDD) account technician and a co-conspirator pled guilty for their roles in a scheme to defraud the UI Program. The EDD employee manipulated wage data by fraudulently entering the co-conspirator’s name in a company’s quarterly reports to EDD which enabled the co-conspirator to file successful claims for UI benefits totaling \$92,826 to which he was not entitled.

**OIG Goal 3: Optimize the performance and accountability of worker protection and workplace safety programs**

Indicators, Targets, and Results	FY 2010 Result	FY 2011 Target	FY 2011 Result
Number of investigations completed	33	22	37
Percentage of prosecutions that result in a conviction for those indicted	83%	85%	96%
Number of audits and other reports completed	11	9	13
Percentage of prior year recommendations resolved by DOL	80%	50%	91%

Under this goal, the OIG seeks to enhance the effectiveness and integrity of worker protection programs administered by OSHA and MSHA to protect the lives and health of our Nation’s workers. Examples of the OIG’s work include:

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- The OIG conducted a performance audit of OSHA's monitoring of State Plans to determine whether OSHA ensured that OSHA programs operated by State Plans were at least as effective as the Federal OSHA program. We found that OSHA had not designed a method to examine the impact of State Plan programs on workplace safety and health to ensure that they were effective and to fully evaluate the merits of any program changes. OSHA also had not evaluated the impact of enforcement programs in order to arrive at a minimum criterion to evaluate State Plan programs, nor had it defined effectiveness in the context of State Plan programs. We recommended OSHA define program effectiveness; design measures to quantify the impact of State Plan programs on workplace safety and health; establish a baseline to evaluate state program effectiveness; and revise monitoring processes to include assessments about whether State Plans are at least as effective as Federal OSHA.
- The OIG conducted a performance audit to determine whether OSHA had performed proper investigations of three whistleblower complaints filed by one complainant. We found that OSHA did not follow its own policies and procedures during investigations of two of the complaints. We also found that OSHA exceeded its authority by dismissing the third complaint without conducting an investigation to determine its merits. As a result, OSHA could not provide any assurance that protections were afforded as intended under Federal whistleblower laws. We recommended that OSHA implement controls to ensure that supervisors review all complaints for validity and coverage prior to beginning an investigation.
- For each of the three years since MSHA implemented its "100% Plan" to ensure completion of all mandatory metal/nonmetal mine inspections by the end of each fiscal year, MSHA reported that it had met this requirement. However, our audit found that MSHA could not demonstrate the appropriateness of the "mine status" it assigned and used to determine the number of required regular safety and health inspections at each mine. In addition, MSHA's policies allowed an "attempted inspection" to eliminate the requirement to complete a regular safety and health inspection at mines that operate on an irregular or less-than-full-time schedule. While inspectors who were unsuccessful in their initial inspection attempts at these mines often later returned and conducted their inspections, MSHA policy did not require them to do so. MSHA also included inspections prior to supervisory review - which can result in a determination that additional inspection work should be performed - in computing its inspection completion rate. We made five recommendations to MSHA to make improvements in its metal/nonmetal mine inspection program.
- An investigation led to the sentencing of a section foreman at Performance Coal Company's Upper Big Branch Mine (UBB) for providing false statements to investigators and making false statements, representations, and certifications in MSHA documents. In April 2010, a catastrophic underground coal mine explosion occurred at UBB -South in Montcoal, West Virginia that killed 29 coal miners. From December 2007 through August 2009, while working at UBB, the Section Foreman misrepresented himself as a certified mine examiner and foreman and certified approximately 200 log

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entries relating to mine safety. In August 2009, he was transferred to another company subsidiary where he continued the fraudulent practice. In addition, during an investigation of the explosion, he falsely and knowingly represented to Federal agents and officials that he had passed the required mine foreman examination when, in fact, he had not. The section foreman was sentenced to 10 months in prison and three years' probation.

### OIG Goal 4: Assist DOL in maintaining an effective strategic management process

Indicators, Targets, and Results	FY 2010 Result	FY 2011 Target	FY 2011 Result
Number of audits and other reports completed	17	20	21
Percentage of prior year recommendations resolved by DOL	94%	50%	100%

Most of the OIG's work in support of Goal 4 involves auditing DOL's financial statements and conducting work under FISMA to ensure that DOL's information technology systems are secure. In addition, work in this area is intended to ensure that the DOL's administrative processes comply with various regulations and laws. Examples of our work follow:

- The OIG conducted an audit to determine whether the Department and its component agencies were meeting requirements related to FISMA. The OIG found that DOL and its component agencies were not meeting minimum IT security controls, identifying significant deficiencies in access control and oversight of third-party IT security. In addition, the OIG found other IT security control deficiencies in the areas of certification, accreditation, and security assessment; configuration management; contingency planning; incident response; and planning.
- The OIG conducted a performance audit to determine how much progress the Department has made in implementing OIG recommendations to remediate identified IT security vulnerabilities. The audit results indicated timely remediation of IT recommendations was not a management priority, as we found that 95 of 402 recommendations had remained uncorrected for more than two years. Moreover, component agencies had incorrectly reported 41 of 301 recommendations as fully implemented when they had not, in fact, completed the necessary corrective actions. We recommended that the CIO develop procedures in conjunction with the Designated Approving Authorities to modify agreed-upon planned corrective actions. For those systems having open IT recommendations, we recommended the development of immediate action plans to complete corrective actions.
- An OIG investigation found a pattern of misconduct involving the VETS Assistant Secretary and two other senior VETS officials. Their conduct reflected a consistent disregard of Federal procurement rules and regulations, Federal ethics principles, and the proper stewardship of appropriated dollars. In one example, this pattern of conduct resulted in payments of up to \$700,000 to secure the services of one contractor. These

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services could have been secured at a lower cost and should have been secured through open competition. The OIG recommended that the Department review the specific procurement actions to determine, what, if any, action should be taken pursuant to the report. The Department responded that it has recently taken several measures to improve safeguards in the procurement process within VETS. The Department has also instituted new procurement procedures for all agency contracting officials. The Assistant Secretary and his Chief of Staff resigned following the issuance of the OIG report.

### OIG Goal 5: Combat the influence of organized crime and labor racketeering in the workplace

<b>Indicators, Targets, and Results</b>	<b>FY 2010 Result</b>	<b>FY 2011 Target</b>	<b>FY 2011 Result</b>
Number of investigations completed	132	106	122
Percentage of prosecutions that result in a conviction for those indicted	93%	80%	95%

The DOL OIG has a unique program responsibility for investigating labor racketeering and organized crime influence or control in unions, employee benefit plans, and labor management relations in the workplace. In support of this responsibility, the OIG uses Goal 5 to capture work in this area. Labor racketeering continues to have a negative impact on American workers, employers, and the public through reduced wages and benefits, diminished competitive business opportunities, and increased costs for goods and services. Examples of work in support of this goal follow.

- Six defendants, who had various associations with the District Council of Carpenters that oversees ten local unions, were sentenced for their respective roles involving prohibited payments by contractors to union officials. These officials then permitted the abrogation of the collective bargaining agreements by allowing underpayments of contributions to the union-sponsored employee benefit plans, resulting in financial harm to the union members. Collectively, more than \$20 million was ordered in restitution and forfeiture during the reporting period.
- A soldier in the Genovese La Cosa Nostra Organized Crime family was sentenced to two years and nine months in prison, to be followed by three years' supervised release for his role in a conspiracy to harbor an individual, who was a captain in the Genovese family and a fugitive from justice, from arrest. The captain was charged and convicted at trial in another OIG case for engaging in 33 years of extortionate control over Local 1235 of the International Longshoremen's Union.
- A former administrative assistant and office manager to the South Central Laborers Training and Apprenticeship Fund (SCLTAF) pled guilty to embezzlement from an employee benefit plan. SCLTAF is a welfare plan arrangement which is funded by various union contractors throughout several states. The former employee embezzled approximately \$491,000 from the SCLTAF by, among other things, making purchases of

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personal items using her SCLTAF-issued credit card and using SCLTAF funds to pay for the purchases.

- A former bookkeeper for United Association of Plumbers and Pipe Fitters Local 333 was sentenced to three years and six months in prison, three years' supervised release, 300 hours of community service, and restitution of approximately \$412,000. She had previously pled guilty for theft from an employee benefit plan and embezzlement of labor organization assets. The bookkeeper falsified the union's accounting records to hide the thefts from co-workers and the auditor.
- A financial secretary for the Boilermakers Southeastern Area Joint Apprenticeship Committee (SAJAC) Fund was sentenced to two-and-a-half years in prison and restitution of more than \$2.5 million after pleading guilty to embezzlement from an employee benefit plan. Another SAJAC employee was indicted for her alleged role in the scheme.
- A former Plumbers Local 55 business manager was sentenced to more than two years in prison and ordered to pay \$11,158 in restitution after pleading guilty to several crimes, including Hobbs Act Conspiracy and union-related benefit embezzlement charges. The defendant participated in a bribery scheme with a county commissioner, improperly used union property to perform work on the homes of his friends, and instructed other to mislead investigators after the corruption invest

### **FY 2013**

In FY 2013, the OIG will continue to initiate audits, investigations, and evaluations in keeping with its mission under the IG Act and mandates under various laws and other Federal requirements. The OIG will perform work related to employment and training programs and grants, worker benefit programs, worker protections and safety, and labor racketeering. The OIG will also perform audits to assist DOL in maintaining an effective strategic management process to include auditing the financial statements of DOL, as required by the Chief Financial Officers Act, and auditing DOL's mission-critical information systems to assess the overall effectiveness of the Department's information security program, as required by the Federal Information Security Management Act of 2002. From an investigative perspective, the OIG will continue to perform work related to DOL worker benefit programs, worker protections and safety, and labor racketeering.

### **FY 2012**

In FY 2012, for the area of training and employment programs, the OIG is auditing services provided to adult and dislocated workers under WIA formula grants to States. The OIG will audit whether Job Corps' oversight of center operators ensures Job Corps centers managed academic and career technical training programs to maximize student achievements. The OIG will also conduct an audit to determine if costs claimed by Job Corps national contractors were reasonable and allowable in accordance with the FAR and Job Corps requirements. Moreover, the OIG will

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conduct an audit to determine whether the Jobs for Veterans State Grant Program provides services to meet veterans' employment and training needs.

In the areas of workers' and retirees' benefits, the OIG is auditing the impact that the Employee Benefits Security Administration's revised approach to audit quality oversight has had on the quality of required annual audits of employee benefit plans. The OIG is auditing payments to claimants for travel associated with their FECA claims to determine to what extent FECA claimants submitted travel reimbursement vouchers for dates of service that never occurred, or overstated their travel mileage.

In addition, the OIG is reviewing whether DOL's annual report on reducing improper Unemployment Insurance payments comply with all the requirements of Executive Order 13520, whether figures represented in the annual report accurate, and whether DOL could improve the plan for meeting improper payment reduction targets.

The OIG is continuing to focus on the areas of worker safety and workers' rights. For example, the OIG is conducting an audit of MSHA to determine whether MSHA effectively reviews, approves, and monitors mine operators' required training plans. The OIG will also conduct an audit of MSHA's Accountability Program, which will determine the status of changes MSHA made in the Program in response to an earlier report and what actions it plans to take to revise the Program.

Additionally, the OIG will continue to assist the Department in maintaining an effective management process. For example, OIG is auditing DOL agencies with procurement authority to determine whether DOL contracting practices consistently comply with Federal procurement laws and foster an environment that awards, through full and open competitions, contracts to vendors that offer the best value. Also, the OIG will continue its annual audit of the Department's consolidated financial statements, including general application and security controls reviews of selected DOL financial systems, and will conduct information security audits in accordance with the Federal Information Security Management Act of 2002.

From an investigative perspective, in FY 2012, the OIG will continue to investigate labor racketeering and/or organized crime influence or control in unions, employee benefit plans, and the workplace. The OIG is also focusing on fraud against Departmental programs such as the Unemployment Insurance, the Federal Employee Compensation Act, and the Foreign Labor Certification Programs.

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<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>OIG Program Activity</b>				
<b>Audits</b>				
OIG Audits	58	57	58	58
ARRA Audits	7	11	7	--
<b>Total</b>	<b>65</b>	<b>68</b>	<b>65</b>	<b>58</b>
Number of Investigations Completed	431	431	445	431

## OIG PROGRAM ACTIVITY

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
11.1	Full-time permanent	40,788	41,960	43,007	1,047
11.3	Other than full-time permanent	0	208	209	1
11.5	Other personnel compensation	4,785	4,225	4,241	16
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>45,573</b>	<b>46,393</b>	<b>47,457</b>	<b>1,064</b>
12.1	Civilian personnel benefits	16,188	15,645	16,001	356
21.0	Travel and transportation of persons	3,324	3,945	3,945	0
22.0	Transportation of things	50	0	0	0
23.1	Rental payments to GSA	4,846	4,847	5,186	339
23.2	Rental payments to others	120	115	115	0
23.3	Communications, utilities, and miscellaneous charges	528	507	507	0
24.0	Printing and reproduction	22	9	9	0
25.1	Advisory and assistance services	4,115	4,100	4,100	0
25.2	Other services from non-Federal sources	869	739	739	0
25.3	Other goods and services from Federal sources 1/	6,633	6,037	6,050	13
25.4	Operation and maintenance of facilities	6	9	9	0
25.7	Operation and maintenance of equipment	643	1,001	649	-352
26.0	Supplies and materials	360	371	371	0
31.0	Equipment	696	252	252	0
41.0	Grants, subsidies, and contributions	200	0	0	0
42.0	Insurance claims and indemnities	0	45	45	0
	<b>Total</b>	<b>84,173</b>	<b>84,015</b>	<b>85,435</b>	<b>1,420</b>
1/Other goods and services from Federal sources					
	Working Capital Fund	5,757	5,246	5,246	0
	DHS Services	334	334	334	0
	Services by Other Government Departments	148	2	2	0
	CIGIE	394	455	468	13

# OIG PROGRAM ACTIVITY

## CHANGES IN FY 2013

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$1,064
Personnel benefits	0
Employee health benefits	356
One day more of pay	0
Federal Employees Compensation Act (FECA)	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	339
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	13
Operation and maintenance of facilities	0
Operation and maintenance of equipment	-352
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$1,420**

**Net Program** **\$0**

**Direct FTE** **-2**

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>\$85,435</b>	<b>417</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>-2</b>