

**HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. CONGRESS JOINT ECONOMIC COMMITTEE**



**U.S. CENSUS BUREAU:
ADDRESSING DATA COLLECTION VULNERABILITIES**

**STAFF REPORT
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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
U.S. CONGRESS JOINT ECONOMIC COMMITTEE
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I. Table of Contents

II.	TABLE OF NAMES.....	3
III.	EXECUTIVE SUMMARY.....	5
IV.	FINDINGS.....	8
V.	RECOMMENDATIONS.....	9
VI.	BACKGROUND.....	10
A.	IMPORTANT IMPLICATIONS OF SURVEY DATA.....	11
B.	ARTICLE CLAIMS WIDESPREAD FALSIFICATION.....	11
C.	INVESTIGATION AND REPORT.....	12
VII.	ALLEGATIONS OF SUPERVISORS ENCOURAGING DATA FALSIFICATION.....	12
A.	INSTRUCTED TO FALSIFY.....	13
i.	<i>Butler’s Allegations</i>	14
ii.	<i>Implications of a Cover-Up</i>	20
1.	Buckmon’s Large Caseload.....	21
2.	Disappearing Suspected Falsification Reports.....	25
iii.	<i>Census Bureau Fails to Investigate</i>	35
iv.	<i>IG and EEO Complaints</i>	37
VIII.	DEPARTMENT’S LACK OF COOPERATION WITH CONGRESS.....	40
IX.	DATA COLLECTION AND QUALITY CONTROL PROCEDURES.....	41
A.	REGIONAL COMMAND STRUCTURE IN 2010.....	42
B.	STRUCTURAL CHANGES AT THE CENSUS BUREAU.....	43
C.	CPS DATA COLLECTION PROCEDURES.....	48
D.	QUALITY CONTROL MECHANISMS.....	52
E.	SUSPECTED FALSIFICATION PROCEDURES.....	53
i.	<i>Paper-Based Falsification Report</i>	54
ii.	<i>Five-Day Letter</i>	57
iii.	<i>Inconsistent Procedures for Suspected Falsification</i>	59
X.	FUNDAMENTAL FLAWS IN THE SYSTEM.....	62
A.	PRESSURE TO PERFORM.....	62
i.	<i>Importance of Response Rates</i>	63
ii.	<i>Performance Improvement Plans (PIP)</i>	71
B.	INSUFFICIENT QUALITY CONTROL MEASURES.....	73
i.	<i>Quality Checks Remain in the Chain of Command</i>	74
ii.	<i>No Incentives for Identifying Falsification</i>	76
iii.	<i>Limited Means for Reporting Suspected Falsification</i>	78
1.	Conflict of Interest for Reviewing Employee Conduct.....	81
C.	INSUFFICIENT RECORD-KEEPING.....	83
i.	<i>Data Files</i>	83
ii.	<i>Supervisory Changes and Surrounding Records</i>	86
D.	INADEQUATE EMPLOYEE AND SUPERVISOR TRAINING.....	89
XI.	RECOMMENDATIONS.....	93
XII.	CONCLUSION.....	95

II. Table of Names

Fernando Armstrong

Regional Director, Philadelphia Regional Office

For the past 15 years, Fernando Armstrong has served as the Regional Director for the U.S. Census Bureau's Philadelphia Regional Office. He is responsible for ensuring that the Philadelphia Region has sufficient staff to manage and conduct surveys. Armstrong is responsible for making sure that Philadelphia Region employees receive proper training. Armstrong was the most senior official in the Philadelphia Regional Office at the time when supervisors allegedly instructed employees to falsify data or otherwise not report suspected falsification.

Harold Hayes

Former Assistant Regional Director, Philadelphia Regional Office

As the Assistant Regional Director, Harold Hayes was responsible for overseeing Program Coordinators in the Regional Office. Hayes was one of the officials in the Philadelphia Regional Office who received reports of alleged data falsification. Hayes ordered an internal investigation.

Theodore Roman

Former Assistant Regional Director, Philadelphia Regional Office

Theodore Roman was responsible for overseeing Program Coordinators in the Regional Office. Roman was aware of allegations that a field worker was falsifying responses, and he signed a memorandum that recommended the Inspector General should investigate the matter. The memorandum also recommended removing the field worker in question.

Joal Crosby

Former Program Coordinator, Philadelphia Regional Office

As a Program Coordinator, Joal Crosby reported directly to the Assistant Regional Director. She managed a team of Survey Statisticians and the Senior Field Representatives. Crosby was aware of concerns about data falsification. Crosby sent several "five-day letters" requesting information from the field worker who was suspected of falsifying responses.

Roderick Wiley

Former Program Coordinator, Philadelphia Regional Office

Roderick Wiley submitted an affidavit that described a voicemail in which a Survey Statistician instructed a Senior Field Representative to encourage her team to falsify data. Wiley believed that the voicemail message "implied falsification."

Thomas Almerini

Program Coordinator, Philadelphia Regional Office

Thomas Almerini is a Program Coordinator for the Philadelphia Regional Office of the U.S. Census Bureau, a position he has held January 2008. Almerini was the Program Coordinator responsible for the Current Population Survey from 2008-2012. He managed Survey Statisticians responsible for the CPS, including Timothy Maddaloni. Almerini was allegedly complicit in covering up data falsification.

Timothy Maddaloni

Survey Statistician, Philadelphia Regional Office

Timothy Maddaloni is responsible for managing survey progress and ensuring that the Regional Office receives the highest possible survey response rate. He allegedly contacted a Senior Field Representative and requested that she instruct her team members to falsify data. After the Senior Field Representative refused, Maddaloni then allegedly contacted one of her team members directly and instructed him to falsify responses. Maddaloni has denied these allegations.

Stefani Butler

Senior Field Representative, Census Bureau

Stefani Butler has served as Senior Field Representative for the U.S. Census Bureau for 13 years. Previously, she worked as a Field Supervisor and Field Representative. Butler alleged that Philadelphia Regional Office supervisors encouraged her to falsify data or not report suspected falsification. She alleged Timothy Maddaloni called her in July 2010 and requested that she instruct her team members to falsify data. Butler testified that after she refused Maddaloni's request, he contacted one of her team members directly.

Julius Buckmon

Former Field Representative, Census Bureau

Julius Buckmon was a Field Representative for the U.S. Census Bureau whom Butler supervised in 2010. Maddaloni allegedly called Buckmon in July 2010 and instructed him to falsify his cases. During their phone conversation, Maddaloni reportedly instructed Buckmon to send in his cases as completed interviews even though he did not interview a particular household. According to Buckmon, Maddaloni stated he would "cover it" during the reinterview process. Buckmon received numerous "five-day letters" regarding discrepancies found in his cases. The Census Bureau eventually terminated him for falsifying data.

III. Executive Summary

On November 18, 2013, a *New York Post* story by John Crudele described how a Census Bureau employee falsified responses to a survey that measured the unemployment rate, among other things. Crudele reported that the falsified data may have boosted the unemployment rate in advance of the 2012 presidential election, and that the falsification occurred with the knowledge of senior Census Bureau employees. Crudele wrote:

In the home stretch of the 2012 presidential campaign, from August to September, the unemployment rate fell sharply — raising eyebrows from Wall Street to Washington. The decline — from 8.1 percent in August to 7.8 percent in September — might not have been all it seemed. The numbers, according to a reliable source, were manipulated. And the Census Bureau, which does the unemployment survey, knew it.¹

The next day, House Oversight and Government Reform Committee Chairman Darrell Issa, Subcommittee on Federal Workforce, U.S. Postal Service, and the Census Chairman Blake Farenthold, and Joint Economic Committee Chairman Kevin Brady wrote a letter to U.S. Census Bureau Director John Thompson requesting documents and information that would shed light on allegations of data falsification at the Census Bureau.² The allegations of deliberate data falsification during the Current Population Survey (CPS) were particularly serious because the U.S. Department of Labor uses CPS data to generate the national unemployment rate, one of the principal measures of the nation's economic health. The integrity of this data is crucial, as both government and the private sector rely heavily on it. The Census Bureau's mission "is to serve as the leading source of quality data about the nation's people and economy."³ If true, the allegations of data falsification would call into question whether the Census Bureau was fulfilling its mission.

The House Committee on Oversight and Government Reform and the Joint Economic Committee jointly investigated the allegations. The findings in this report are based on the Committees' review of thousands of documents obtained during the course of the joint investigation, as well as witness interviews. Documents and testimony obtained by the Committees did not show a link between the data falsification that occurred in the Philadelphia Regional Office and the national unemployment rate. The documents and testimony did show, however, that the Current Population Survey is vulnerable to data falsification and that the Census Bureau needs to make common sense reforms to protect the integrity of survey data.

The allegations originated from a former CPS interviewer, who claimed that, in 2010, supervisors at the Philadelphia Regional Office encouraged falsification of data with the assurance that the scam would be covered during the quality review process. Senior Field

¹ John Crudele, *Census 'faked' 2012 election jobs report*, N.Y. POST, Nov. 18, 2013.

² Letter from Hon. Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform, Hon. Blake Farenthold, Chairman, H. Subcomm. on Federal Workforce, U.S. Postal Service, & the Census, and Hon. Kevin Brady, Chairman, Joint Economic Committee to Hon. John Thompson, Director, U.S. Census Bureau (Nov. 19, 2013).

³ U.S. Census Bureau, About Us, What We Do, Mission Statement, <https://www.census.gov/aboutus/mission.html> (last visited Aug. 27, 2014).

Representative (SFR) Stefani Butler alleged that supervisors tolerated and even encouraged falsification in an effort to reach the monthly 90 percent response rate goal set by the Bureau of Labor Statistics and the Census Bureau's Demographic Surveys Division.⁴

Butler testified that one of her supervisors, Survey Statistician Timothy Maddaloni, asked that she instruct her team members to falsify data by sending in cases as completed, despite the fact that they had not completed the mandatory interview and were, thus, incomplete.⁵ When Butler refused to comply, she alleged that Maddaloni then contacted her subordinate Field Representative Julius Buckmon directly to request that he send in his cases as completed.⁶ Maddaloni reportedly stated that he would cover the cases during the quality control phase of the survey, known as the reinterview process.⁷

Butler's story underlines the serious structural and systematic deficiencies within the Census Bureau's data collection processes, especially with respect to the Bureau's ability to detect data falsification. The Census Bureau must obtain a statistically significant survey response rate from sample households. The Census Bureau, therefore, expects field representatives (FR) to achieve a high interview completion rate, obtaining responses from a standard percentage of their assigned cases. There is no evidence that the data falsification problems that plagued the Philadelphia Regional Office were widespread; however, the Bureau's record-keeping weaknesses and data collection priorities created a vulnerability, which could be exploited to achieve the monthly response rate goal. Because the survey response rate is tied to employee pay rates, there may be temptation to falsify data.

While the Census Bureau has taken steps to help ensure data quality, deficiencies still exist. The Committees' joint investigation identified a number of weaknesses. Data quality-assurance efforts are fundamentally flawed. Census employees have limited means for reporting suspected falsification. If an interviewer observes irregularities during the course of an interview that raises suspicion of falsification, is the interviewer is expected to report concerns by informal means up the chain of command. The Census Bureau relies on the reinterview process as a key quality assurance mechanism for CPS. Rather than acting as an immediate data quality check, however, the reinterview process serves as more of a deterrent for data falsification. The reinterview process is not independent of the data collection process, and supervisors in the original interviewer's chain of command are mostly responsible for conducting the reinterview. The performance evaluations of these same supervisors also depend, in part, on the response rate on the survey, which can create a conflict of interest.

If a reinterviewer flags a case as suspected falsification, the supervisors are responsible for initiating and conducting an investigation. Investigating suspected falsification is cumbersome, time-consuming, and often thankless. There is limited tracking of the suspected

⁴ H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Stefani Butler, at 33 (Jan. 16, 2014) [hereinafter Butler Tr.]; H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Fernando Armstrong, at 131 (Jan. 28, 2014) [hereinafter Armstrong Tr.].

⁵ Butler Tr. at 33.

⁶ *Id.* at 33-34.

⁷ U.S. Dep't of Commerce, Office of Civil Rights, *Report of Investigation Equal Employment Opportunity Complaint of Julius Buckmon Complaint No. 10-63-03132*, at 7 (Oct. 7, 2010) [hereinafter *Buckmon EEO Complaint*].

falsification process, and the investigative process, guided by paper-based forms, is dated and inefficient. Supervisors have no incentive to identify falsification, apart from moral principles and expected behavior. The current incentive structure rewards high response rates, which constitute the primary criteria for FR performance standards. Documents obtained by the Committees show that Philadelphia Regional Office supervisors pressured subordinates to obtain more interviews to boost the response rate. The Committees' investigation found heavy emphasis on completing more interviews, often at the expense of data quality.

Each case has multiple data files that record case activity. Some of the records are difficult to read, and interpreting the information is a complicated and time-consuming process. It is impossible to match logged activity with the employee who performed it with certainty. Some records and case notes can also be edited or deleted with no record of the changes made. There is no streamlined data set to easily access a case's history and determine the chain of custody, limiting both transparency and accountability. Demands for higher response rates, limited means for reporting suspected falsification, and insufficient data management records create a disincentive for reporting falsification. The current structure actually discourages Census employees from reporting suspected falsification.

Census data affect Congressional decisions on a broad range of federal programs. As the 2020 decennial census approaches, ensuring the integrity of the data the Census Bureau collects is a major priority. The Committees seek to ensure that the Department of Commerce and the Census Bureau are taking all necessary steps to verify the collection and transmission of accurate information, identify structural and procedural weaknesses, and implement appropriate changes as needed in a timely fashion.

IV. Findings

1. The Bureau's lack of recordkeeping and deficient data collection system fostered an environment in which data falsification could occur.
2. The suspected falsification procedures are inconsistent from region to region and from case to case. The system relies on paper-based forms, making it vulnerable to error and deliberate circumvention.
3. Data quality assurance efforts are fundamentally flawed. Regional offices are responsible for both data collection and quality control, which often have conflicting objectives.
4. Philadelphia Regional Office supervisors regularly emphasized the importance of obtaining survey response rates, with little to no mention of data integrity. Employees experienced significant pressure to achieve and improve their response rates by any means possible. Pressure to meet these requirements stemmed from both the Regional Office and Census National Headquarters.
5. The current mechanisms for data quality control are insufficient and could serve to discourage individuals from identifying and reporting suspected falsification.
6. The primary data quality assurance check—reinterview—remains in the original interviewer's chain of command, effectively diminishing the objectivity of the process.
7. There are no clear guidelines available to all Census employees for straightforward reporting of suspected falsification.
8. There is no single master record of a case. The case-tracking systems make it difficult—sometimes impossible—to determine the full history and corresponding chain of custody of a particular case.

V. Recommendations

1. The Census Bureau must establish clear procedures for Field Representatives to report potential falsification.
2. The reinterview process should occur independent of the chain of command.
3. The Census Bureau must rapidly improve its case tracking systems.
4. The Field Representative Data Falsification Followup and Quality Assurance Form (Form 11-163), a document the Survey Statistician Office uses to investigate the suspected instance and record pertinent information, must become electronic.
5. Both the Census Bureau and the Department of Commerce need to improve their responsiveness to Congressional oversight.

VI. Background

The U.S. Census Bureau is responsible for a number of household surveys—most notably the Population and Housing Census, known as the “Decennial Census.”⁸ The Decennial Census is a constitutionally required population survey conducted every ten years.⁹ While this happens only once per decade, the Census Bureau continually collects data on U.S. social and economic conditions through a variety of ongoing business and household surveys.¹⁰

The Current Population Survey (CPS) is a data collection survey conducted monthly throughout the United States.¹¹ As part of the survey, randomly selected addresses are placed in the sample for four consecutive months, left out for eight consecutive months, then returned for a further four months, for a total of eight months in the sample.¹² The Census Bureau facilitates the data collection process, and the Bureau of Labor Statistics interprets the data to generate U.S. labor force statistics, including the national unemployment rate.¹³ Approximately 2,200 Census Bureau employees are responsible for interviewing the 60,000 sample households selected for the survey.¹⁴

The interviewers—primarily Census Bureau Field Representatives (FRs)—visit sample households, ask respondents a standard set of questions, and transmit the answers via government-issued laptops.¹⁵ This form of interview is called Computer Assisted Personal Interviews (CAPI), and the data collected through a completed interview is then transmitted using the CAPI software to an aggregate database.¹⁶ The Census Bureau conducts a portion of CPS surveys by phone, either by FRs in the field, or by interviewers located at various call centers, which are known as Computer Assisted Telephone Interviews (CATI).¹⁷ All first and fifth month interviews are conducted in person, while approximately 85% of second-fourth and sixth-eighth month interviews are conducted by phone.¹⁸

⁸ U.S. Census Bureau, *Decennial Census*, available at https://www.census.gov/history/www/programs/demographic/decennial_census.html (last visited June 9, 2014).

⁹ *Id.*

¹⁰ U.S. Census Bureau, *Surveys*, available at <http://www.census.gov/aboutus/surveys.html> (last visited June 9, 2014).

¹¹ U.S. Census Bureau, *Current Population Survey (CPS)*, available at <https://www.census.gov/cps/> (last visited June 9, 2014) [hereinafter *Current Population Survey*].

¹² U.S. Census Bureau, *Current Population Survey (CPS), Methodology*, available at <http://www.census.gov/cps/methodology> (last visited June 10, 2014) [hereinafter *CPS Methodology*].

¹³ *Id.*

¹⁴ U.S. Dep’t of Labor, Bureau of Labor Statistics, *Labor Force Statistics from the Current Population Survey*, available at http://www.bls.gov/cps/cps_htgm.htm (last visited June 9, 2014) [hereinafter *Labor Force Statistics*].

¹⁵ *CPS Methodology*, *supra* note 5.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

a. Important Implications of Survey Data

Census Bureau data plays an important role in the federal government. Indeed, federal departments and agencies trusted this data as a reliable source of statistical information.¹⁹ Census Bureau data is used to distribute more than \$400 billion in federal funds to local, state, and tribal governments each year.²⁰ The implications of unreliable data are serious and far-reaching. Governments use the data collected through the Census Bureau's surveys to make important decisions.²¹ The U.S. Department of Labor uses the CPS to generate national and regional unemployment rates. The U.S. Congress uses the CPS to make crucial policy decisions. And the private sector uses the CPS to formulate business strategy.

The Census Bureau recognizes that CPS is “the primary source of labor force statistics for the population of the United States.”²² For this reason, the Census Bureau's data collection procedures are of paramount importance. Regarding CPS data collection, the Bureau for Labor Statistics states: “All interviews must follow the same procedures to obtain comparable results. Because of the crucial role interviewers have in the household survey, a great amount of time and effort is spent maintaining the quality of their work.”²³ The Committee—in response to the allegations of falsification—investigated the specific allegations, as well as whether the Census Bureau's data collection and quality control procedures are vulnerable to data falsification.

b. Article Claims Widespread Falsification

The Committee began its inquiry into the U.S. Census Bureau following a November 2013 *New York Post* story, which included allegations from at least two sources claiming employment data collected by the Census Bureau was fabricated in the Philadelphia Regional Office.²⁴ According to the story, the fabricated data was “collected” by Census Bureau employees working on the CPS at the Philadelphia Regional Office.²⁵

Upon learning of these serious allegations, the Committees sent a letter to Census Bureau Director John H. Thompson requesting documents and information to aid the Committees' understanding.²⁶ The Committee conducted several transcribed interviews of both current and former Census Bureau employees well-positioned to shed light on the operations and processes at the Philadelphia Regional Office and on the facts and circumstances surrounding the allegations of data falsification.

¹⁹ *Current Population Survey*, *supra* note 11.

²⁰ U.S. Census Bureau, *American Community Survey, Design and Methodology, Forward* (Jan. 30, 2014), available at http://www.census.gov/acs/www/Downloads/survey_methodology/acs_design_methodology_forward_2014.pdf (last visited June 9, 2014).

²¹ *Current Population Survey*, *supra* note 11.

²² *Id.*

²³ *Labor Force Statistics*, *supra* note 14.

²⁴ John Crudele, *Census 'Faked' 2012 Election Jobs Report*, NY POST, Nov. 18, 2013, available at <http://nypost.com/2013/11/18/census-faked-2012-election-jobs-report/> (last visited June 9, 2014).

²⁵ *Id.*

²⁶ Letter from Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform, et. al., to John H. Thompson, Dir., U.S. Census Bureau (Nov. 19, 2013).

c. Investigation and Report

The Committees worked diligently to obtain all available information. Committee staff reviewed thousands of pages of documents, many of which informed the findings of this report. The Committees conducted the investigation with full cooperation from the Inspector General’s office, which provided a host of useful and necessary information. Committee staff was privy to all IG records, as well as thorough briefings from IG officials.

This investigation faced a series of unnecessary hurdles that damaged the extent to which the Committees could investigate this matter. The foremost challenge was lack of cooperation from Department of Commerce officials. The Department’s obstruction made it difficult for the Committee to prove—or disprove—the allegations of widespread falsification and had significant impact on the length of the investigation. Additional factors prevented the Committees from obtaining all information necessary to determine the plausibility of the allegations, including lack of cooperation from one of the primary witnesses and insufficient record-keeping on the part of the Census Bureau.

This report begins with a discussion of the specific allegations and the Committees’ investigation into the allegations. Then there is a brief explanation of the Department of Commerce’s persistent efforts to hamper the Committees’ investigation. The subsequent sections examine structural and systematic deficiencies that would allow such allegations to have taken place and gone undetected. The section regarding data collection and quality control procedures includes detailed descriptions of the Census Bureau’s structures and processes. The explanations found in the latter portion of this report might afford the reader a better understanding of both the allegations and underlying problems at the Census Bureau.

VII. Allegations of Supervisors Encouraging Data Falsification

FINDING:	The Bureau’s lack of record-keeping and deficient data collection system fostered an environment in which data falsification could occur.
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A former Census Bureau Field Representative and a Senior Field Representative both alleged that their supervisor encouraged—and covered up—data falsification. Julius Buckmon, a former Census Bureau FR, and Stefani Butler, an SFR, alleged that their supervisor, Timothy Maddaloni, encouraged them to falsify data. They all worked in the Philadelphia Regional Office at the time.

After supervisors warned Buckmon that there were irregularities in the survey responses that he filed, Buckmon responded in writing that “I had been told by survey supervisor Timothy Maddaloni to send in cases as completed interviews for that month when I had not interviewed

the household that month. Further he stated that he would cover it,' during the reinterview process."²⁷ The Census Bureau eventually terminated Buckmon several months later.

The Census Bureau also investigated Butler for suspected data falsification, but ultimately cleared her of wrongdoing. She—like Buckmon—alleged that supervisors encouraged her and the Field Representatives that reported to her to falsify survey responses. Butler testified to the Committee on the record and her allegations were thoroughly vetted. Documents and testimony show that Buckmon did in fact falsify data; however, it remains unclear whether he did so at the behest of Timothy Maddaloni.

Committee staff made repeated attempts to speak to Buckmon on the record; however, Buckmon would only agree to meet Committee staff in an informal setting due to concerns about retaliation. During the informal meeting with Committee investigators, Buckmon stated that he stood by the allegations in his written response, dated September 9, 2010, to the “five-day letter” that warned that there were irregularities in the data he submitted. Buckmon’s unwillingness to make a statement on the record made it difficult for the Committees to fully evaluate his claims. The information Buckmon provided in his signed September 10, 2010 letter (and that he later submitted as part of an EEO complaint), however, is in the record and investigators questioned witnesses about the allegations contained therein.

a. Instructed to Falsify

Stefani Butler is currently a Senior Field Representative in the Philadelphia Regional Office. Butler alleged that supervisors in the Regional Office encouraged employees to falsify data or otherwise not to report suspected cases of falsification by Field Representatives.²⁸ She explained that supervisors encouraged falsification in an effort to reach the monthly 90 percent response rate goal mandated by the Bureau of Labor Statistics and the Census Bureau’s Demographic Surveys Division.²⁹ Butler alleged that supervisors discouraged subordinates from reporting suspected falsification, citing concerns about potentially losing an employee and noting the time involved in hiring and training a replacement.³⁰

Butler alleged that one of her supervisors, Survey Statistician Timothy Maddaloni, instructed her to tell her team members to falsify data by sending in their cases as completed even when the surveyed household was non-responsive.³¹ After she refused to comply, Butler testified that Maddaloni then contacted Julius Buckmon directly, an FR in the Philadelphia Regional Office who reported to Butler, to instruct him to falsify data.³²

Butler’s account underscores the serious structural and systematic deficiencies in the Census Bureau’s data collection processes, especially with respect to the Bureau’s ability to

²⁷ Letter from Julius Buckmon, Field Representative, U.S. Census Bureau, to Thomas Almerini, Program Coordinator, U.S. Census Bureau (Sep. 9, 2010).

²⁸ Butler Tr. at 87-88.

²⁹ *Id.* at 33; Armstrong Tr. at 131.

³⁰ Butler Tr. at 87.

³¹ *Id.* at 33.

³² *Id.* at 33-34.

detect potential falsification. Although Butler's allegations pertain to just one of the Census Bureau's regional offices, the system used to collect and process data is uniform across different regions. Butler's allegations regarding the Philadelphia Regional Office, therefore, may be indicative of deficiencies that exist in each regional office. Without reform, data falsification can occur across regional offices without detection because of insufficient record-keeping and a system that relies on the chain-of-command to investigate allegations of falsification.

i. Butler's Allegations

Stefani Butler joined the Bureau in February 1998, and previously held the positions of Field Supervisor and FR.³³ Butler is a veteran federal employee, and she has served in her current role for 13 years.³⁴ Butler proved to be a credible witness and provided valuable information to the Committees.

As an SFR, she was responsible for supervising approximately ten FRs at any given time.³⁵ Butler alleged that supervisors in the Philadelphia region encouraged SFRs, FRs, and other Census Bureau employees to falsify data, or at the very least, to omit reporting suspected falsification.³⁶ She testified:

Q. Are senior field representatives encouraged to report falsification?

A. It's your job duty, it's in your job description.

Q. And you said that . . . you experienced senior field representatives being discouraged from reporting falsifications?

A. **I was discouraged from reporting falsification. I've known senior field representatives who have been discouraged from reporting it.**

Q. And how were you discouraged?

A. **If I call you and say, I have found someone falsifying, this is what I found, like I said earlier, you would say, I need the person, I can't afford to lose that person, . . . I don't have that area covered. Because it takes about 2 1/2, 3 months to hire somebody and train them for an area. So they would tell you, don't put them in for falsification.** Or, when I was a field rep, I was told before . . . what numbers they needed and how to get them, and they would come and reinterview. This is like standard, it's not in that office.³⁷

³³ Butler Tr. at 6.

³⁴ *Id.*

³⁵ *Id.* at 56.

³⁶ *Id.* at 87-88.

³⁷ *Id.* at 87 (emphasis added).

She explained that supervisors were careful not to encourage falsification in writing.³⁸ When asked whether supervisors communicated instructions to falsify by phone or in conversations, Butler testified: “Conversations. They won’t say it in an email, but you’ll get the picture in an e-mail. They’ll tell you what they needed, how they needed it. **I mean, if you work there, you know what the language means.**”³⁹

Butler testified that on July 26, 2010, she received a call from Survey Statistician Timothy Maddaloni, which she interpreted as a request to instruct her team members to falsify data.⁴⁰ Butler testified:

Tim -- Tim Maddaloni called me and told me he was short on his numbers, and he needed help to get his numbers. And he told me to call my team members and tell all of them to send the cases in as completed and the interviews so he can get his numbers, and he would cover them and re-interview them.

So I told Tim don’t do it. And he told me he had help, that Thom [Almerini] was going to cover him on his end. So I told him, no, I wasn’t calling anybody. If you want it done, do it yourself.⁴¹

Julius Buckmon was an FR whom Butler supervised in 2010, the time period during which the majority of the alleged falsification took place.⁴² Butler explained that after she refused Maddaloni’s request to instruct her team members to falsify in July 2010, he contacted Buckmon directly.⁴³ Butler stated:

[H]e then called Julius, who he had had a relationship with anyway, and he told Julius to do it, because Julius called me back and told me exactly the same thing Tim had told me.

³⁸ *Id.* at 87-88.

³⁹ *Id.* (emphasis added).

⁴⁰ Butler Tr. at 33-36.

⁴¹ *Id.* at 33 (emphasis added).

⁴² *Id.* at 28; See Memorandum from Joal Crosby, Program Coordinator, U.S. Census Bureau, *May 2010 Consumer Expenditures Diary (CED) Survey Assignment* (July 20, 2010) [hereinafter Memo-July 20, 2010]; Memorandum from Joal Crosby, Program Coordinator, U.S. Census Bureau, *June 2010 Consumer Expenditures Quarterly Survey (CEQ) Assignment* (July 22, 2010) [hereinafter Memo-July 22, 2010]; Memorandum from Joal Crosby, Program Coordinator, U.S. Census Bureau, *Reinterview of June 2010 Consumer Expenditure Diary Survey (CED) Assignment* (Aug. 24, 2010) [hereinafter Memo-Aug. 24, 2010 re: June CED]; Memorandum from Joal Crosby, Program Coordinator, U.S. Census Bureau, *Reinterview of July 2010 Consumer Expenditure Quarterly Survey (CEQ) Assignment* (Aug. 24, 2010) [hereinafter Memo-Aug. 24, 2010 re: July CEQ]; Memorandum from Thomas Almerini, Program Coordinator, *Reinterview of August 2010 Current Population Survey (CPS) Work* (Aug. 31, 2010) [hereinafter Memo-Aug. 31, 2010]; Memorandum from Thomas Almerini, Program Coordinator, *Reinterview of August 2010 Consumer Expenditure Quarterly Survey (CEQ) Assignment* (Sept. 29, 2010) [hereinafter Memo-Sept. 29, 2010]; Memorandum from Thomas Almerini, Program Coordinator, U.S. Census Bureau, *Reinterview of January 2011 Current Population Survey (CPS) Work* (Feb. 9, 2011) [hereinafter Memo-Feb. 9, 2011]; Memorandum from Thomas Almerini, Program Coordinator, U.S. Census Bureau, *Reinterview of February 2011 Current Population Survey (CPS) Work* (Mar. 2, 2011) [hereinafter Memo-Mar. 2, 2011].

⁴³ Butler Tr. at 33-34.

So I called Tim back and I told Tim that he basically shouldn't do it. And I told Julius not to do it, and Julius did it anyway.⁴⁴

Maddaloni, however, denied he had any kind of personal relationship with Buckmon.⁴⁵ He testified that he has never met Buckmon in person and has spoken to him at most three times by phone.⁴⁶ Maddaloni testified that as part of the supervisory structure in place in 2010, he spoke directly to SFRs, who would then pass information along to the FRs.⁴⁷ He testified:

[The supervisory structure] started with the regional director was at the top of the list, which was Fernando. We had an assistant regional director, which was Ted Roman at the time. And we had three coordinators, which are my supervisors. And then it was down to the supervisor level, which we ran the surveys.

Below us in the field, which we call senior field representatives, also known as SFRs. And then we had the field representative layer, the FRs, that went door to door. **So, basically, I would speak with the senior field representatives, and they would relay the information to the field representatives.**⁴⁸

Strategies Maddaloni provided to supervisory officials in January 2011 regarding the CPS, however, raise questions about his testimony regarding contact between supervisory officials and FRs.⁴⁹ Included in those strategies was “personally calling each individual FR who is lagging behind.”⁵⁰ Maddaloni wrote:⁵¹

⁴⁴ *Id.*

⁴⁵ H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Timothy Maddaloni, at 117-118 (Jan. 21, 2014) [hereinafter Maddaloni Tr.].

⁴⁶ *Id.*

⁴⁷ *Id.* at 7.

⁴⁸ *Id.* (emphasis added).

⁴⁹ E-mail from Timothy Maddaloni, Survey Statistician, to Theodore Roman, Asst. Regional Dir. (Jan. 20, 2011, 11:41 a.m.).

⁵⁰ *Id.*

⁵¹ *Id.*

From: Timothy P Maddaloni
 To: Theodore J Roman
 Cc: Thomas J Almerini; [REDACTED]
 Subject: CPS Update
 Date: 01/20/2011 11:41 AM

Ted,

Here are a few strategies we are acting on for CPS:

- sending our usual strong S/FRs whose caseloads are minimal or cases being moved to help in weak areas
- sending copies of cases to other team members as well as phone FRs
- personally calling each individual FR who is lagging behind.....especially important due to possible upcoming weather concerns
- stress the utilization of fast data
- offer OT to those taking on extra work and for the areas that are lagging

We currently have a few FRs who are having laptop/transmission issues that are unable to send their cases in. Automation has been working with them and the problems should be resolved today.

On a brighter note:

- current receipts = 60.47%
- last month = 58.3%
- last august (tobacco) = 59.5%

If you have any questions or concerns please let us know. Tx

Timothy Maddaloni
 Supervisory Survey Statistician
 U.S. Census Bureau
 Philadelphia Regional Office

“[S]ending copies of cases to other team members as well as phone FRs.”

“[P]ersonally calling each individual FR who is lagging behind.”

The uncertainties regarding the level of supervisors’ communications with lower level employees represent another example of the Bureau’s inadequate record-keeping. Because of the lack of documentation of communications between supervisors and subordinate employees, it is unclear to what extent senior officials such as Maddaloni communicated with FRs such as Buckmon.

The day after Maddaloni allegedly called Butler and Buckmon and told them to assist with falsifying data, he called Butler again.⁵² Butler testified that on July 27, 2010, she “received another call from Tim stating that there’s still time to do as we discussed yesterday, but he was waiting to hear back from Julius.”⁵³

On August 31, 2010, Buckmon received a five-day letter from Program Coordinator Thomas Almerini regarding an unrelated case.⁵⁴ A five-day letter is sent to a Field

⁵² Butler Tr. at 36-37.

⁵³ *Id.*

⁵⁴ Memo-Aug. 31, 2010, *supra* note 46.

Representative when there is an irregularity during the re-interview process, wherein a sample of survey respondents are interviewed a second time for quality control purposes. Employees who receive a five-day letter have the opportunity to respond. In his response to the five-day letter, dated September 9, 2010, Buckmon echoed Butler's earlier allegations that Maddaloni had encouraged him to falsify.⁵⁵ Buckmon wrote:

It is interesting that a legitimate completed interview of a household is being investigated when around July 26, 2010 I had been told by survey supervisor Timothy Maddaloni to send in cases as completed interviews for that month when I had not interviewed the household that month. Further he stated that he would 'cover it,' during the reinterview process.⁵⁶

Maddaloni, however, denied that he or anyone else ever instructed Buckmon to falsify.⁵⁷ He testified:

Q. [T]here's a quote from Julius Buckmon, and it states, "It was a phone conversation -- I forget the exact words -- but it was, 'Go ahead and fabricate it' to make it what it was." Do you see that line?

A. Yes, I do.

Q. Okay. Do you know who said that line to Mr. Buckmon?

A. No. It was not me.

Q. Okay. And you have no indication of anybody instructing Mr. Buckmon to fabricate data at any point?

A. No, not at all.⁵⁸

Butler further alleged that the same week that Maddaloni left her a voicemail instructing her to falsify, he changed the outcome codes on several of the cases she submitted in an effort to increase the office's response rate.⁵⁹ Butler testified:

A. Okay. I had sent in three cases as type A's, and they were all interviews before. And Tim called and asked why I had made those cases type A's now, when they were all interviews previously. And I said because they are type A's, I wasn't able to reach the people. So he said, but that would mean they're

⁵⁵ Letter from Julius Buckmon, Field Representative, U.S. Census Bureau, to Thomas Almerini, Program Coordinator, U.S. Census Bureau (Sept. 9, 2010).

⁵⁶ *Id.*

⁵⁷ Maddaloni Tr. at 105.

⁵⁸ *Id.*

⁵⁹ Butler Tr. at 93-95.

going . . . to count against the response rate, because type A's count against the response rate in the interview process.

So the three addresses -- he went over the control numbers with me for the three addresses. And I had submitted them as three type A's. I waited a couple days and called back and had the regional office to check, and he had changed the outcome codes. One, he made a type B, the other he made an interview, and the other he made a type B. And I reported those three cases to OIG.

Q. Okay. But you don't know how he changed it?

A. He went in and restarted the case -- I can tell you the way that it's done.

Q. Yes.

A. You go in, you restart the case, and you do the interview as if you've done the interview.

Q. Okay. So with regard to these three cases, whether the IG or our investigation, would there be a notation in the computer supposedly in which Mr. Maddaloni would show that he actually restarted the case and did the interview himself?

A. Correct. My stuff will be wiped out, and he would then be the person who did it. Because when I got the case back the following month I looked at the notes in the case and his notes said something to the effect of interview complete, respondent said she's sorry she didn't catch Ms. Butler. I doubled back and called the respondent, and they said they had never spoken to him.⁶⁰

Due to the Census Bureau's inadequate recordkeeping practices, the Committees have been unable to confirm Butler's allegations regarding Maddaloni's efforts to increase the office's response rate by changing the outcome codes. An e-mail obtained by the Committees, however, shows that Maddaloni did have a final say on the determinations for Type A cases.⁶¹ In a September 2011 e-mail sent by Maddaloni, he informed numerous agency officials that he planned to review each of the Type A cases.⁶² Maddaloni wrote:⁶³

⁶⁰ *Id.*

⁶¹ E-mail from Timothy Maddaloni, Survey Statistician, to Census Bureau Officials (Sept. 30, 2011, 11:39 a.m.).

⁶² *Id.*

⁶³ *Id.*

From: Timothy P Maddaloni/PH/BOC
Date: 09/30/2011 11:39AM
Subject: CPS Results

We closed out at 89.31% which was 2 cases better than last month. We did not meet our 90% goal. We fell about 35 cases short but we are heading in the right direction. We still finished 9th out of 12 regions.

I will be reviewing each of the A's and checking the CHI reports and notes these next few days

Thanks again for your efforts they are and always will be appreciated.

Start the countdown now.....only 16 more days till CPS week!

"I will be reviewing each of the A's."

Although Maddaloni's e-mail does not confirm Butler's allegations, it shows that it was possible for Maddaloni to change the outcome of cases under the Bureau's current structure.

Almerini testified that when Buckmon claimed in his September 9, 2010, five-day letter response that Maddaloni had encouraged him to falsify, Almerini questioned Maddaloni about it directly.⁶⁴ Almerini stated:

Q. Do you believe that Mr. Maddaloni directed Buckmon and/or Butler to falsify data? Why or why not?

A. No, I asked -- I asked Tim, because we were -- we received a written statement from Mr. Buckmon stating that he was -- that he was directed by Mr. Maddaloni. I went to Mr. Maddaloni and asked him. You know, I said, you know, what's your reaction to this? He says well, no, I didn't do that, I didn't tell him to just send cases in as not completed and make them up -- make them up as interviews. So I said put that in writing and then send that to, you know, myself and also to my supervisors.

Q. And do you trust Mr. Maddaloni?

A. Yes.⁶⁵

ii. Implications of a Cover-Up

Before Butler suspected Buckmon of falsification, she noticed that he received a caseload that was substantially larger than that of any other FR.⁶⁶ Butler explained that Buckmon's increased caseload was unusual since he received a greater than normal caseload when regional office supervisors first assigned work to FRs, rather than after completing cases.⁶⁷ Butler testified that she began to notice discrepancies in Buckmon's work after he received this larger

⁶⁴ H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Thomas Almerini, at 201 (Jan. 8, 2014) [hereinafter Almerini Tr.].

⁶⁵ *Id.*

⁶⁶ Butler Tr. at 72-73.

⁶⁷ *Id.* at 73.

caseload.⁶⁸ She recommended Buckmon's placement into supplemental reinterview to verify cases he submitted.⁶⁹ Butler learned, however, that her supervisors removed Buckmon from supplemental reinterview—increasing Butler's suspicions that certain supervisors in the Philadelphia Regional Office were engaged in a cover-up.⁷⁰

1. Buckmon's Large Caseload

Before Butler began to suspect that Julius Buckmon had engaged in falsification, and prior to his formal disciplinary process, she noticed that her supervisors treated Buckmon differently.⁷¹ As previously discussed, Buckmon consistently received an unusually large caseload, contrary to Butler's recommendations.⁷²

Butler explained that at the beginning of each week, she would receive a large batch of survey interviews from the regional office to complete over several days.⁷³ SFRs like Butler would then make recommendations on how to assign the cases to each of their FRs, and submit the recommendations back to the regional office.⁷⁴ In many instances, however, the regional office returned final assignments to her with a higher caseload for Buckmon than what Butler recommended.⁷⁵ Butler testified:

Q. And that final reflected a major increase for Mr. Buckmon?

A. Yes.

* * *

Q. And you couldn't change the final.

A. No. It's final. By then, it's ready to start. You get the final Saturday to start Sunday and of course the office is closed on Saturday.⁷⁶

Maddaloni testified that while the regional office could make changes contrary to the SFRs' recommendations, the SFRs generally knew their areas best, and changes from the regional office were rare.⁷⁷ Contrary to Butler's testimony, Maddaloni stated that Butler was at least partially responsible for Buckmon's increased caseload.⁷⁸ He testified:

⁶⁸ *Id.* at 102-03.

⁶⁹ *Id.*

⁷⁰ *Id.* at 103.

⁷¹ *Id.* at 72-73.

⁷² Butler Tr. at 72-73.

⁷³ *Id.* at 73-74.

⁷⁴ *Id.*

⁷⁵ *Id.* at 74.

⁷⁶ *Id.*

⁷⁷ Maddaloni Tr. at 91.

⁷⁸ *Id.*

Q. Well, there has been some evidence that has been relayed, or testimony relayed that suggested Mr. Buckmon was assigned on numerous occasions to a larger than usual number of cases for the caseload for the Current Population Survey in any given month.

A. Okay.

Q. And in some instances he received a caseload in certain months that were much larger than any normal field representative should or would have been given.

A. Okay.

Q. Is there any truth to these assertions?

A. Yes. Some months, with terminations or people leaving, workloads were given to people to help pick up the slack because we have to hire new people. So we had some vacancies.

But also, at the same time, his SFR, Stefani, was the one that gave the assignments to each of her field reps. We made the initial assignment in the office as supervisors. We shared our assignments with the senior field representatives. They reviewed the assignments, and they made changes. So if we gave someone, say, 50 cases a month, she could have changed it to give them 75 a month, 80 a month. She had that ability to give more cases to her staff than normal.⁷⁹

* * *

Q. So was Mr. Buckmon given larger caseloads, do you know?

A. At times, yes.

Q. And why was Buckmon given larger caseloads?

A. Because of the assignments that he was completing. He was completing a lot of interviews. Because of vacancies in the area. And because of his senior field representative giving him the extra work.

Q. So Ms. Butler was the one who predominantly assigned him larger caseloads?

⁷⁹ *Id.* at 89-90.

A. Yes. She was in the process of it, yes.⁸⁰

Other witnesses interviewed by the Committees did not support Maddaloni's statements alleging that Butler, an SFR, assigned cases to FRs.⁸¹ Fernando Armstrong, the Regional Director for the Philadelphia Regional Office, explained that in 2010, Survey Statisticians—not SFRs—were responsible for assigning cases to a FR.⁸² Armstrong testified:

Q. Who assigns -- in 2010, who would have assigned a case to a field rep? Who was that --

A. It would have been the survey statistician in the office.

Q. **Okay. Not a senior field representative?**

A. **No.**⁸³

Armstrong later reiterated that in 2010, as well as today, Survey Statisticians or the Survey Statistician Office are responsible for finalizing case assignments for FRs and SFRs.⁸⁴ He testified:

Q. So before I move on to some other topics, I just wanted to clarify one thing. In 2010, as today, the SS [Survey Statistician] or the SSO [Survey Statistician Office] has the final say on who -- on what cases are assigned to which field representative or SFR.

A. Yes.

Q. Yes. Okay.

A. Yes. It is their responsibility to finalize and to release the assignments to the field staff, yes.

Q. Okay. And the SFRs or the field supervisors may have input, but at the end of the day it's the job of the SSO [Survey Statistician Office] to make sure that the work is allocated fairly and that it's done properly?

A. That it's allocated in a way that it can be done, that it's distributed evenly and that -- for example, just to give you an example. If there is an area that calls for a particular language skill or where there is some, whatever circumstances that requires a particular

⁸⁰ *Id.* at 91.

⁸¹ Armstrong Tr. at 23.

⁸² *Id.*

⁸³ *Id.* (emphasis added).

⁸⁴ *Id.* at 68.

person, you know, logically you'll want to give it to that person. So once the assignments are released and they are in production, the [Field Supervisors] have the ability to move work around among their team members.

Q. But the SFR did not have that ability?

A. No, no.⁸⁵

When Butler noticed discrepancies in Buckmon's work after he received a larger caseload, she did not initially suspect he was falsifying his cases. She recommended his placement into supplemental reinterview to verify some of the cases he submitted.⁸⁶ After Butler's supervisors removed Buckmon from supplemental reinterview, Butler became suspicious that her supervisors were covering up Buckmon's falsification.⁸⁷ She testified:

Joal [Crosby] actually put him into supplemental re interview, but then somebody took him out. And I talked to Harold [Hayes] about why Julius is not in supplemental re interview, and Joal told me that Thom [Almerini] took Julius out of supplemental re-interview.⁸⁸

Even after Joal Crosby, the former Program Coordinator in the Philadelphia Regional Office submitted a Form 11-163 on four of Buckmon's Consumer Expenditures Quarterly (CEQ) Survey cases,⁸⁹ he continued to receive a large caseload.⁹⁰ According to the Inspector General, supervisors assigned Buckmon 61 cases in September 2010, despite the fact that supervisors found discrepancies in a number of his cases during prior months and initiated an 11-163 regarding the discrepancies.⁹¹ A chart prepared by the Inspector General details Buckmon's caseload:⁹²

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.
2010	99	89	95	82	74	82	70	17	61	0 ^a	0	24
2011	50	58	65	69	61	56	54	35 ^b				

⁸⁵ *Id.* (emphasis added).

⁸⁶ Butler Tr. at 103.

⁸⁷ *Id.*

⁸⁸ *Id.* (emphasis added).

⁸⁹ U.S. Census Bureau, *Field Representative Data Falsification Followup and Quality Assurance Form* (Form 11-163) (July 21, 2010).

⁹⁰ Dep't of Commerce, Office of Inspector Gen., *Investigative Report: Unsubstantiated Allegations That the Philadelphia Regional Office Manipulated the Unemployment Survey Leading up to the 2012 Presidential Election to Cause a Decrease in the Nat'l Unemployment Rate*, at 46 (May 1, 2014) (No. 14-0073) [hereinafter IG Report].

⁹¹ *Id.*

⁹² *Id.*

Although Buckmon's final day of work was August 25, 2011, Maddaloni assigned him cases until right before his termination.⁹³ The Inspector General found that supervisors assigned Buckmon 35 cases in August 2011.⁹⁴ At the beginning of August, Maddaloni wrote to Butler, noting his plans to continue to assign Buckmon cases in August.⁹⁵ Maddaloni wrote:⁹⁶

From: Timothy P. Maddaloni
To: Stefani Butler
Subject: Buckmon, [REDACTED]
Date: 08/04/2011 05:01 PM

Stefani,

Just a follow-up to the voicemail I left.

After speaking with Ted:
Julius can work CPS this month as his final day is August 25

[REDACTED] can work this month as long as she meets our goals and is available for us during CPS week. I also need to speak to her over the phone and after that conversation send a letter with our expectations. I left a message with I believe is her mother at [REDACTED] to call me and said it was urgent. Her cell phone went to voicemail but her mailbox is full.

FYI....I will be in a teleconference all day tomorrow but will check my email and voicemail periodically.
Tx

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

"Julius can work CPS this month as his final day is August 25."

2. Disappearing Suspected Falsification Reports

Although Butler filed several complaints against Buckmon, she testified that the CPS Division of the Census Bureau headquarters office did not follow up on her reports of falsification.⁹⁷ She explained that she reported Buckmon's possible falsification in 2010 to several senior regional office officials, Census Bureau headquarters, and the OIG through e-mail and conversations.⁹⁸ She testified:

Q. So now I want to turn to what happened regarding the Julius Buckmon --

A. Okay.

⁹³ E-mail from Timothy Maddaloni, Survey Statistician, to Stefani Butler, Senior Field Rep. (Aug. 4, 2011, 5:01 p.m.) [hereinafter Maddaloni e-mail, Aug. 4, 2011].

⁹⁴ IG Report, *supra* note 94, at 46.

⁹⁵ Maddaloni e-mail, Aug. 4, 2011, *supra* note 97.

⁹⁶ *Id.*

⁹⁷ Butler Tr. at 37-38.

⁹⁸ *Id.*

Q. -- events. I guess just to start off with, . . . do you know if you were the first person to report him for possible falsification?

A. I would say I was the first.

Q. Okay. . . . To start with, who did you report that to? Do you remember?

A. In 2010, when I --

Q. Yeah.

A. -- reported him? Tim Maddaloni, Thom Almerini, Joal Crosby, Harold Hayes, Fernando Armstrong, Ted Roman and [REDACTED].⁹⁹

* * *

Q. How did you report it to them?

A. Email and conversations.

Q. So you emailed it to them?

A. Yes. And . . . I reported it to OIG, also. Oh, and headquarters. I contacted headquarters and reported it to them.

Q. How did you contact headquarters?

A. Called.

Q. Called? Who did you call? Office, not necessarily person.

A. CPS, the CPS section of headquarters is where I called.

Q. **Okay. And did you ever hear any follow up. . . .**

A. **No.**¹⁰⁰

After reporting her concerns, Butler explained that she never heard back from Census Bureau headquarters.¹⁰¹ According to Butler, she only heard back from the OIG regarding her complaints.¹⁰²

⁹⁹ *Id.* at 28.

¹⁰⁰ *Id.* at 37-38 (emphasis added).

¹⁰¹ *Id.* at 38.

¹⁰² *Id.*

Butler testified that after reporting Buckmon's suspected falsification to senior officials in the Philadelphia Regional Office, her supervisors did not follow up on her reports at appropriate intervals.¹⁰³ When she submitted a falsification report, Maddaloni would first receive the report, review it, and send it to Thomas Almerini, who would send the report to headquarters.¹⁰⁴ Butler testified:

So when I did re-interview on Julius' work, I found that he had falsified the cases. First, I always called Julius to talk to him about what I found. And he and I had a conversation about it. I then send the case through the system. Tim receives the case. Tim then is supposed to call me, and we have a conversation about what I found. After that, Tim is supposed to forward it to Thom, and it goes up from there. Then it's supposed to be sent to headquarters, who opens up a case to start the investigation.¹⁰⁵

Butler stated however, that when she submitted a falsification reports for Buckmon, someone would later delete her case notes, and that Maddaloni did not communicate with her to follow up on the reports.¹⁰⁶ She testified:

A. **On multiple times when I put Julius in for falsification, that same case that I coded and put in would return to me with all my data deleted, with an "R" next to it, which means it was reassigned or restarted.** It could be either/or. My notes would be wiped out, all the information gone. And that's when I would then call Joal and call Harold and start calling up to say somebody's deleting my work that I've sent in. So that was the process in 2010.

Q. So would it be -- in general, is it a process where something is flagged -- and you're saying that you appropriately flagged --

A. Uh-huh.

Q. -- these cases -- for . . . the individual case to be reassigned to someone else before the flag is dealt with?

A. No. Once I code it and flag it, it goes to Tim.

Q. Okay.

¹⁰³ Butler Tr. at 30-31.

¹⁰⁴ *Id.* at 30.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

- A. Once Tim reviews it and has a conversation with me, he's supposed to then send it to Thom, who then -- Thom gets the right to send it to headquarters.
- Q. Okay.
- A. **The cases stopped when I sent it to Tim. Tim never called me to discuss the cases.** So I started sending e-mails to the office, because there were so many cases that were then found to be falsified.¹⁰⁷

The Committees could not confirm that Butler's supervisors did not appropriately follow up on her reports of falsification because of the Census Bureau's insufficient record-keeping systems; however, the Committees did confirm that there were 11-163 form issues.¹⁰⁸ On August 30, 2010, Maddaloni filed a Form 11-163 in response to one of Butler's allegations of suspected falsifications by Buckmon:¹⁰⁹

¹⁰⁷ *Id.* at 30-31 (emphasis added).

¹⁰⁸ U.S. Census Bureau, *Field Representative Data Falsification Followup and Quality Assurance Form* (Form 11-163) (Aug. 30, 2010) [hereinafter Form 11-163, Aug. 30, 2010].

¹⁰⁹ *Id.*

Date Form Began: 8/30/2010

FIELD REPRESENTATIVE DATA FALSIFICATION FOLLOWUP AND QUALITY ASSURANCE FORM

FOR HEADQUARTERS USE ONLY

Number: _____ Date this copy received in Headquarters: _____ Date completed form received in Headquarters: _____ (ID) of other Form 11-163s referenced: _____

Section 1: Complete this section

Regional Office Control #: _____
 Enter four digit FO code: **2300** FO code: _____
 Person filling out this Form 11-163:
 Name: **Timothy Maddox**
 Title: **Supervisory Survey Statistician**
 Date Form Month: **8** Day: **30** Year: **2010**

Section 2: Person who first suspected data falsification

If same as item 2a, Mark and go to item 4.
 Otherwise complete a, b, and c.

a. Name: **Stefani Butler**
 b. Title: **SFR** c. (S)FR code (if applicable): **306**

Person suspected of data falsification:
 a. (S)FR's name: **Julius Buckman** b. (S)FR code: **H17**
 c. (S)FR's enter on duty date: Month: **2** Year: **2002**
 d. Date (S)FR placed on survey in which suspected data falsification occurred: Month: **8** Year: **2010**

Section 3: Data falsification

b. AHS-MS
 c. AHS-N
 d. CE-Diary
 e. CE-Quarterly
 f. CPS
 g. NCVS
 h. NHS
 i. SIPP
 j. SOC
 k. Other - Society _____

see date p. 94

6. Time period of this occurrence of suspected data falsification.
 Month: _____ Year: _____ For NHIS - Also provide Quarter: _____ Week: _____

Section 4: CONTINUE WITH ITEM 5 IN NEXT COLUMN

Total number of cases in (S)FR's assignment for the period in which suspected data falsification occurred:
 a. (Enter exact number): _____

Section 5: CONTINUE WITH ITEM 7 BELOW

b. Number or percent of cases in the (S)FR's assignment for which falsification is suspected. Mark (X) one.
 a. Enter exact number: **1**
 b. About 1-10 percent
 c. About 11-20 percent
 d. About 21-40 percent
 e. About 41-60 percent
 f. About 61-80 percent
 g. About 81-100 percent

Enter the control number of all case(s) suspected of data falsification in this assignment. (If more space is needed, please attach an additional sheet with the additional control numbers.)
 Suspicion of falsification is based on suspected falsification on another survey - See instructions on page 10, Item 8.

and yellow copy of page 1 to Chief, Field Division/MRB immediately after completing it and remaining form to Chief, Field Division/MRB after completing the investigation and making a decision on the case.

83 p. 89 =

CENSUS BUREAU

To conclude a Form 11-163 investigation, the Bureau must make a determination on how to proceed with the field representative in question.¹¹⁰ The Regional Director or an individual representing the Regional Director must sign the form to certify the completion of the case.¹¹¹ Philadelphia Office Regional Director Fernando Armstrong signed the Form 11-163 on November 22, 2010—indicating that it took the Bureau nearly three months to finalize the case:¹¹²

¹¹⁰ Armstrong Tr. at 87.
¹¹¹ *Id.*
¹¹² Form 11-163, Aug. 30, 2010, *supra* note 112, at Section IV.

Section III – INVESTIGATION OF SUSPECTED DATA FALSIFICATION – Continued
 (Complete this section during the investigation or upon completion of the investigation, as appropriate.)

Does this (S)FR currently work on any other surveys? -
 (X) ONE
 a Yes → If Yes, what other surveys? – Mark (X) ALL that apply.
 1 ACS
 2 AHS-MS
 3 AHS-N
 4 CE-DIARY
 5 CE-QUARTERLY
 6 CPS
 7 NCVS
 8 NHIS
 9 SIPP
 10 SOC
 11 Other – Specify z
 Go to item 21

b No – Go to Section IV – Regional Office Proposed Decision on Case

(Reminder: – Notify other survey supervisor(s) that the (S)FR is being investigated for suspicion of data falsification)

1. Was (S)FR suspected of possible data falsification on other survey work?
 Mark (X) ONE
 Yes
 No – Go to Section IV

2. Was an investigation of possible data falsification conducted for ALL the surveys checked in item 20a for which data falsification was suspected?
 Mark (X) ONE
 Yes
 No – Go to item 26

23. Did the Regional Office complete Form 11-163(s) for possible data falsification on this other survey work?
 Mark (X) ONE
 a Yes – Go to item 24
 b No – Go to Section IV – Regional Office Proposed Decision on Case. Inform the appropriate Regional staff that the region needs to start another Form 11-163 for this other survey work

24. Have the investigation(s) of this possible data falsification on other survey(s) been completed?
 Mark (X) ONE
 a Yes, All investigations complete
 b Yes, Some of the investigations complete
 c No – Go to Section IV – Regional Office Proposed Decision on Case

25. What was the outcome(s) of the Regional Office's completed investigation(s) of possible data falsification on other survey(s)?
 Mark (X) ALL that apply
 a Falsification was confirmed
 b Not able to confirm falsification, but still suspect (S)FR of data falsification
 c (S)FR cleared of data falsification, but confirmed failure to follow survey procedures
 d (S)FR cleared, no data falsification found and there was no failure to follow survey procedures
 Go to Section IV – Regional Office Proposed Decision on Case

26. Why was the suspected (S)FR's possible data falsification on all other survey work for which data falsification was suspected not investigated by the region?

Section IV – REGIONAL OFFICE PROPOSED DECISION ON CASE

Complete this section after you have completed the investigation and the regional office has made a final decision on the merits of the suspected falsification. This Form 11-163 should be used to record the final action PROPOSED AND APPROVED BY THE REGIONAL DIRECTOR based on the findings from the investigation. Please send the completed Form 11-163 to Chief, Field Division/MRB as soon as a final action is proposed and approved by the regional director. NOTE: THE ACTION DOCUMENTED IN THIS FORM, AS PROPOSED BY THE REGION DOES NOT NEED TO BE APPROVED BY HRD BEFORE THIS FORM IS SENT TO HEADQUARTERS. REGIONS SHOULD NOT WAIT FOR HRD'S APPROVAL TO SEND THIS FORM TO HQ.

1. What is the final action that is proposed or that will be taken by the regional office against the (S)FR for the suspected data falsification reported in this Form 11-163?
 Mark (X) ALL that apply
 a Terminate/propose removal of (S)FR due to confirmed data falsification z
 From CE.
 b Terminate/propose removal of (S)FR for other reasons – Specify z
 Failure to follow procedures.
 c Issue a formal warning to (S)FR
 Conduct a supplemental reinterview and/or observation of (S)FR
 d Retrain (S)FR
 e Allowed (S)FR's temporary appointment to expire
 Continued in next column

g Oral admonishment
 h Written admonishment
 i No action required, falsification confirmed after (S)FR left Bureau
 j No action required, (S)FR retired
 k No action required, (S)FR resigned
 l No action required, (S)FR cleared of data falsification
 m Other – Explain z

2. Certification – I certify that I have reviewed and approved submission of this form
 Regional Director's signature _____
 Date 11/22/10
 23 94

Certification Date: 11/22/10

FORM 11-163 (11-11-2006)

Although it took the Bureau nearly three months to process the Form 11-163 filed against Buckmon, the extended timeframe to finalize the investigation was atypical.¹¹³ According to Armstrong's testimony, the Census Bureau headquarters office must meet a specified time frame for processing Form 11-163s.¹¹⁴ Armstrong testified that he estimated headquarters had 30 to 60 days to conclude an investigation.¹¹⁵

¹¹³ Armstrong Tr. at 86.

¹¹⁴ Id.

¹¹⁵ Id.

Based on Armstrong’s testimony regarding the prescribed timeframe for processing Form 11-163s, Maddaloni’s report filed against Buckmon should have concluded much sooner.¹¹⁶ The Bureau’s delay in concluding just one Form 11-163—Maddaloni’s form concerning Buckmon—raises significant questions about the Bureau’s processing time for claims of suspected falsification generally.

In August 2010, Butler found a discrepancy in a case, which she coded for a discrepancy and then submitted the case for reinterview. When Almerini saw that the case contained a notation that the SFR—Butler—did not receive the assignment, he reassigned the case to her.¹¹⁷ When Almerini reassigned the case, however, the system deleted all of Butler’s notes, and the case no longer contained any indication about the past reinterview notation.¹¹⁸ When Butler received the second assignment, she told two of her supervisors—former Program Coordinator Joal Crosby and Assistant Regional Director Harold Hayes—that she completed the case again and resubmitted the information.¹¹⁹ In her e-mail, she also questioned why Buckmon never received a discrepancy letter regarding the Form 11-163 she filed in July 2010.¹²⁰ Butler wrote:¹²¹

```
>From: CQ06
Date: 28 Aug 2010 23:13:41

Stefani Butler Q06
Attn: Joal Crosby, Coordinator
cc: Harold Hayes, ARD

Re: Julius Buckmon, CPS

Joal,

I am co [redacted] interview on Julius Buckmon (H17). I sent in a
case # [redacted] as a discrepancy case [outcome code
301]. [redacted] us did not use a laptop,
nor did he include [redacted] in the roster [even though
she supplied this i [redacted]. The case returned to me
with an (R) in the status bar meaning reassigned. I restarted
the case and sent the same information again (today).

I do not understand why this case was returned to me with all my
notes and outcome codes deleted.

Also for the month of July I [redacted]
the respondent stated that [redacted]
I never received any (copies) [redacted]
explain. Julius never received a discrepancy letter from the RO.

Thank you,
Stefani Butler
```

“I do not understand why this case was returned to me with all my notes and outcome codes deleted.”

¹¹⁶ *Id.*
¹¹⁷ E-mail from Thomas Almerini, Program Coordinator, to Harold E. Hayes, Asst. Regional Dir. & Timothy Maddaloni, Survey Statistician (Aug. 31, 2010, 3:20 p.m.) [hereinafter Almerini e-mail, Aug. 31, 2010].
¹¹⁸ E-mail from Stefani Butler, Senior Field Rep., to Joal Crosby, Program Coordinator & Harold Hayes, Asst. Regional Dir. (Aug. 28, 2010, 11:13 p.m.).
¹¹⁹ *Id.*
¹²⁰ *Id.*
¹²¹ *Id.*

Harold Hayes forwarded Butler's e-mail to Thomas Almerini and Timothy Maddaloni, instructing them to research Butler's concerns and inform him about what happened.¹²² Hayes wrote:¹²³

From: Harold E Hayes/PH/BOC
To: Thomas J Almerini/PH/BOC@BOC, Timothy P Maddaloni/PH/BOC@BOC
Date: 08/31/2010 03:15 PM
Subject: Fw: From CQ06: Reinterview

"Can you research Stefani's concerns on Julius' work and let me know what actually happened?"

Can you research Stefani's concerns on Julius' work and let me know what actually happened?

Harold

In response, Almerini confirmed that he reassigned the case to Butler.¹²⁴ Almerini then questioned Maddaloni about the status of the July 2010 Form 11-163 filed regarding one of Buckmon's cases.¹²⁵ Almerini wrote:¹²⁶

From: Thomas J Almerini/PH/BOC
To: Harold E Hayes/PH/BOC@BOC
Cc: Timothy P Maddaloni/PH/BOC@BOC
Date: 08/31/2010 03:20 PM
Subject: Re: Fw: From CQ06: Reinterview

I recall the first part of this [REDACTED]). Last Friday I reassigned any CPS RI work that was showing as "not received" by the SFR in ROSCO. She actually did send in two versions of that case, so we deleted the duplicate.

Tim, was there a case in July that failed RI for Julius?

Thomas J. Almerini
Program Coordinator
U.S. Census Bureau

Almerini's e-mail shows that he was in a position to decide which cases he wanted to forward for further processing. Because there were two cases at this point for one address—after Almerini reassigned the case to Butler—Almerini was able to decide which case he wanted to forward

¹²² E-mail from Harold E. Hayes, Asst. Regional Dir., to Thomas Almerini, Program Coordinator & Timothy Maddaloni, Survey Statistician (Aug. 31, 2010, 3:15 p.m.).

¹²³ *Id.*

¹²⁴ Almerini E-mail, Aug. 31, 2010, *supra* note 380.

¹²⁵ *Id.*

¹²⁶ *Id.*

after Butler completed the two cases.¹²⁷ He decided to send the original case instead of the case that Butler resubmitted.¹²⁸

After Hayes contacted Almerini and Maddaloni regarding Butler's concerns, Maddaloni explained that the original case Butler submitted in August 2010 was accepted.¹²⁹ After Hayes contacted him, Maddaloni then initiated the investigation in response to the 11-163 Butler filed for that case.¹³⁰ Also in his e-mail, Maddaloni also explained that he did not flag the 11-163 Butler filed in July in the system because he was unable to discern Butler's notes accompanying the case.¹³¹ Maddaloni wrote:¹³²

The image shows an email from Timothy P Maddaloni to Thomas J Almerini and Harold E Hayes. The email text is as follows:

From: Timothy P Maddaloni/PH/BOC
To: Thomas J Almerini/PH/BOC@BOC
Cc: Harold E Hayes/PH/BOC@BOC
Date: 08/31/2010 03:29 PM
Subject: Re: Fw: From CQ06: Reinterview

In this months assignment the original case with the notes was accepted and the 11-163 cover sheet was mailed out today. The 5 day letter will be mailed today as well.

The case in July was checked in as a 301 meaning there was a discrepancy but was not flagged b/c in the notes it said that she couldn't confirm or deny that he did the interview with her daughter.

Harold, are you contacting Stefani or should I. Thanks

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

Two yellow callout boxes highlight the following text:

- Top callout: "[T]he 11-163 cover sheet was mailed out today. The 5 day letter will be mailed today as well."
- Bottom callout: "The case in July . . . was not flagged b/c in the notes it said that she couldn't confirm or deny that he did the interview with her daughter."

Maddaloni's conversations with Almerini and Hayes raise questions because only after Hayes's forwarded of Butler's concerns to Maddaloni did Maddaloni initiated the 11-163 investigation.¹³³ According to testimony from Fernando Armstrong, time is of the essence when initiating 11-163 investigations.¹³⁴ Armstrong explained that the process is "instant" for initiating 11-163s.¹³⁵

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ E-mail from Timothy Maddaloni, Survey Statistician, to Thomas Almerini, Program Coordinator & Harold Hayes, Asst. Regional Dir. (Aug. 31, 2010, 3:29 p.m.) [hereinafter Maddaloni E-mail, Aug. 31, 2010].

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ Armstrong Tr. at 86.

¹³⁵ *Id.*

Armstrong testified that the process needs to take place “**immediately because you don’t want to take the risk of forgetting to do it.**”¹³⁶

According to Armstrong’s testimony, Maddaloni should have initiated the 11-163 investigation despite Butler’s notes.¹³⁷ Armstrong explained that if there is a “gray line,” meaning that a supervisor is unsure as to whether an employee followed proper procedures or falsification occurred, an 11-163 investigation is needed.¹³⁸ Because Butler’s notes were unclear as to whether falsification occurred, Maddaloni should have initiated the 11-163 investigation.¹³⁹

Maddaloni’s decision to not flag the 11-163 case Butler filed in July 2010 because of her accompanying notes also demonstrates his disincentive to flag the case for further review.¹⁴⁰ His decision not to flag the case meant that it could not negatively impact the Regional Office’s completion rates—a goal set at 90 percent.¹⁴¹ Additionally, Maddaloni’s e-mail does not indicate that he sent a five-day letter to Buckmon—sent to an employee when a supervisor finds discrepancies in a case—to ask for an explanation.¹⁴²

From July 2010 to March 2011, Buckmon received eight five-day letters concerning discrepancies found in his cases,¹⁴³ while Butler received one five-day letter in June 2010.¹⁴⁴ The Committees’ review of documents found that there was significant e-mail traffic concerning the one five-day letter Butler received. Buckmon’s eight five-day letters, however, did not generate any e-mail traffic. This noticeable difference in the volume of e-mails surrounding the five-day letters raises questions about whether Buckmon’s receipt of a five-day letter was so common an occurrence that supervisors ignored it. It also raises concerns about whether supervisors bothered to investigate the discrepancies found in Buckmon’s work product. It is also unclear why Butler’s single incident of suspected falsification received such a high level of scrutiny as compared to Buckmon’s multiple incidents.

The Committees confirmed that falsification took place, but there is no evidence that the falsification was pervasive or systematic. The Committees did find that the Bureau’s lack of record-keeping and deficient data collection system created an opportunity to falsify data. Without proper record-keeping or sufficient systems capable of detecting falsification, employees could organize a falsification scheme to achieve the monthly response rate goal with little concern for detection by management officials.

¹³⁶ *Id.* (emphasis added).

¹³⁷ *Id.* at 105-06.

¹³⁸ *Id.*

¹³⁹ *Id.*; Maddaloni E-mail, Aug. 31, 2010, *supra* note 133.

¹⁴⁰ Maddaloni E-mail, Aug. 31, 2010, *supra* note 133.

¹⁴¹ Maddaloni Tr. at 52.

¹⁴² Armstrong Tr. at 108.

¹⁴³ See Memo-July 20, 2010, *supra* note 46; Memo-July 22, 2010, *supra* note 46; Memo-Aug. 24, 2010 re: June 2010, *supra* note 46; Memo-Aug. 24, 2010 re: July 2010, *supra* note 46; Memo-Aug. 31, 2010, *supra* note 46; Memo-Sept. 29, 2010, *supra* note 46; Memo-Feb. 9, 2011, *supra* note 46; Memo-Mar. 2, 2011, *supra* note 46.

¹⁴⁴ Memorandum from Philadelphia Regional Office Official, U.S. Census Bureau (June 15, 2010).

iii. Census Bureau Fails to Investigate

In August 2010, Buckmon filed two EEO complaints, alleging, in part, that Maddaloni instructed him to falsify data via a telephone conversation.¹⁴⁵ After Buckmon alleged that Maddaloni instructed him to falsify data, the Census Bureau did very little to investigate Buckmon's claim.¹⁴⁶ Although Fernando Armstrong, the Philadelphia Office Regional Director, became aware of Buckmon's claim, he did not initiate a significant investigation.¹⁴⁷ Armstrong testified that after Buckmon alleged Maddaloni instructed him to falsify, he had a meeting with Maddaloni to discuss the claim.¹⁴⁸ Although Armstrong recalled his meeting with Maddaloni, he could not recall the date of the meeting.¹⁴⁹ He went on to explain that he was not aware of any documentation of the content of the meeting.¹⁵⁰

Armstrong further explained that the meeting involved a conversation with Maddaloni regarding the allegation.¹⁵¹ Aside from the meeting, however, Armstrong did not recall that the Bureau took any further action internally.¹⁵² Armstrong explained that the Bureau forwarded Buckmon's allegation to the Inspector General.¹⁵³ He testified:

- Q. Would there be some record of the contents? Might there have been an email follow-up?
- A. Most likely it was a conversation with Maddaloni where he was confronted with the allegation, and typical people that would have been in that meeting would be Maddaloni's supervisor, the coordinator.
- Q. Okay.
- A. The ARD [Assistant Regional Director].¹⁵⁴

* * *

- Q. Okay. If you were made aware of someone else corroborating or making the same claim, would you have taken the same action? Would it just have been a meeting with Mr. Maddaloni and the supervisors?
- A. Actually, I think we took more than that.
- Q. Okay.
- A. I think the case was referred to the inspector general.¹⁵⁵

¹⁴⁵ Armstrong Tr. at 59.

¹⁴⁶ *Id.* at 71-72.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.* at 71.

¹⁴⁹ *Id.*

¹⁵⁰ Armstrong Tr. at 71-72.

¹⁵¹ *Id.* at 72.

¹⁵² *Id.* at 72-73.

¹⁵³ *Id.* at 73.

¹⁵⁴ *Id.* at 72.

Although Armstrong could not recall the exact chain of events following Buckmon's allegation, he explained that he probably wrote a statement to his boss regarding the allegations, which the General Counsel forwarded to the Inspector General.¹⁵⁶ He testified:

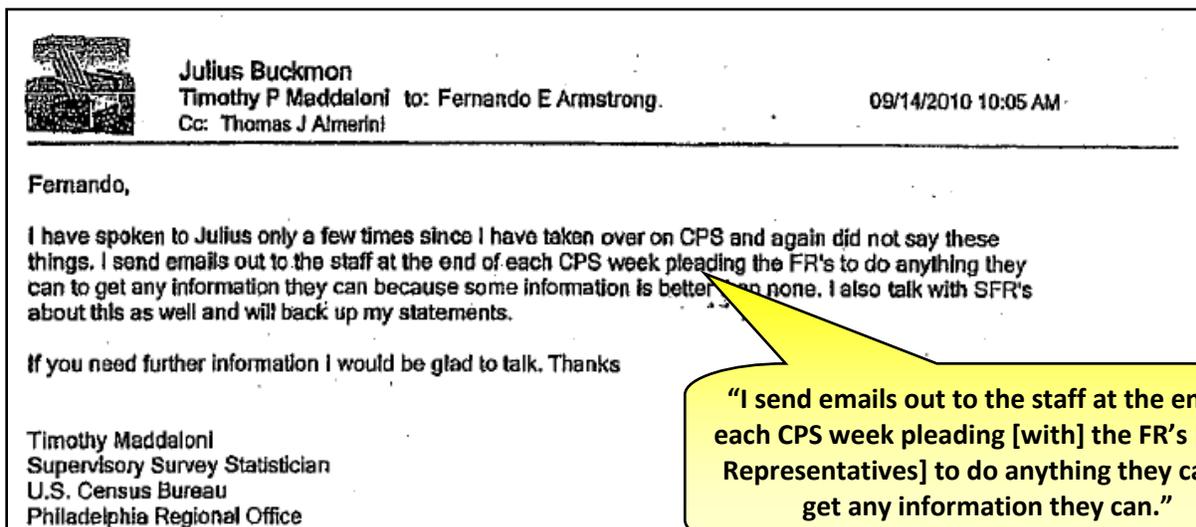
Q. Okay. Did you write a letter to contact the inspector general? Was it an informal --

A. Time has been -- [it was] a couple of years back.

Q. Yes.

A. I suspect I wrote something to my boss, and it was forwarded to, through the general counsel, [the] inspector general.¹⁵⁷

Buckmon's October 2010 EEO complaint contained an e-mail message Maddaloni sent to Armstrong on September 14, 2010 denying that he directed Buckmon to falsify data.¹⁵⁸ In his message, Maddaloni acknowledged that he sent weekly e-mails to FRs directing them to collect as much data as possible.¹⁵⁹ Maddaloni wrote:¹⁶⁰



Despite Buckmon's allegations against Maddaloni, the Bureau took few steps to investigate the claims.¹⁶¹ Although Armstrong explained that Maddaloni met with his supervisors following the allegations, details of subsequent events remain unclear due to the Bureau's failure to keep an adequate records documenting of its actions.¹⁶² When the Bureau

¹⁵⁵ Armstrong Tr. at 73.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ E-mail from Timothy Maddaloni, Survey Statistician, to Fernando Armstrong, Regional Dir. (Sept. 14, 2010, 10:05 a.m.).

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ Armstrong Tr. at 71-73.

¹⁶² *Id.* at 72-73.

learned of Buckmon's claims, Philadelphia Regional Office officials had the opportunity to launch a significant investigation to ensure supervisors were not instructing field representatives to falsify data. They instead opted for a muted response to Buckmon's allegations.¹⁶³

iv. IG and EEO Complaints

On October 7, 2010, Buckmon filed an EEO complaint alleging that Maddaloni instructed him to falsify survey data.¹⁶⁴ Buckmon alleged that Maddaloni initially called Butler and asked her to instruct Buckmon to submit certain cases as completed, even though the interviews were incomplete.¹⁶⁵ Butler refused to instruct Buckmon to falsify his cases.¹⁶⁶ Buckmon alleged that Maddaloni then called him to instruct him to send in the incomplete cases.¹⁶⁷ Buckmon explained that Maddaloni said during the phone conversation that "he would take care of it during reinterview."¹⁶⁸

As part of Buckmon's claim regarding Maddaloni's instruction to falsify, Roderick Wiley, a former Program Coordinator for the Philadelphia Regional Office, provided his account of the alleged incident through an affidavit.¹⁶⁹ Wiley stated that Butler approached him and asked him to listen to a voicemail message.¹⁷⁰ When he listened to the message, Wiley believed the voice belonged to Maddaloni.¹⁷¹ Wiley stated in his affidavit that he thought the message "implied falsification."¹⁷² Wiley stated:

In late summer of 2010, Stefani Butler, Senior Field Representative, Philadelphia Regional Office, approached me and asked me to listen to a voicemail message that she had received. I am not sure if the Complainant [Buckmon] was mentioned in the voicemail message that I listened to; however I believe the voice on the message was the voice of Timothy Maddaloni. **I do not recall his exact words and my interpretation of what I heard is Mr. Maddaloni was asking that if he (the Complainant) had cases where he had got interviews the previous month, that he (Mr. Maddaloni) would need the cases to be interviews for the current month. In my opinion, that implied falsification.**¹⁷³

Neither the Committees, nor the other investigative bodies, listened to the voicemail message because there is no remaining copy of this message. Nevertheless, Wiley testified that he stands by his original statements in the affidavit.¹⁷⁴

¹⁶³ *Id.*

¹⁶⁴ *Buckmon EEO Complaint, supra* note 5, at 7.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.* at Exhibit 11.

¹⁷⁰ *Buckmon EEO Complaint, supra* note 7, at Exhibit 11.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.* (emphasis added).

¹⁷⁴ H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Roderick Wiley, at 42 (Mar. 6, 2014).

Buckmon's complaint also included a claim that while he was on sick leave from August 9-23, 2010, Butler called him and told him that Maddaloni wanted him to come into work on August 22, 2010—before his doctor cleared him to return to work.¹⁷⁵ Buckmon's August 2010 leave records include the approved sick leave.¹⁷⁶ Contrary to Buckmon's claim, Butler denied that Maddaloni instructed her to call Buckmon and ask him to return to work.¹⁷⁷ Butler instead explained that Buckmon called her and said he wanted to return to work.¹⁷⁸

Buckmon's EEO complaint contains handwritten notes spread throughout the document.¹⁷⁹ An affidavit from Thomas Almerini included with the complaint, contains a handwritten note pointing to Almerini's name.¹⁸⁰ The note states: "engaged in a cover-up."¹⁸¹ Additionally, an affidavit from Timothy Maddaloni, also included in the complaint, contains a handwritten note pointing to Maddaloni's name, which states: "Instructed staff to falsify data and personally falsified data."¹⁸²

Although the Committees could not verify the source of these notes, they raise questions about the Department of Commerce's findings in Buckmon's EEO complaint. If the handwritten notes are indicative of the Department's findings, it raises questions about what next steps the Department must take in the administrative process if allegations, such as those involved in Buckmon's complaint, are true. Further, if the notes represent findings in the case, they raise questions about what findings are necessary before the Department will take action.

After the Department of Commerce completed its investigation into Buckmon's October 2010 EEO complaint, the Department's Office of Civil Rights prepared a report of investigation.¹⁸³ The report did not include any findings.¹⁸⁴ After the Department's investigation was over, Buckmon requested a hearing before an EEO administrative law judge.¹⁸⁵ Buckmon later withdrew his EEO complaint during the hearing before the judge made a decision.¹⁸⁶

The OIG conducted two separate investigations into the matter concerning alleged falsification in the Philadelphia Regional Office. In December 2010, the OIG received a complaint from the Census Bureau's Employee Relations Branch concerning Butler's allegations about Maddaloni and her reports of Buckmon's falsification.¹⁸⁷ Butler alleged that supervisors prevented her falsification reports for Buckmon from reaching the Employee Relations

¹⁷⁵ *Buckmon EEO Complaint*, *supra* note 7.

¹⁷⁶ *Id.* at Exhibit 30.

¹⁷⁷ *Id.* at 9.

¹⁷⁸ *Id.*

¹⁷⁹ *Id.* at Exhibit 12, 14.

¹⁸⁰ *Id.* at Exhibit 14.

¹⁸¹ *Id.*

¹⁸² *Buckmon EEO Complaint*, *supra* note 7, at Exhibit 12.

¹⁸³ IG Report, *supra* note 94, at 25.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ E-mail from OIG Hotline to Census Bureau Official (Dec. 7, 2010, 1:54 p.m.); Office of Inspector Gen., U.S. Dep't of Commerce, *Rep. of Investigation*, File No. PPC-SP-11-0135-P, at 1 (June 2, 2011) [hereinafter OIG Report, June 2, 2011].

Branch.¹⁸⁸ In its report of investigation, the OIG stated that Maddaloni denied allegations that he instructed employees to falsify, noting that it was “impossible” for him to change Butler’s non-interview cases in the system to interviews.¹⁸⁹ Additionally, the OIG noted that Almerini denied Butler’s allegations regarding her falsification reports for Buckmon, and that he provided the reports to the Employee Relations Branch.¹⁹⁰ The Employee Relations Branch confirmed that it was pursuing the claims against Buckmon.¹⁹¹ During its investigation the OIG interviewed key figures, obtaining statements confirming and denying the allegations.¹⁹² The OIG provided its report of investigation with a summary of the interviews to the Bureau in June 2011.¹⁹³

After the release of its report, the OIG contacted the Bureau and asked whether officials took any administrative action as a result of the report.¹⁹⁴ The Bureau informed the OIG that it did not take related administrative action against Maddaloni.¹⁹⁵ The Bureau stated that action taken against Buckmon was unrelated to the OIG’s investigation.¹⁹⁶

In October 2013, the OIG received a complaint through its online hotline alleging that the Philadelphia Regional Office falsified data on the American Housing Survey and the CPS.¹⁹⁷ The OIG received allegations that supervisors in the Philadelphia Regional Office directed employees to falsify data for the CPS.¹⁹⁸ The OIG also investigated allegations included in a November 18, 2013 news report regarding falsification of CPS data prior to the 2012 presidential election.¹⁹⁹ The OIG did not find evidence to support the allegation that management instructed staff to falsify data.²⁰⁰ Additionally, the OIG did not substantiate the allegations included in the November 2013 media report.²⁰¹

Although the OIG could not find evidence to support the allegations, the OIG reviewed the Bureau’s procedures for handling data falsification issues.²⁰² The OIG recommended that the Bureau implement a separate system to examine cases for potential falsification.²⁰³ The OIG also found that the Bureau’s training materials and procedural manuals are insufficient and outdated.²⁰⁴ The OIG report recommended that the Bureau update its materials and manuals to include additional information about how to handle potential data falsification matters.²⁰⁵ Additionally, the OIG included in its report a recommendation that the Bureau should not allow

¹⁸⁸ OIG Report, June 2, 2011, *supra* note 191, at 1.

¹⁸⁹ *Id.* at 2.

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ E-mail from OIG Official to Census Bureau Official (Sept. 22, 2011, 9:50 a.m.).

¹⁹⁵ E-mail from Census Bureau Official to OIG Official (Sept. 22, 2011, 10:59 a.m.).

¹⁹⁶ *Id.*

¹⁹⁷ IG Report, *supra* note 94, at 1.

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

²⁰⁰ *Id.* at 2.

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ IG Report, *supra* note 168, at 2.

²⁰⁴ *Id.*

²⁰⁵ *Id.*

employees suspected of falsification to continue working in a data collection capacity while the Bureau is investigating their work.²⁰⁶

VIII. Department's Lack of Cooperation with Congress

The pace of the Committees' investigation was slowed because Commerce Department officials slow-rolled document productions and interfered with witness interviews. The Department's tactics obstructed the Committee from doing its constitutionally mandated oversight, and directly contradicted the commitment Assistant Secretary Margaret Cummisky made to work cooperatively with Congress in a November 27, 2013 letter.

The Census Bureau has its own legislative affairs staff and lawyers, and ordinarily, they handle the Bureau's engagements with Congress. In this case, however, the Commerce Department stepped in and assigned its own staff to manage the congressional investigation. Their posture towards the Committees' investigation was confrontational from the outset. The Commerce Department delayed and interfered with the Committees' investigation in several ways:

Commerce Department officials showed up at a transcribed witness interview and pressured witnesses to meet with them before testifying to the Committees.

Commerce Department officials showed up uninvited to a transcribed interview with a Census Bureau employee and put her in a position where she was forced to risk retaliation if she excluded them from the interview. The Commerce Department officials who ambushed the witness claimed that congressional staff may only speak to witnesses in the presence of Department personnel, and that it is unlawful for congressional staff to speak with Department employees directly. It is concerning that Commerce Department lawyers and legislative affairs staff either knowingly misrepresented the law to gain access to the interview, or that they are unaware that denying or interfering with employees' rights to furnish information directly to Congress is in fact against the law.²⁰⁷

The Census Bureau employee eventually consented to their presence in the interview room. That employee—who gave testimony that damaged the Census Bureau's credibility—subsequently reported to Committee investigators that the Census Bureau retaliated in a number of ways, including unwarranted performance improvement plans and other disciplinary actions.

Some witnesses also told Committee investigators that they felt pressure to meet with representatives of the Office of General Counsel prior to meeting with Congress. In at least one

²⁰⁶ *Id.*

²⁰⁷ 5 U.S.C. § 7211 states:

The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

instance, this pressure continued even after the witness declined to participate in such a meeting on more than one occasion.

The Department repeatedly failed to answer requests for information and documents, and refused to make Census Bureau staff available for transcribed interviews in a timely manner.

After initially declining to provide any documents, Department officials requested a staff-level meeting to discuss the Committees' document request. The Department only produced four pages of documents one week after that meeting. Ultimately, it took the Department one month to make a substantive document production. Only when faced with the possibility of compulsory process did the Department fully comply with the Committees' document requests.

The Department slow-rolled the Committees' request to interview fact witnesses.

The Department initially refused to provide witnesses for transcribed interviews requested in the Committees' November 22, 2013 letter that requested them. As a result of these delay tactics, the first transcribed interview was finally scheduled on December 19, 2013, four weeks after the initial request, and no additional interviews were scheduled until after January 7, 2014.

IX. Data Collection and Quality Control Procedures

Census employees collect survey data in the field. Interviewers are based out of their homes and travel to households in the surrounding area to conduct interviews.²⁰⁸ Census National Headquarters compiles a representative sample of households and distributes the selected addresses to regional offices, which then make assignments to interviewers.

The Census Bureau sends a letter notifying a particular household that a Census employee will visit the house during the survey collection period.²⁰⁹ The interviewer visits the household, and after showing identification, describes the survey and how the data will be used.²¹⁰ If eligible household member(s) agree to participate, the interviewer collects the data using a government-issued laptop.²¹¹ The interviewer transmits all collected data on a daily basis.²¹² The data transmission goes to Census National Headquarters, which collects, combines, and stores the data.²¹³

²⁰⁸ U.S. Census Bureau, *Regional Office Realignment*, available at http://www.census.gov/regions/pdf/RO_realignment_OnePager_FINAL.pdf (last visited June 9, 2014) [hereinafter *Regional Office Realignment*].

²⁰⁹ Almerini Tr. at 12.

²¹⁰ *Id.* at 21.

²¹¹ *Id.*

²¹² *Id.*

²¹³ *Id.*; Briefing by Census Bureau IT Officials, to Committee Staff (Feb. 10, 2014) [hereinafter IT Briefing].

a. Regional Command Structure in 2010

The Census Bureau command structure is divided into regions, and each region has a regional office.²¹⁴ Census employees gathering data in the field report to supervisors located in the regional office.²¹⁵ Regional offices are responsible for overseeing data collection and quality review conducted within their respective regions. In 2010, the Philadelphia Regional Office was one of 12 regional offices.²¹⁶ The Census Bureau has since changed the regional office configuration, as well as the regional command structure, as discussed below.²¹⁷

Under the previous structure, Philadelphia Regional Office management consisted of one Regional Director, one Assistant Regional Director (ARD), and three Program Coordinators.²¹⁸ Regional Director Fernando Armstrong headed the Philadelphia Regional Office.²¹⁹ One Assistant Regional Director (ARD) reported directly to the Regional Director.²²⁰ There were three Program Coordinators under the ARD, and each Program Coordinator was responsible for their select survey(s).²²¹ Specifically, the Program Coordinators managed the Survey Statisticians for each of their respective surveys, as well as numerous Senior Field Representatives (SFRs). Like Program Coordinators, Survey Statisticians worked in the Philadelphia Regional Office.²²² Survey Statisticians were responsible for overseeing the data collection of their particular survey(s).²²³

Program Coordinators also managed SFRs, each of whom reported to a particular Program Coordinator.²²⁴ SFRs were based in the field, and not located in the regional office. Survey Statistician Timothy Maddaloni explained the management structure for SFRs. He testified:

- Q. So did all of the senior field reps report to one coordinator?
- A. Yeah, it was broken into different States. Certain areas reported to a coordinator. For example, the D.C. and Maryland area were reporting to [Program Coordinator] Joal Crosby. Even though

²¹⁴ U.S. Census Bureau, *Regional Offices*, available at <https://www.census.gov/regions/> (last visited June 9, 2014) [hereinafter *Regional Offices*].

²¹⁵ Armstrong Tr. at 15.

²¹⁶ Gary Locke, Sec'y, U.S. Dep't of Commerce, *Commerce Department's U.S. Census Bureau Announces Management & Structural Reforms That Will Improve Efficiency & Cut Costs*, THE WHITE HOUSE BLOG (June 29, 2011, 2:02 p.m.), <http://www.whitehouse.gov/blog/2011/06/29/commerce-department-s-us-census-bureau-announces-management-and-structural-reforms-w> (last visited June 9, 2014) [hereinafter Locke, *Census Bureau Announces Reforms*].

²¹⁷ *Id.*

²¹⁸ Maddaloni Tr. at 7-8.

²¹⁹ *Id.*

²²⁰ Armstrong Tr. at 7.

²²¹ *Id.* at 8.

²²² *Id.* at 8-9.

²²³ Maddaloni Tr. at 5.

²²⁴ *Id.* at 10.

[Program Coordinator] Thom Almerini was the supervisor for the survey, those senior field reps had to report to Joal.²²⁵

Although the SFRs served as team leaders for FRs, they did not have any direct managerial roles.²²⁶ Nonetheless, SFRs were the FRs' primary point of supervisory contact.²²⁷ The SFR's indirect supervisory role caused some confusion over the chain of command.²²⁸ Philadelphia Regional Director Fernando Armstrong discussed the problems inherent in the 2010 structures. He stated:

Well, the SFR did not manage all the surveys. The SFR back then would work for all the supervisors, and that was a problem. The FRs didn't work for them. They work for the regional office.²²⁹

Maddaloni offered a different depiction of an SFR's supervisory authority.²³⁰ Maddaloni testified:

Q. And [SFR] Stefani Butler conducted those reinterviews.

A. Yes.

Q. And she was what to [FR] Julius?

A. **His senior field representative, his boss.**

Q. On any survey that he worked on?

A. Yes. For any survey, that was who he reported to.²³¹

b. Structural Changes at the Census Bureau

The structure of the Philadelphia Regional Office in 2010 differs from its current organization.²³² Prior to the change, in 2010 the regional office structure had been in place for nearly 50 years.²³³ From 1961 to 2012, the Census Bureau had 12 regional offices located in

²²⁵ *Id.*

²²⁶ Armstrong Tr. at 15.

²²⁷ H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Joal Crosby, at 11 (Jan. 23, 2014) [hereinafter Crosby Tr.].

²²⁸ Armstrong Tr. at 15.

²²⁹ *Id.*

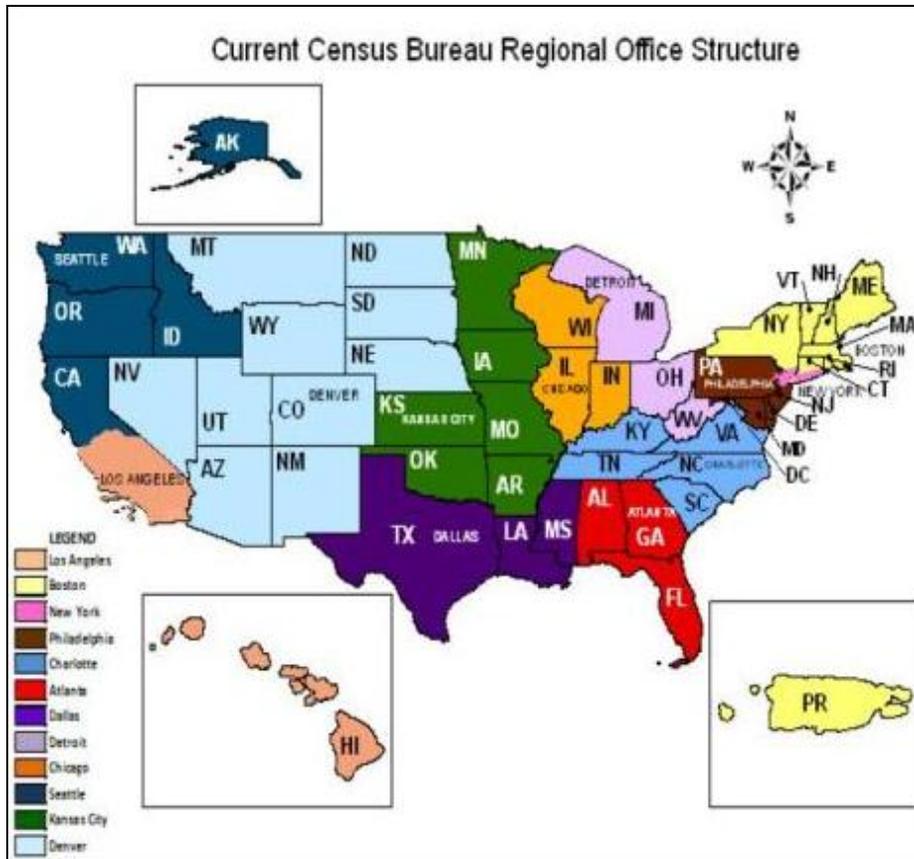
²³⁰ Maddaloni Tr. at 35.

²³¹ *Id.* (emphasis added).

²³² Locke, *Census Bureau Announces Reforms*, *supra* note 220.

²³³ *Regional Office Realignment*, *supra* note 212.

major cities²³⁴ to organize the collection of data for the Decennial Census and other surveys, such as the American Community Survey and the Economic Census.²³⁵ Each regional office had about 600 employees—approximately 50 employees located in the office and the rest in the field.²³⁶ Below is a map of the organizational structure in place in 2010:²³⁷



Previous Census Bureau Regional Office Structure

In June 2011, the Census Bureau overhauled the field office structure to cut costs.²³⁸ The realignment took place over an 18-month period, with a January 2013 deadline. The proposed changes were part of a broader effort to improve efficiency.²³⁹ Between July 2011 and January 2013, the Bureau reorganized its regional offices, going from 12 offices to six—located in

²³⁴ These offices were: Boston, MA; New York, NY; Philadelphia, PA; Detroit, MI; Chicago, IL; Kansas City, KS; Seattle, WA; Charlotte, NC; Atlanta, GA; Dallas, TX; Denver, CO; and Los Angeles, CA. *See Regional Offices, supra* note 218.

²³⁵ Locke, *Census Bureau Announces Reforms*, *supra* note 220.

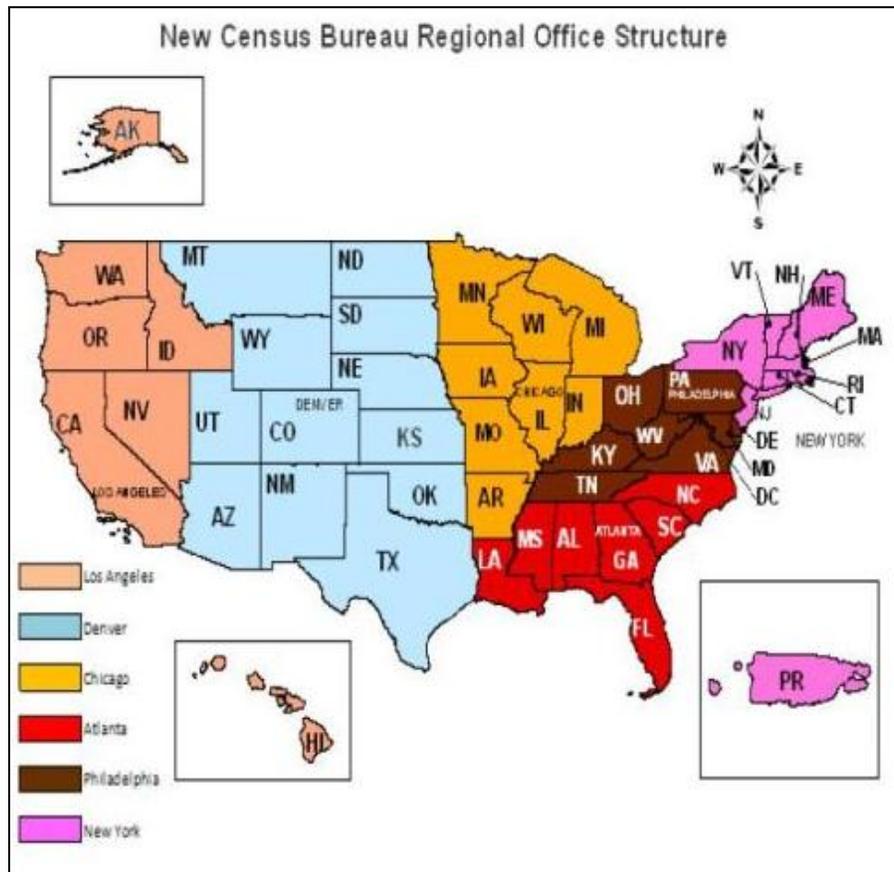
²³⁶ *Regional Office Realignment, supra* note 212.

²³⁷ Locke, *Census Bureau Announces Reforms*, *supra* note 220.

²³⁸ U.S. Census Bureau, Press Release, *U.S. Census Bureau Announces Field Management Reforms to Reduce Costs & Enhance Data Quality* (June 29, 2011), available at <http://www.census.gov/newsroom/releases/archives/miscellaneous/realignment.html> (last visited June 9, 2014).

²³⁹ *Id.*

Atlanta, Chicago, Denver, Los Angeles, New York, and Philadelphia.²⁴⁰ The current regional office structure reflects these changes:²⁴¹



Current Census Bureau Regional Structure

Robert Groves, then-Director of the Census Bureau, cited cost and efficiency concerns as the primary motivating factor behind the reorganization. He stated:

The new design strengthens and unifies the supervision of field representatives and increases the number of supervisory staff working out of their homes. Simultaneously, we are reviewing the technical and administrative organization within the headquarters offices in order to assure that we have both a strong technical skill mix and a cost efficient administrative organization, matching that of the new regional structure.²⁴²

²⁴⁰ *Regional Offices*, *supra* note 218.

²⁴¹ Locke, *Census Bureau Announces Reforms*, *supra* note 220.

²⁴² Robert Groves, *A Restructuring of Census Bureau Regional Offices*, U.S. CENSUS BUREAU DIRECTOR'S BLOG (June 29, 2011), <http://directorsblog.blogs.census.gov/2011/06/29/a-restructuring-of-census-bureau-regional-offices/> (last visited Aug. 28, 2014).

The Census Bureau estimated the reorganization would save \$15-18 million, after transition costs, starting in fiscal year 2014.²⁴³ Gary Locke, then-Secretary of Commerce, also cited cost concerns as a motivating factor behind the reorganization.²⁴⁴ Locke stated:

At the Census Bureau, spending wisely means taking advantage of advances in technology that have allowed survey organizations to provide its field interviewers with better tools and move to a leaner management structure. Increasing virtualization, along with more timely management information, can yield both cost and quality advantages.²⁴⁵

According to a Census Bureau presentation,²⁴⁶ the changes in the number of offices and the management of data collection were linked. The Census Bureau made significant changes to its regional command structure. While there was no change in responsibilities for the roughly 7,600 FRs, there were significant changes in supervisory structure and responsibilities, with more supervisory staff slated to work from home.²⁴⁷

Fernando Armstrong, a 36-year veteran of the Census Bureau who currently serves as Regional Director for the Philadelphia Region, discussed changes in the supervisory process at length during his interview with Committee investigators.²⁴⁸ He noted that the data collection structure in place until 2011—prior to the restructuring—was convoluted and the lines of authority were unclear between surveys. The Census Bureau included the diagram below in a presentation delivered by then-Director Groves.²⁴⁹

²⁴³ *Regional Office Realignment*, *supra* note 212.

²⁴⁴ Locke, *Census Bureau Announces Reforms*, *supra* note 220.

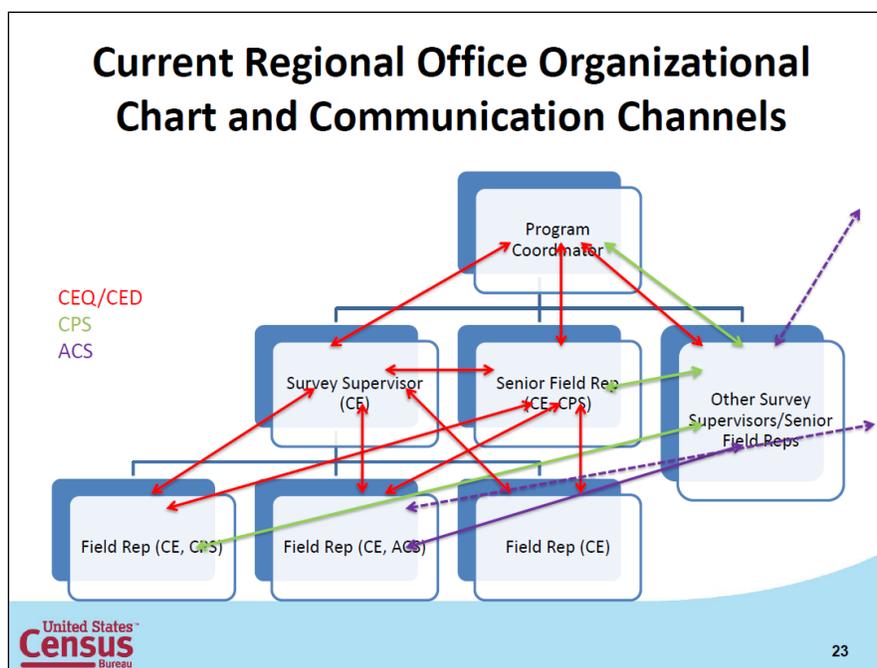
²⁴⁵ *Id.*

²⁴⁶ U.S. Census Bureau, *Groves Presentation*, available at http://www.census.gov/sdc/groves_presentation.pdf (last visited Aug. 28, 2014) [hereinafter *Groves Presentation*].

²⁴⁷ *Id.*

²⁴⁸ Armstrong Tr. at 7-14.

²⁴⁹ *Groves Presentation*, *supra* note 250.



Previous Regional Office Organizational Chart and Communication Channels

The Census Bureau made a number of changes to this command structure as part of the reorganization. The Bureau established a new Field Supervisor position.²⁵⁰ Armstrong testified that the Field Supervisor position would do work similar to the SFR, but would also have managerial responsibilities, such as payroll authority, over FRs.²⁵¹ The SFR position is slated to be phased out by December 2014. In the meantime, SFRs no longer perform any supervisory functions. Armstrong explained the SFRs' responsibilities until the end of 2014. He stated: "So, we have SFRs now that are working like they were before, and they do not supervise. They do reinterview, they do Type A follow up, they take emergency assignments, they do observations, they work for the field supervisor."²⁵²

The Survey Statistician position was split into two different roles. Survey Statistician Field (SSF) staffers work from home and manage data collection of Field Representatives via Field Supervisors.²⁵³ SSFs are responsible for a geographical area, and they oversee data collection for all surveys in their portion of the region.²⁵⁴ Survey Statistician Office (SSO) staffers are based in the regional office and are responsible for training but not for day-to-day management of field staffers.²⁵⁵ SSO staffers are responsible for a single survey, and they distribute case assignments for their respective survey.²⁵⁶ The Census Bureau's updated Regional Organization chart demonstrates that data collection is streamlined under the new structure.²⁵⁷

²⁵⁰ Armstrong Tr. at 9.

²⁵¹ *Id.* at 15.

²⁵² *Id.* at 17.

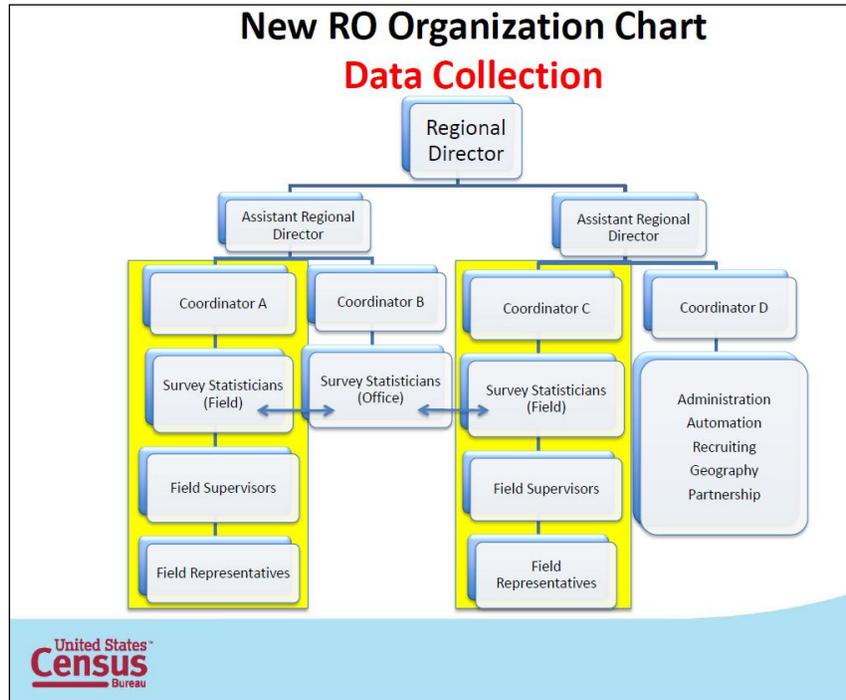
²⁵³ Almerini Tr. at 17-18.

²⁵⁴ *Id.*

²⁵⁵ Groves Presentation, *supra* note 250.

²⁵⁶ Almerini Tr. at 17-18.

²⁵⁷ Groves Presentation, *supra* note 250, at 24.



Current Regional Office Organizational Chart and Communication Channels

c. CPS Data Collection Procedures

The process for CPS data collection involves an “interview week,” which typically includes the 19th day of a given month.²⁵⁸ The questions in the survey pertain to the prior week, which is the reference period.²⁵⁹ The reference week includes the 12th day of a given month.²⁶⁰ In the months of November and December, both the interview week and the corresponding reference period occur a week earlier in order to avoid the holidays.²⁶¹ Interview week begins on Sunday and typically ends the following Tuesday.²⁶²

The Census Bureau sends a letter to the household informing them that a Census employee will visit over the course of CPS interview week.²⁶³ Once the regional office receives cases from Census Headquarters, the regional office is responsible for assigning cases to its employees in the field.²⁶⁴ Survey Statisticians assign cases to FRs and SFRs.²⁶⁵ Under the

²⁵⁸ U.S. Census Bureau, *Current Population Survey (CPS), Collecting Data*, available at <http://www.census.gov/cps/methodology/collecting.html> (last visited June 9, 2014) [hereinafter *Collecting Data*].

²⁵⁹ *Labor Force Statistics*, *supra* note 14.

²⁶⁰ *Id.*

²⁶¹ *Collecting Data*, *supra* note 262; Almerini Tr. at 60.

²⁶² If the supplemental interview is longer than average, the Interview Week may be extended to Wednesday. *See* Almerini Tr. at 60.

²⁶³ *Id.* at 21.

²⁶⁴ Armstrong Tr. at 23.

²⁶⁵ *Id.*

current command structure, SSO staffers make case assignments.²⁶⁶ Survey Statisticians distribute assignments prior to the start of data collection so that Field Representatives and/or Senior Field Representatives (FR/SFRs) can map out their routes and plan for the upcoming two-week survey period.²⁶⁷

Former Philadelphia Regional Office Program Coordinator Joal Crosby, explained the internal process for data collection in 2010.²⁶⁸ Crosby stated:

Q. So I guess getting into just more of a generic on any of the surveys, can you walk us through what happens for . . . what are the steps that you start taking to make sure that work will eventually -- cases will eventually get to the field representative? Do you have to do anything? Is that automatic?

A. Well, as a program coordinator, I would have overseen the operation. So I would check with the supervisor to want to make sure that the cases did come in from headquarters, they would come through the database called ROSCO . . . Once the supervisor sees the assignment or the cases, they would then make assignments for the FRs. They are given a date to release the cases. The FR transmits to pick up the cases or the assignment. The SFR would contact them to make sure they received them and reviewed them. And they would be able to start on either the 1st or the 19th, whichever date that survey is supposed to start interviewing.

Q. Okay. So then it would be the survey statistician who is assigning the caseload for both the FRs and the SFRs?

A. Yes.²⁶⁹

The SFR or FR accesses the files on a Census-issued laptop, and once the interview period starts, enters survey information using a program called Computer Assisted Personal Interviewing (CAPI).²⁷⁰ In addition to CAPI, the Census Bureau collects, filters, and manages survey data through several internal systems. The Regional Office manages files in Regional Office Survey Control (ROSCO), while Census Bureau Headquarters manages the full data through the Master Control System (MCS).²⁷¹ When an FR or SFR completes the interview, he or she submits the data using CAPI.²⁷² The data is then sent to the MCS at Headquarters via

²⁶⁶ Almerini Tr. at 18.

²⁶⁷ *Id.* at 20.

²⁶⁸ Crosby Tr. at 12-13.

²⁶⁹ *Id.*

²⁷⁰ IT Briefing, *supra* note 217.

²⁷¹ *Id.*

²⁷² *Id.*

ROSCO.²⁷³ Program Coordinator Thomas Almerini described what happens after data transmission. He testified:

- Q. [O]nce that data's been transmitted to headquarters, what happens with that?
- A. The regional office in our case receives a report. We'll look at the report the next day and say this person had three completed interviews yesterday. Headquarters will get the actual case files with the actual data, and their analysts will then accumulate all the data together and then run it through their system in terms of the actual analysis, compilation of the raw data, and then the actual analysis of the final table of numbers statistics.²⁷⁴

At that point, the regional office can only see that the survey was submitted as complete.²⁷⁵ If an interviewer successfully conducts and submits the interview, it goes to the MCS at Headquarters. If the interviewer submits the case as a non-interview, however, it is automatically directed to a regional office supervisor for review. Non-interview cases fall into one of three categories: Type A, Type B, and Type C.²⁷⁶ Type B coding represents either vacant households or households where occupants are ineligible for interview, because this address is not their primary place of residence or they are in the armed forces.²⁷⁷ A Type C is an address that no longer serves as a residence.²⁷⁸ If an address is classified as Type C, the unit was either demolished or condemned, or has been converted to a business.²⁷⁹

Cases in which the interviewer could not obtain an interview for an occupied household—such as when the household refused to participate—are classified as Type A.²⁸⁰ This classification counts against the overall response rate, both for the interviewer and the region. When the cases are directed to supervisory review, the Survey Statistician or Program Coordinator handling that survey has the option to reassign the case to a more experienced or more senior Census employee to try to obtain the interview. Survey Statistician Timothy Maddaloni explained the process.²⁸¹ Maddaloni stated:

- Q. You don't see whether it's a non-interview?
- A. If it's a non-interview, a Type B, which is a vacant interview, or a Type C, demolished, we have an option in our system called "Supervisory Review," and that's where we can accept them, send them back out to the field, you know, get them to be redone. But

²⁷³ *Id.*

²⁷⁴ Almerini Tr. at 22.

²⁷⁵ Maddaloni Tr. at 12.

²⁷⁶ *Collecting Data*, *supra* note 262.

²⁷⁷ *Id.*

²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ *Id.*

²⁸¹ Maddaloni Tr. at 15.

anytime it's an interview or a partial interview, it automatically gets checked in without our consent.

Q. Okay. And so, if it's a Type B or a Type C --

A. Yes, sir.

Q. -- and -- so when that happens, does that mean that you would have to -- is it a step that's put on you to approve or send it back out, or . . . you can intervene if you want to?

A. It's a step on myself or my other supervisor that we worked with at the time to look at it, review the notes, make sure they did it properly, and then accept it or send it back out to the field.

Q. Okay. But, basically, it stops at your door or your --

A. Yes.

Q. -- partner's door?

A. And the one thing with that is, if it did turn in as a refusal, there's nothing in the system that allows us to change it to an interview. It would have to be sent back out to the field, and someone would have to do the interview for that.

Q. Okay. So let's say it's not a refusal, let's say it's demolished or . . . a non-response, and you had to take a step, how involved is that process? Is that effectively logging out the case? Or is it basically --

A. Basically all it's doing is, you hit the "accept" button and save.

Q. Okay.

A. Basically what we do is, once you see it in there, you review the notes, make sure that they have a name and contact number, just so we can confirm it to make sure that it's legit.

Q. Okay. And by reviewing the notes, I mean, you're opening up the folder --

A. Opening up the actual file . . . and reading whatever the field representative wrote as their notes on that case and why they coded it out that way.

Q. Okay. And so all of those cases will eventually then pass through you, but let's say one you're not sure about. What's the normal process of, okay, I'm not sure if this is a refusal or it's actually demolished? What do you want to do, you know, if you think something's gone on? Can you walk us through that?

A. You normally -- well, we'd review it. Normally we'd talk with the senior field representative . . . and let them know, hey, I'm putting a note and sending it back out, this needs to be recoded or redone, those kind of things.

* * *

A. Also, the only other thing that could happen during this time, if it is closeout and, say, the field representative sends it in, coding it incorrectly, they may have sent it in as Type C demolished but in actuality their notes say that it's a vacant interview, what we'd have to do is change it. We would send it to, you know, our supervisor in the office laptop and use their notes, what they had, and change the code to a Type B vacant. . . . It's still . . . a non-interview, but that's the only time we would change anything.²⁸²

d. Quality Control Mechanisms

The primary data quality check is the reinterview process.²⁸³ Each month, a random selection of survey interviews is subject to reinterview.²⁸⁴ Reinterview is the process by which a reinterviewer contacts the household to confirm that the original interviewer conducted the interview and coded the correct interview type.²⁸⁵ Quality control reinterviews require the reinterviewer only to ask a select number of questions.²⁸⁶ The reinterviewer has access to basic data and is prompted to confirm this data is correct.²⁸⁷ Unless, the reinterviewer encounters any errors, the reinterview is composed entirely of questions requiring yes or no answers.²⁸⁸

To select the CPS reinterview sample each cycle, Census Headquarters selects FR/SFRs, then picks cases from these FR/SFRs' workloads for reinterview.²⁸⁹ Every FR/SFR is periodically selected for reinterview, so that each FR/SFR is subject to reinterview at least once a year.²⁹⁰ The amount of cases selected from each FR/SFR's workload is dependent on the

²⁸² Maddaloni Tr. at 15.

²⁸³ CURRENT POPULATION SURVEY (CPS) CAPI REINTERVIEWER'S MANUAL 1 (2010) [hereinafter CAPI REINTERVIEWER'S MANUAL].

²⁸⁴ Maddaloni Tr. at 26.

²⁸⁵ Maddaloni Tr. at 58; CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 1.

²⁸⁶ CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 3.

²⁸⁷ CURRENT POPULATION SURVEY (CPS) CAPI REINTERVIEW SELF-STUDY 5-2-5-6 (2010) [hereinafter CAPI REINTERVIEW SELF-STUDY].

²⁸⁸ *Id.*

²⁸⁹ CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 3-4.

²⁹⁰ Almerini at 73.

FR/SFR's CPS tenure.²⁹¹ An FR/SFR is not informed when his or her cases are selected for reinterview.²⁹²

Immediately after case assignments are released to FR/SFRs, headquarters picks a random sample of the FR/SFR's cases for reinterview and distributes the reinterview samples to the regional office for assignment.²⁹³ Regional offices, for the most part, assign reinterview to the direct supervisor of the original interviewer.²⁹⁴ Reinterview happens on a rolling basis, so once the original interview is submitted, the case then becomes eligible for reinterview.²⁹⁵ The reinterviewer does not have access to data collected from the initial interview, but does have the basic information reported, such as a roster of the individuals at the location.²⁹⁶

A survey supervisor can put an FR/SFR into supplemental reinterview at any point when an issue arises, such as a discrepancy.²⁹⁷ During supplemental reinterview, the regional office places the request for an FR or SFR to be placed in supplemental reinterview.²⁹⁸ Headquarters places all of that individual's cases for the upcoming month in reinterview.²⁹⁹ The regional office, however, is responsible for assigning these reinterview cases.³⁰⁰ It is then up to the discretion of the regional office to determine how many and which reinterview cases are actually assigned.³⁰¹

A supervisor has two options when placing an FR/SFR into supplemental reinterview.³⁰² If it is still within the CPS survey timeframe, the supervisor can put the FR/SFR into supplemental reinterview for the current month.³⁰³ The second option is for the supervisor to make a note to put the FR/SFR in supplemental reinterview for the following month.³⁰⁴ The Committees' investigation has determined that there is no formal documentation comprehensively detailing all of the quality control mechanisms in place.

e. Suspected Falsification Procedures

FINDING:	The suspected falsification procedures are inconsistent from region to region and from case to case. The system relies on paper-based forms, making it vulnerable to error and deliberate circumvention.
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²⁹¹ CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 5.

²⁹² CPS 256, CURRENT POPULATION SURVEY OFFICE MANUAL (2010) 10-2 [hereinafter CPS OFFICE MANUAL].

²⁹³ Maddaloni Tr. at 26.

²⁹⁴ *Id.*

²⁹⁵ CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 3.

²⁹⁶ IT Briefing, *supra* note 217.

²⁹⁷ CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 5-6.

²⁹⁸ IT Briefing, *supra* note 217.

²⁹⁹ *Id.*

³⁰⁰ *Id.*

³⁰¹ *Id.*

³⁰² CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 5-6.

³⁰³ *Id.*

³⁰⁴ *Id.*

If a reinterviewer suspects falsification, he or she codes the reinterview to indicate suspected falsification and explains discrepancies in the case notes.³⁰⁵ According to the CPS Reinterviewer's Manual, "If the reinterviewer suspects falsification and needs additional information about the original interview, the RO [Regional Office] can print out a trace file of the case if it is less than 90 days old."³⁰⁶ Although, according to Program Coordinators Thomas Almerini and Joal Crosby, this process is cumbersome and rare.³⁰⁷ Maddaloni testified:

We can print out a— it's called a trace file, once we need to look further into a case. But it's basically, it's kind of coded differently. You can't see the clear data within a case. You can see it answered one or two to a certain thing. So it's kind of, we can see something, but it's a big file. And we normally don't do that.³⁰⁸

The CPS Reinterviewer's Manual continues that if the reinterviewer suspects falsification, he or she "should call the program supervisor immediately."³⁰⁹ It is the program supervisor's responsibility to "notify the regional office management staff as soon as they are alerted to possible falsification."³¹⁰ Once the reinterviewer submits the reinterview coded for suspected falsification, it goes to the regional office for supervisory review.³¹¹ At that point, it is the supervisor's responsibility to investigate.³¹²

i. Paper-Based Falsification Report

If the supervisor determines that there is suspected falsification, he or she is supposed to flag the interview by initiating a suspected falsification follow-up form.³¹³ The form, called an 11-163, is the only paper-based component of the data collection and quality control process.³¹⁴ Philadelphia Regional Director Fernando Armstrong spoke about the 11-163.³¹⁵ The supervisor begins the 11-163 and sends the first portion of the report to Headquarters.³¹⁶ Armstrong stated:

- A. The form is supposed—immediately when you discover the possible—the potential falsification through going into sup[ervisory] review and looking at what the reinterviewer sent to you, you take the 11-163, you complete the cover, you peel the cover, you send the cover to headquarters while you keep the rest of the form, and you conduct the investigation using the rest of the form.

³⁰⁵ *Id.* at 18-19.

³⁰⁶ *Id.* at 5.

³⁰⁷ See Almerini Tr. at 88-89; Crosby Tr. at 20-21.

³⁰⁸ Maddaloni Tr. at 17.

³⁰⁹ CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 15.

³¹⁰ *Id.*

³¹¹ *Id.* at 18.

³¹² CAPI REINTERVIEW SELF-STUDY, *supra* note 291, at 6-1.

³¹³ Maddaloni Tr. at 37-38.

³¹⁴ Armstrong Tr. at 157.

³¹⁵ *Id.*

³¹⁶ *Id.* at 88-89.

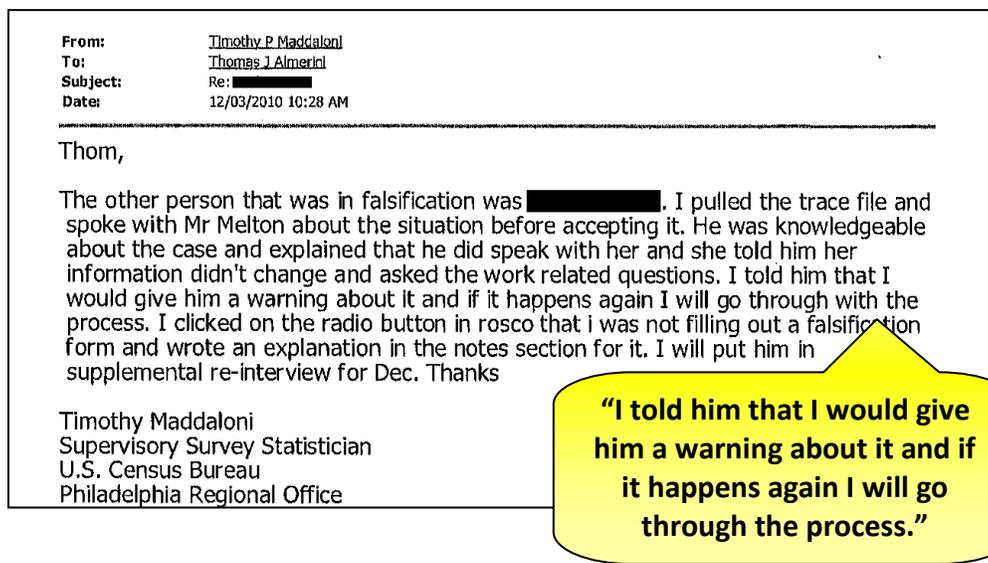
Q. Okay.

A. But the first flag to headquarters is when you send that cover.³¹⁷

Armstrong explained that 11-163s should be in electronic form because they are the primary indicator to Headquarters.³¹⁸ The 11-163 guides the supervisor through the investigation process, which ultimately culminates in the supervisor's recommended response, whether it is disciplinary, constructive, or a non-response.³¹⁹

The process for suspected falsification relies heavily on the supervisor's judgment as to whether discrepancies amount to intentional falsification, starting from the very decision to initiate an investigation and begin the 11-163.³²⁰

The Survey Statistician had full authority to determine whether a discrepancy amounted to suspected falsification.³²¹ On December 3, 2010, Survey Statistician Timothy Maddaloni recounted to his supervisor, Almerini, why he chose not to initiate an investigation.³²² Maddaloni wrote:³²³



Supervisors are expected to act in accordance with the intent of the current procedures, but still have the opportunity to act at will.³²⁴ When asked about the potential for a supervisor to cover up flagged falsification, Former Program Coordinator Joal Crosby testified:

³¹⁷ *Id.*

³¹⁸ *Id.* at 89.

³¹⁹ *Id.* at 112-113.

³²⁰ Armstrong Tr. at 100.

³²¹ E-mail from Timothy Maddaloni, Survey Statistician, to Thomas Almerini, Program Coordinator (Dec. 3, 2010 10:28 a.m.).

³²² *Id.*

³²³ *Id.*

³²⁴ Crosby Tr. at 86-87.

Q. Okay. So in this instance, if a survey statistician -- would this be a way that a survey statistician would be able to cover for a reinterview that they didn't want?

I mean, it sounds to me . . . that if a survey statistician could simply close out the record or maybe restart the record to avoid filling out an 11-163, do you say that's at least theoretically possible?

A. It is possible . . . But I would not recommend doing that, because it's not following procedures.³²⁵

Program Coordinators are responsible for overseeing this reporting and investigation process and making sure the survey statistician is completing the process in a timely manner.³²⁶ Relying on paper-based forms, however, makes it difficult to track and streamline the investigation's progress.³²⁷ Armstrong acknowledged the struggles present with the current procedures. He stated:

Q. With regard to 11-163, how much discretion is there in issuing one? So does a survey statistician have a lot of discretion—you know, sometimes it might appear that it's falsification, but they say actually I—there's good enough notes explaining that this isn't falsification, but we need to work with this person to correct their actions. What type of discretion do they have?

A. They don't have the discretion. I cannot say that they don't take the discretion. They are supposed to follow strictly the process of 11-163 and do it on a timely basis. I have to say that there are some survey statisticians that we have—occasionally we've had to prod them to make sure that they are doing it on time and that they are—they continue to do it on time.³²⁸

The Form 11-163 process is imperfect: regions are slow in completing them, and Census Headquarters sometimes fails to follow up promptly.³²⁹ Armstrong emphasized how making the 11-163 an electronic form would help remove the discretionary nature of the suspected falsification process.³³⁰ Armstrong pointed to the inherent problems of a paper-based form. He testified:

³²⁵ *Id.*

³²⁶ Armstrong Tr., at 93.

³²⁷ *Id.* at 157.

³²⁸ *Id.*, at 109-110.

³²⁹ IT Briefing, *supra* note 217.

³³⁰ Armstrong Tr. at 157-58.

- Q. Based on your many years in the Bureau, do you believe that -- would you categorize the quality control efforts as successful?
- A. I think yes. I think we -- it have. There's room for improvement. I think that one of the big steps in the improvement would be to automate the 11-163. The initial interview is done on a laptop. The reinterview is done on a laptop. And immediately people know, why do we need to have a paper document to walk through the process of the falsification? If we were to automate the 11-163 at the same time, the Demographic Surveys Branch would get the message, the Office of the General Counsel could get the message, the Office of the Inspector General could get the message.
- Q. And it would also create a mechanism to hold your program coordinators more accountable to actually process these?
- A. I guess, yes.
- Q. I mean, you did say it was one of your concerns?
- A. Yeah.
- Q. So it would create a system that electronically would at least move the system more efficiently through the process?
- A. Correct.³³¹

After completing the process guided by the 11-163 form, the supervisor is prompted to choose what the next step will be.³³² A supervisor can choose to propose termination or a number of less severe options, including a formal warning, additional training, observation, and supplemental reinterview.³³³

ii. Five-Day Letter

When a regional office determines that the discrepancy was likely intentional falsification, they issue what is called a five-day letter to the FR/SFR.³³⁴ The five-day letter cites the discrepancies found, and it gives the FR/SFR five days to provide a written response explaining the discrepancies.³³⁵ If the regional office does not receive a response, or if they deem the response insufficient, it will submit a proposal for termination to Headquarters.³³⁶

³³¹ *Id.*

³³² *Id.* at 112-13.

³³³ *Id.*; Form 11-163, Aug. 30, 2010, *supra* note 112.

³³⁴ Maddaloni Tr. at 36.

³³⁵ *Id.*

³³⁶ *Id.*

Regional Director Fernando Armstrong described the process for sending a five-day letter. He stated:

Q. When is a [five]-day letter issued?

A. The [five]-day letter is issued when there is, as a result of re interview, discrepancies are found. And we want to give the employee the opportunity to respond to the apparent discrepancy.

Q. Would a [five]-day letter go out around the same time that an 11-163 form is issued?

A. Well, the [five]-day letter goes out to the FR. The 11-163, the cover of the 11-163 goes to headquarters. They can happen at the same time. There's no -- usually they happen at the same time, hopefully within the first 2 or 3 days of discovering the discrepancy.

Q. Now, you said the computer system can generate reports. Correct?

A. The computer system tells the survey statistician that the re interviewer found discrepancy and sent a case to sup review, supervisory review, for the survey statistician to be aware that falsification or discrepancies were discovered.³³⁷

This process is inconsistent, and often left to the discretion of the Survey Statistician. In November 2011, an SFR e-mailed Timothy Maddaloni inquiring whether Maddaloni sent a five-day letter pertaining to falsification found during October reinterview.³³⁸ Maddaloni said he had not had time to send the five-day letter yet and hoped to get around to it the following week.³³⁹

³³⁷ Armstrong Tr. at 108.

³³⁸ E-mail from Timothy Maddaloni, Survey Statistician, to Philadelphia Regional Office Official (Nov. 10, 2011, 5:11 p.m.).

³³⁹ *Id.*

From: Timothy P. Maddaloni
To: [REDACTED]
Subject: Re: Phone call
Date: 11/10/2011 05:11 PM

No the letter hasn't been sent yet. It has been absolute chaos here b/c of the Detroit trip last week and training all week here. I will definitely have the letter out on Monday once I catch my breath.....not fun times.

Tx and have a good weekend

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office
Phone: [REDACTED]
Fax: [REDACTED]

Procedures for five-day letters can vary.³⁴⁰ Program Coordinator Thomas Almerini explained that the regional office has 60 days after submitting the 11-163 cover page to Census Headquarters to produce a final report of their findings.³⁴¹ According to Almerini, there are no standard procedures guiding the timeline for five-day letters.³⁴² Almerini described the variance involved in the five-day letter procedure. He testified:

- Q. How soon is a determination made once a five-day letter -- a response is received from the five-day letter?
- A. Response? That -- that varies. I've had determinations take several weeks only because of the volume of work that the supervisors are involved in. I've had other situations done within, you know, three to five workdays.
- Q. So there's no formal time frame?
- A. There's no formal time frame, but we were required to do a final report within 60 days of the day we report the falsification.³⁴³

iii. Inconsistent Procedures for Suspected Falsification

Procedures for suspected falsification are inconsistent from region to region.³⁴⁴ In some regions, FR/SFRs suspected of data falsification may continue working on surveys throughout the course of an investigation.³⁴⁵ In other regions, the suspected FR/SFR may not receive case assignments until the investigation is complete.³⁴⁶ In a November 2011 e-mail, a Survey

³⁴⁰ Almerini Tr. at 107-108.

³⁴¹ *Id.* at 106.

³⁴² *Id.* at 108.

³⁴³ *Id.*

³⁴⁴ IG Report, *supra* note 94, at 49-50.

³⁴⁵ *Id.*

³⁴⁶ *Id.*

Statistician at the Philadelphia Regional Office described the inconsistencies in an effort to propose a unified national policy.³⁴⁷

To: PHRO SUPS [REDACTED], PHRO MGMT [REDACTED]
From: [REDACTED]
Date: 11/16/2011 10:51AM
Subject: Survey Implementation Items - Input

Hi All,

Below are three scenarios presented to the Survey Implementation Team in order to propose a universal, national policy on these performance related issues. I ask that you please take a look at them and share your thoughts on how to fairly approach them. Please provide any input you may have by COB tomorrow, Thursday, Nov. 17th. Thanks for your help.

[REDACTED]

1. PIPS -- How they should be applied to FRs..... Applying them in a consistent format follows the Type A policy in relationship to longitudinal surveys. Specifically what is the solution if an FR is placed on a PIP due to low response rate or high Type As, and those cases are reassigned to another FR to conduct the interviews and attempt salvaging the case. In many regions, the Type A stays with the original FR regardless of outcome through the new FR's work. And the FR on the PIP has no way of rectifying improving the outcome. Is there a better uniform way to manage and apply PIPS in surveys. The issue has come about due to a case in which an FR was given a small workload (4 cases) while on a PIP and was still charged with cases they weren't allowed to work on (the previous Type As). It wasn't viewed favorably by the judge that the employee didn't have a reasonable chance to get off of the PIP. So how do we handle these types of PIPs? Do we let the FR work the Type A even though it has been confirmed or the respondent tells them not to come back? What do you think? How do you do it now?
2. FRs accused of data falsification - when is their current workload removed and reassigned to another FR, or should it be? Various strategies used by each of the regions including immediate pulling of work, after the 5 day letter etc. Need a consistent approach for Data falsification accusations of FRs. So if an FR is accused of data falsification (not yet proven), do we take work away? If so, at what point in time?
3. When do you remove an FR from a particular survey that they have been trained on if there are problems with performance or data quality or if they request it? When do you

“Need a consistent approach for Data falsification accusations of FRs. So if an FR is accused of data falsification (not yet proven), do we take work away? If so, at what point in time?”

Nearly three years later, the Census Bureau has yet to implement a unified policy.³⁴⁸ There is a dissonance between the regional office and Census Headquarters on how to handle an employee’s workload during a suspected falsification investigation.³⁴⁹ Regional offices continue to determine their own protocols.³⁵⁰ Thomas Almerini explained the procedure after a case is handed over to Census Headquarters for a determination. He stated:

Q. Is -- is the regional office’s participation over now? Is it now headquarters?

³⁴⁷ E-mail from Timothy Maddaloni, Survey Statistician, to Philadelphia Regional Office Official (Nov. 16, 2011, 4:57 p.m.).

³⁴⁸ IG Report, *supra* note 94, at 49-50, 60.

³⁴⁹ Almerini Tr. at 111.

³⁵⁰ Armstrong Tr. at 161.

- A. No, we still -- we have to wait for them to make a determination. We have to then decide how are we going to handle this. If the -- if we clearly suspect based on several counts of falsification or suspected falsification, the director may even go as far as saying well, this person's data quality is at such a level that I can't in good conscience allow them to continue to work because we're compromising the data for our sponsor, which is our primary obligation, therefore, we're going to pull their work, and we would call the FR and inform them that until this investigation's completed, we're not going to give you any work.
- Q. So they would not necessarily get paid during that time frame.
- A. That's correct.
- Q. Do you consult with attorneys and HR people if that determination is made?
- A. We -- well, that's -- that's a bone of contention honestly because the attorneys tend to like us to have people continue to work even if they're suspect of falsification because they want to avoid constructive termination. Our director doesn't agree with that. So we've had egregious situations where we've pulled people from work and didn't get any real push-back from that, but normally, you know, I guess you could say our -- our director's view and the counsel view at headquarters differ.³⁵¹

Not only does the personnel approach vary from region to region, but also from case to case within regions.³⁵² Most regions determine whether to continue assigning cases during investigation for falsification based on the individual case.³⁵³ Some regional offices allow FR/SFRs to conduct interviews while under investigation for falsification.³⁵⁴ Maddaloni described the Philadelphia Regional Office's policies on pulling workloads after reaching the conclusion that an employee falsified.³⁵⁵ Maddaloni testified:

- Q. Let me make it simple. If you guys determine that the employee has falsified data, and that you wish him or her to be terminated, what happens to that person's caseload?
- A. It stays. Until that letter, or proposal to remove letter, or someone from headquarters, or someone from management says pull their

³⁵¹ *Id.*

³⁵² Maddaloni Tr. at 76.

³⁵³ *Id.*

³⁵⁴ Maddaloni Tr. at 78.

³⁵⁵ *Id.*

workload, they get the same assignment on a month to month basis until they are proven guilty.³⁵⁶

This approach potentially compromises data integrity. If the FR/SFR continues to receive assignments and is ultimately found to have falsified, the regional office has risked data integrity by allowing the individual to continue submitting interviews. A May 1, 2014 report issued by the Department of Commerce Office of Inspector General also determined the inconsistent policies remain problematic.³⁵⁷ The report recommended a coherent national policy that prevents FR/SFRs under investigation from continuing to submit cases, citing the heightened potential for inaccurate data.³⁵⁸

X. Fundamental Flaws in the System

FINDING: Data quality-assurance efforts are fundamentally flawed. Regional offices are responsible for both data collection and quality control, which often have conflicting objectives.

The process intended to ensure data quality is fraught with a number of inherent flaws. Incentive structures for reviewers discourage the identification of falsification. The falsification investigation still occurs in a cumbersome, paper-based process. And the chain of custody records on interview data is inadequate. As was the case in 2010, the Census Bureau still mostly uses response rates to determine performance ratings.³⁵⁹ The quality assurance method—reinterviews—remains within the current chain of command. There are few incentives for reporting suspected falsification, and the process for doing so is difficult. The current system’s holes could lead to instances in which falsification occurs.

a. Pressure to Perform

Documents and interviews obtained by the Committees show there was, and still remains, significant pressure for Census employees working on the CPS to perform a standard number of interviews.³⁶⁰ The current incentive structure rewards high response rates and encourages interviewers to obtain survey responses by all means necessary.³⁶¹ Maddaloni explained the pressure associated with this structure.³⁶² Maddaloni testified:

Q. What would you say is the most important driving factor, in your experience anyway, for FRs in doing their work? Is it getting more hours? Is it --

³⁵⁶ *Id.*

³⁵⁷ IG Report, *supra* note 94, at 48-49.

³⁵⁸ *Id.*

³⁵⁹ Almerini Tr. at 145-146.

³⁶⁰ *See e.g.*, E-mail from Timothy Maddaloni, Survey Statistician, to Stefani Butler, Senior Field Rep., et al. (Nov. 23, 2011, 2:54 p.m.) [hereinafter Maddaloni E-mail, Nov. 23, 2011]; Almerini Tr. at 145-146.

³⁶¹ Maddaloni E-mail, Nov. 23, 2011, *supra* note 364; Almerini Tr. at 40.

³⁶² Maddaloni Tr. at 22.

A. Absolutely. You know, the more cases that they have, the more hours they can charge, the more miles they can charge, 100 percent.

Q. And so, do you think this puts some pressure on FRs in terms of response rates?

A. Well, there's always pressure. It's, you know, it's the job. It's you want to do a good job, because, you know, the household respondents aren't as nice as they used to be, so their job is a little bit harder. So there is pressure, absolutely.³⁶³

Performance standards for interviewers are mainly based on interview completion rates, resulting in significant pressure on interviewers to heighten response rates.³⁶⁴

i. Importance of Response Rates

FINDING:	Philadelphia Regional Office supervisors regularly emphasized the importance of obtaining survey response rates, with little to no mention of data integrity. Employees experienced significant pressure to achieve and improve their response rates by any means possible. Pressure to meet these requirements stemmed from both the Regional Office and Census National Headquarters.
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For many Census employees, response rates are the principal measure of performance.³⁶⁵ Some surveys require a 90% response rate.³⁶⁶ A higher response rate statistically improves the data quality.³⁶⁷ The response rate requirement also adds substantial pressure for interviewers to obtain completed interviews.³⁶⁸ Program Coordinator Thomas Almerini discussed the response rates and the system's inherent pressure to perform.³⁶⁹ Almerini stated:

Q. So it would be safe to say that there's a clear kind of pressure for that group of people to find ways to improve their rates.

A. Yes.

Q. . . . [C]an you kind of describe . . . ways in which they might feel the pressure for this? I mean, . . . would they be getting daily conversations from their supervisors?

³⁶³ *Id.*

³⁶⁴ Maddaloni E-mail, Nov. 23, 2011, *supra* note 364; Almerini Tr. at 40.

³⁶⁵ Maddaloni Tr. at 21-22.

³⁶⁶ Armstrong Tr. at 133.

³⁶⁷ *Id.*

³⁶⁸ Almerini Tr. at 145-146; Maddaloni Tr. at 21-22.

³⁶⁹ Almerini Tr. at 145-146.

A. They'd be getting regular feedback from either their SFR or . . . their office supervisor. It would be the survey statistician for their surveys. Some of these people had multiple surveys, so they would be talking to two different people in the office and getting feedback about . . . how they're doing with their work.

Q. Okay.

A. But yeah, there would be pressure there because every month they'd get an update basically saying . . . you did well this month, you had . . . 18 out of 20 interviews for 90 percent, which is good, or you . . . only had a 50 percent response rate, which is . . . below the standard we've established for you, so . . . you need to improve or you're in danger of . . . being terminated. So they had . . . warning that their job was on the line.³⁷⁰

The pressure is not limited to FR/SFRs collecting interviews.³⁷¹ Regional office supervisors also face pressure to accumulate high interview response.³⁷² Supervisors are evaluated on different standards than their subordinates, but the collective response rates under their supervision serve as indicators of their management ability.³⁷³ While response rates are not the sole measurement of a supervisor's performance, response rates are part of evaluation standards.³⁷⁴ Almerini testified:

Q. Okay. Is there any kind of incentive program for, just starting with the 2010 time period, for . . . the survey statistician to have better response rates for the –

A. Again, their overall success factors into their rating, but there's nothing structured.³⁷⁵

* * *

If it's apparent that there's a lack of effort or failure to plan, failure to staff, if . . . there are actually circumstances that are in the sense caused by maybe the lack of leadership or support or initiative on the part of the supervisor, we look at that also in terms of their rating. I would say that the success of the survey will play a part in the rating obviously. If someone is very successful, . . . their survey is well staffed and running well and the response rates are

³⁷⁰ *Id.*

³⁷¹ *See id.*

³⁷² Almerini Tr. at 26-27.

³⁷³ *See id.*; Maddaloni Tr. at 22-23.

³⁷⁴ *Id.*

³⁷⁵ Almerini Tr. at 26.

always good and the costs are within -- you know, below the national average, chances are they're going to get at least a . . . level 3 rating or better based on their . . . overall initiative.

Q. So then that would be true of the program coordinators as well?

A. That would also be true of the program coordinators because we're part of the management of the surveys.³⁷⁶

Q. And then I assume going forward to today, would that be true of the SSFs and the SSOs?

A. Yeah.³⁷⁷

The pressure placed on regional supervisors remains under the current structure, and according to Almerini, dividing the Supervisor Statistician position did not alleviate the pressure.³⁷⁸ Both the SSF and the SSO now feel pressure for high survey data collection rates.³⁷⁹

Supervisors are responsible for keeping survey staff from falling behind on their survey responses.³⁸⁰ Throughout the week, supervisors send e-mails and make phone calls encouraging interviewers to find a way to obtain survey responses.³⁸¹ Documents show this pressure was a regular part of communications from supervisors at the Philadelphia Regional Office.³⁸²

Survey Statistician Timothy Maddaloni conveyed significant pressure to his subordinates on multiple occasions from 2010 to 2012.³⁸³ In a January 2012 e-mail, he encouraged a long list of Census interviewers to push themselves beyond their perceived ability to obtain more interviews before CPS closed out.³⁸⁴ Maddaloni joked about how hard they should push for interviews.³⁸⁵

³⁷⁶ *Id.* at 26-27.

³⁷⁷ *Id.*

³⁷⁸ *Id.*

³⁷⁹ *Id.*

³⁸⁰ Almerini Tr. at 133.

³⁸¹ *See id.* at 145-146.

³⁸² *See e.g.*, e-mail from Thomas Almerini, Program Coordinator, to Thomas Almerini, Program Coordinator (Oct. 25, 2011, 10:19 p.m.) [hereinafter Almerini E-mail, Oct. 25, 2011].

³⁸³ *Id.*

³⁸⁴ E-mail from Timothy Maddaloni, Survey Statistician, to Stefani Butler, Senior Field Rep., et al. (Jan. 20, 2012, 4:33 p.m.).

³⁸⁵ *Id.*

From: Timothy P. Maddaloni
To: [REDACTED]
 [REDACTED] Stefani Butler; [REDACTED]
Subject: CPS Update
Date: 01/20/2012 04:33 PM

Currently we are at 71.18% with 717 cases remaining. Unfortunately we did not come close to that 90% goal nor did we beat yesterdays goal at 75%.

I have already accepted 46 Type A's. Our goal is to only have between 250-275 Type A's for an entire CPS week. That leaves us needing approximately 500 interviews over these next few days before closeout. This is the main reason why I try and push so hard early on so we can get this # down before closeout. We can get these interviews done but I need everyone on board pushing to get these done

We may have some Inclement weather approaching so please be prepared and I need to make sure that everyone is still out and working.....just be smart and safe.

Karen will be in the office tomorrow from 9:30-1:30 and I will be in the same time on Sunday

Once again thank you to those who continue to take on extra cases to help out.....it is greatly appreciated

The goal for tonight is to get 175 interviews as a team. If you are able to get 1, push for 2. If you get 2, push for 3 and so on. Don't stop until you are ready to pass out.....I'm just kidding there but you get the point.

Please get these interviews done and not wait until the last day.

Thanks again and good luck

BE SAFE

Timothy Maddaloni
 Supervisory Survey Statistician
 U.S. Census Bureau
 Philadelphia Regional Office

"If you are able to get 1, push for 2. If you get 2, push for 3 and so on. Don't stop until you are ready to pass out.....I'm just kidding there but you get the point."

Maddaloni's supervisor, Almerini, also pressured subordinates to hit performance goals.³⁸⁶ In an October 2011 e-mail to all Philadelphia Regional Office CPS employees, Almerini expressed shock and disappointment with the CPS numbers.³⁸⁷

From: Thomas J Almerini
To: Thomas J Almerini
Cc: PHRO [REDACTED]
Subject: CPS Tues 10 AM Update ALERT
Date: 10/25/2011 10:19 AM

We only checked in 159 of the 312 interviews we needed last evening. We are trying to salvage what's left. Bottom line is we need 89 more interviews to hit 90%. At the moment worst case is 88.46% RR. This won't be our worst but we are all shocked and disappointed in trying to figure out what happened (or didn't happen) last evening.

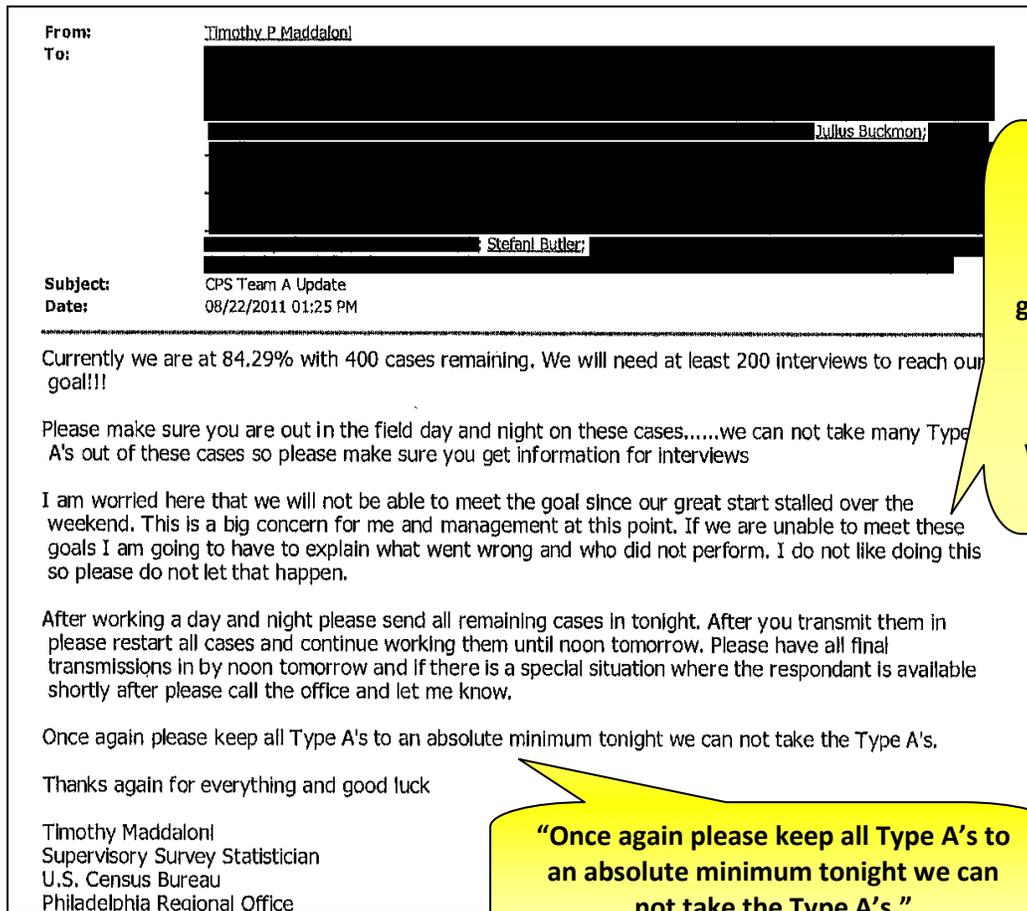
Thomas J. Almerini
 Program Coordinator
 U.S. Census Bureau

"This won't be our worst but we are all shocked and disappointed in trying to figure out what happened (or didn't happen) last night."

³⁸⁶ Almerini E-mail, Oct. 25, 2011, *supra* note 386.

³⁸⁷ *Id.*

The documents show supervisors attributing demands to “management” as a whole.³⁸⁸ In an August 2011 e-mail to CPS interviewers, Maddaloni voiced concerns with the CPS response numbers.³⁸⁹ He described how he would have to answer for the low response if the interviewers did not meet their goal.³⁹⁰ Maddaloni also indicates that he would tell management which individual FR/SFRs did not perform.³⁹¹



“If we are unable to meet these goals I am going to have to explain what went wrong and who did not perform.”

“Once again please keep all Type A’s to an absolute minimum tonight we can not take the Type A’s.”

The documents show that pressure stemmed not only from the Philadelphia Regional Office, but also from Census Headquarters.³⁹² In a September 2011 e-mail, Maddaloni encouraged a list of FR/SFRs to “do whatever [they] can to secure the interview.”³⁹³ He insisted they work all night and the following day to collect the interviews.³⁹⁴ Maddaloni included that

³⁸⁸ See e.g., e-mail from Timothy Maddaloni, Survey Statistician, to Julius Buckmon, Field Rep., Stefani Butler, Senior Field Rep., et al. (Aug. 22, 2011, 1:25 p.m.) [hereinafter Maddaloni E-mail, Aug. 22, 2011].

³⁸⁹ Maddaloni E-mail, Aug. 22, 2011, *supra* note 392.

³⁹⁰ *Id.*

³⁹¹ *Id.*

³⁹² See e.g., e-mail from Timothy Maddaloni, Survey Statistician, to Julius Buckmon, Field Rep., Stefani Butler, Senior Field Rep., et al. (Sept. 26, 2011, 4:50 p.m.) [hereinafter Maddaloni E-mail, Sept. 26, 2011].

³⁹³ Maddaloni E-mail, Sept. 26, 2011, *supra* note 396.

³⁹⁴ *Id.*

management would be at Census Headquarters, and that he did not want to answer for a poor response rate.³⁹⁵

From: Timothy P. Maddaloni
To: [REDACTED]
[REDACTED] Julius Buckmon;
[REDACTED]
[REDACTED] Stefani Butler;
[REDACTED]

Subject: CPS Team A Update/Closeout
Date: 09/26/2011 04:50 PM

Currently we are at 85.52% with 363 cases remaining. Overall we are at 88.37% with 706 cases remaining.

In order for us to reach our 90% goal we need close to 180 interviews out of the remaining 363 cases. It's a tall order but I know we can do it if we push ourselves and give maximum effort. Overall we need exactly 326 interviews to reach 90%!
Last month we only got 89.27% which is unacceptable, we need to hit 90%

Please make sure you send all of your work in by noon tomorrow. Just in case there are transmission problems at the deadline please send in your work tonight and then restart it tomorrow morning and continue to work until noon.

Please do whatever you can to secure the interview. EVERY INTERVIEW COUNTS. DC, MD, WV it doesn't matter we are all counting on one another to come together and complete these interviews and have LESS than 2 A's if any!!!!

Remember go out all night tonight and tomorrow morning and check with neighbors or a knowledgeable person if necessary. Restart any Type A cases already transmitted in you may catch them on a good day.

FYI.....Management is in HQ tomorrow with the Director so our numbers will be talked about and scrutinized. Please make sure we are the ones they are talking about.....in a GOOD way!

Thanks again, good luck and please be safe!

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office

“Please do whatever you can to secure the interview.”

“FYI.....Management is in HQ tomorrow with the Director so our numbers will be talked about and scrutinized. Please make sure we are the ones they are talking about.....in a GOOD way!”

Maddaloni also underscored the need for achieving response rates in his November 2011 e-mail.³⁹⁶ Maddaloni’s e-mail scolded a list of FR/SFRs for the previous month’s poor CPS performance.³⁹⁷ He wrote, “We are forced to meet these goals now, no other option.”³⁹⁸

³⁹⁵ *Id.*

³⁹⁶ Maddaloni E-mail, Nov. 23, 2011, *supra* note 364.

³⁹⁷ *Id.*

³⁹⁸ *Id.*

From: Timothy P. Maddaloni
To: [Redacted]
Subject: CPS Results
Date: 11/23/2011 02:54 PM

Our final response rate was 88.64%.....a decrease from 89.22% last month.

Overall we finished 10th out of the 12 regions in response rate. Only Seattle and New York were below us.

We need to make sure we go back in the other direction next month. We already have some explaining to do now after this months struggle. I can only imagine if it doesn't improve.

Positive side:
 Overall the national response rate dropped about .90%, ours dropped .58%
 Personally I don't think we can get any worse (please don't) so we can only get better from here on out.

Remember the goals are adjusted again this month to reflect the holiday season. We are forced to meet these goals now, no other option.

I will be making calls from now until the friday before CPS week to ensure we have everyones FULL ATTENTION during CPS week and have everyone start ON TIME!

Have a safe and happy holiday!

Timothy Maddaloni
 Supervisory Survey Statistician
 U.S. Census Bureau
 Philadelphia Regional Office

Maddaloni voiced concern over the potential consequences if response rates did not improve the following month.³⁹⁹ He warned he would call interviewers prior to CPS week to guarantee their “FULL ATTENTION.”⁴⁰⁰

Maddaloni’s supervisor, Program Coordinator Thomas Almerini acknowledged that significant pressure to meet response rate standards could lead interviewers to falsify.⁴⁰¹ He stated:

- Q. [D]id you find any instances over the course of your tenure as a program coordinator, or even at the Census, where there’s pressure that the field reps or the senior field reps would feel . . . I guess significant pressure to achieve these particular response rates for a particular survey?
- A. Yeah, I think there is . . . a certain amount of expectation and pressure.

³⁹⁹ *Id.*

⁴⁰⁰ *Id.*

⁴⁰¹ Armstrong Tr. at 40.

- Q. Do you think that like causes them to . . . falsify data or do other things to try to achieve those response rates?
- A. It could. You know, it's certainly within the realm of possibility that they'll feel like, you know, . . . my response rate is below . . . what's expected of me and I'm afraid ratings are coming up, . . . I might not get a good rating if I don't turn more of my nonresponses, . . . so it could lead them to feel like, you know, I might want to cut a few corners to get my numbers up, my response rate.⁴⁰²

Maddaloni also recognized the potential consequences of the heavy demands placed on FR/SFRs.⁴⁰³ In a March 2012 e-mail to Census employees, Maddaloni implored the recipients not to resign.⁴⁰⁴ He acknowledged how these demands might have affected team morale.⁴⁰⁵

⁴⁰² *Id.*

⁴⁰³ E-mail from Timothy Maddaloni, Survey Statistician, to Stefani Butler, Senior Field Rep., et al. (Mar. 25, 2012, 12:47 p.m.).

⁴⁰⁴ *Id.*

⁴⁰⁵ *Id.*

From: Timothy P. Maddaloni
To: [REDACTED]
 [REDACTED]
 Stefani Butler; [REDACTED]
Cc: [REDACTED]
Subject: CPS UPDATE.....
Date: 03/25/2012 12:47 PM

We meet again.....

I have been asked by Management to come back to CPS and help out until we close out on Wednesday afternoon. At first I was hesitant because I have some other obligations that I need to tend to.....but then I remembered that we have a great team over here at CPS that will help make closeout a lot smoother so I am excited for the opportunity to work together and get us back on track.

Currently we are at 72.63% (Team A) and overall at 78.70%. I understand that we are behind but I also understand that ASEC is a pain in the The March month is never easy and we are down to 3 days to have everything completed. Team A currently has 705 cases still remaining....about 150 behind our normal pace. Please do whatever you can to get these interviews INCLUDING the supplement. I understand that there are certain situations where we won't get the supplement and I understand but just please do your best at acquiring this information.

Due to the nature of March and where we stand now, I am authorizing 10 hour days from here on out to get these assignments completed and to help catch up. Now I don't want everyone just charging 10 hour days with a small assignment. Please make sure if you are charging the 10 hour days that you have a significant amount of work left and you are making significant progress. If you are unsure with your workload please contact your SFR for the OK or call the RO. At this point we need everyone putting as much time as they can on these cases to get the job done. Just be productive!

In the few hours I have taken over I have heard a few instances where some important and valuable team members are upset about cases being pulled and how conversations went on the phone. Resignations are also being thought about due to these circumstances. PLEASE DO NOT RESIGN!!!!!! I am vital to the team and to the Bureau! I will talk with each of you at some point in the next few days. We will work through everything and make sure the team morale is back where it needs to be for CPS moving forward.

I look forward to working with everyone again for the next few days and hope to see you soon. I can get us back on track and secure a great response rate.

Thanks again and good luck!

Timothy Maddaloni
 Supervisory Survey Statistician
 U.S. Census Bureau
 Philadelphia Regional Office

“In the few hours I have taken over I have heard a few instances where some important and valuable team members are upset about cases being pulled and how conversations went on the phone. Resignations are also being thought about due to these circumstances. PLEASE DO NOT RESIGN!!!!!!”

ii. Performance Improvement Plans (PIP)

FR/SFRs are well aware of the consequences for poor performance. If an FR/SFR is unable to attain the expected response rate and desired time for completing a case, he or she may be placed on a Performance Improvement Plan (PIP).⁴⁰⁶ If an employee is under-performing,

⁴⁰⁶ Armstrong Tr. at 31, 107; Maddaloni Tr. at 49.

supervisors meet with management to discuss the employee's performance.⁴⁰⁷ Supervisors and management then decide whether an employee should be placed on a PIP.⁴⁰⁸

The PIP is meant to be a temporary process.⁴⁰⁹ It allows a 90-day period for the FR/SFR to improve his or her response rate.⁴¹⁰ Each month, the employee receives feedback regarding their improvement while on a PIP.⁴¹¹ If the FR/SFR does not improve, he or she is subject to review, performance analysis, and possible extension of the PIP.⁴¹² If supervisors determine that the employee is incapable of improving after an employee completes a PIP, the Bureau will initiate the termination process.⁴¹³

Each year, FR/SFRs receive feedback on their performance.⁴¹⁴ FR/SFRs receive a rating anywhere from level 1 to 5.⁴¹⁵ The level at which an FR/SFR performs determines whether the employee must be placed on a PIP.⁴¹⁶ Those employees eligible for placement on a PIP must be performing at no higher than the level 1 response rate goal for a particular survey.⁴¹⁷ During their testimony, Armstrong and Maddaloni both estimated that approximately 10 to 15 employees are placed on a PIP each year.⁴¹⁸ Almerini testified that approximately 30 to 40 employees are currently on a PIP.⁴¹⁹

According to Armstrong's testimony, if an individual is placed on a PIP, the Bureau has "an obligation to let that person improve their performance."⁴²⁰ Supervisors, therefore, cannot significantly alter the volume of work assigned to an employee attempting to improve their response rate through a PIP.⁴²¹ Armstrong explained that this practice prevented supervisors from obstructing an employee's ability to improve their response rate.⁴²² He also stated that if an employee is placed on a PIP, supervisors are able to temporarily decrease the employee's workload, providing an enhanced opportunity to improve the response rate.⁴²³ He added that while an employee is on a PIP, the Bureau would not train the employee on another survey.⁴²⁴

⁴⁰⁷ Maddaloni Tr. at 49.

⁴⁰⁸ *Id.* at 70.

⁴⁰⁹ Armstrong Tr. at 31.

⁴¹⁰ *Id.*; Almerini Tr. at 96.

⁴¹¹ *Id.*

⁴¹² Armstrong Tr. at 31; Maddaloni Tr. at 71; Almerini Tr. at 98.

⁴¹³ Armstrong Tr. at 31; Maddaloni Tr. at 71.

⁴¹⁴ Armstrong Tr. at 160.

⁴¹⁵ *Id.*

⁴¹⁶ *Id.*

⁴¹⁷ *Id.* at 26-27.

⁴¹⁸ *Id.* at 31; Maddaloni Tr. at 49.

⁴¹⁹ Almerini Tr. at 115.

⁴²⁰ Armstrong Tr. at 26.

⁴²¹ *Id.*

⁴²² *Id.*

⁴²³ *Id.*

⁴²⁴ *Id.*

b. Insufficient Quality Control Measures

FINDING: **The current mechanisms for data quality control are insufficient and could serve to discourage individuals from identifying and reporting suspected falsification.**

The new Census Bureau structure is a significant improvement. As one regional director explained, prior to the changes, each of the 12 regions could establish its own data quality standards.⁴²⁵ The misalignment was not optimal for data quality. There are now defined national standards for data quality.⁴²⁶ While these changes do offer improvements for data quality, flaws remain.

Census Bureau IT staff informed the Committees that although reinterview encourages data quality, it does not improve data quality in the present collection cycle.⁴²⁷ The reinterview—at least for CPS—is more of a deterrent for falsification rather than an immediate quality check.⁴²⁸ The Census Bureau’s Internal Survey Sponsor will not know the reinterview results for weeks or months after the close of CPS.⁴²⁹

Almerini testified on the changes in data quality tracking. He stated:

Q. Are you doing anything proactive, say, seeing if someone has a -- kind of statistically showing shorter interviews or high . . . survey completion rates that might be red flags?

A. Yeah, we do a lot more of that now. We have a number of statistics databases that have been produced for us where . . . one of the new roles of -- under the survey statisticians in the office is to use these tools to evaluate the quality of data.⁴³⁰

* * *

Q. Were these the same quality control methods utilized back in 2010 and 2011?

A. No, these are -- well, they had started developing a number of those methodologies, and only around 2010-2011, they started sharing some of these databases with us to be able to use, and . . . during the transition period, they developed . . . the unified tracking system to give us more paradata level types of things we

⁴²⁵ Armstrong Tr. at 33.

⁴²⁶ *Id.*

⁴²⁷ IT Briefing, *supra* note 217.

⁴²⁸ *Id.*

⁴²⁹ *Id.*

⁴³⁰ Almerini Tr. at 74.

could look at like that . . . further drill down deeper into the quality aspects of the data.⁴³¹

i. Quality Checks Remain in the Chain of Command

FINDING: **The primary data quality assurance check—reinterview—remains in the original interviewer’s chain of command, effectively diminishing the objectivity of the process.**

In 2010, either the survey statistician or the senior field representative conducted the reinterviews of field representatives’ interviews.⁴³² In the current structure, the reinterview and data quality checks remain in the original interviewer’s chain of command, relying heavily on the field supervisor position to conduct reinterview.⁴³³ The same supervisor’s job performance is measured, in part, on successful data collection and high response rates on his or her survey.⁴³⁴ The same supervisor responsible for identifying and reporting data falsification has a vested interest in the interviewer’s completion rates. Keeping the reinterview process within the chain of command is problematic because it diminishes the objectivity of the process.

Regional supervisors oversee both data collection and quality control.⁴³⁵ According to the 2010 CPS Reinterviewer’s Manual, “The same reinterviewer should not be assigned to reinterview a particular FR each time that FR falls into reinterview.”⁴³⁶ Both the national standards and the regional offices recognize the potential for cover-up during the reinterview process.⁴³⁷ Maddaloni expressed the viewpoint of the regional office: “So we do know shortcuts happen in the field. It’s just our job to try and find it.”⁴³⁸ Maddaloni also explained regional practices—aimed at preventing data falsification cover-up—that acknowledge the potential for bias within the chain of command.⁴³⁹ Maddaloni stated:

- Q. Do you think it makes sense that SFRs are doing the reinterviews for their FRs?
- A. Yes.
- Q. Do you have any concern that because of the working relationship it could --

⁴³¹ *Id.* at 75.

⁴³² Almerini Tr. at 31.

⁴³³ Maddaloni Tr. at 32, 43.

⁴³⁴ *Id.* at 22-23.

⁴³⁵ *Id.* at 58.

⁴³⁶ CAPI REINTERVIEWER’S MANUAL, *supra* note 287, at 7.

⁴³⁷ *See id.*

⁴³⁸ Maddaloni Tr. at 43.

⁴³⁹ *Id.* at 58-59.

- A. Yes. And that's why we do -- give it to different SFRs or people at times, because there is that concern that they develop a relationship.⁴⁴⁰

Most reinterviews, nonetheless, remain in the original FR's chain of command.⁴⁴¹ Maddaloni confirmed this practice. Maddaloni testified:

- Q. So it's fair to say that, generally speaking, reinterviews come through the chain of command.
- A. Absolutely.⁴⁴²

After explaining the chain of custody, Maddaloni discussed ways to circumvent the reinterview system.⁴⁴³ He stated:

- Q. And then, more in a general sense, can you think of any ways in which the quality-control system could be circumvented?
- A. The automatic assignment of the reinterview, like I said, is randomized from month to month. When we get assigned to the field, the SFRs could just say that the reinterview was done and completed, there was no concerns, and it would come in as anything -- it was something normal. We would say that the job was done. They could put a note in a case that the reinterview was completed, and that's how you circumvent it.⁴⁴⁴

Armstrong expressed similar concern over the possibility for abuse.⁴⁴⁵ He stated:

- Q. And that's just interesting because that was one of the areas in some of our discussion with -- and looking at the documents some concern is that someone could cover for a field representative through the reinterview process by just confirming what was said prior. And do you feel confident that the system in place now with the 20 percent outside review -- reinterview process of the specific area helps to root out any possible misconduct by --
- A. I think it does. It is -- it's -- we have, on and off, moved the work around, especially if it's work that can be done on the phone. As a matter of fact, nationwide, Bureau wide, field division wide, we are considering moving reinterview to the National Processing

⁴⁴⁰ *Id.*

⁴⁴¹ *Id.* at 32.

⁴⁴² *Id.*

⁴⁴³ *Id.* at 31-32.

⁴⁴⁴ *Id.*

⁴⁴⁵ Armstrong Tr. at 156-157.

Center so that all the reinterview be done by someone else. There's a cost motivation for that. There's also an impartiality motivation for that. So we are proposing to do that, and hopefully, in the near future, it will go there.

Q. And you think that's an improvement to the quality check mechanism?

A. I think it would be -- it would make reinterview less expensive. It would make it more -- will root out any possibility of not being as objective as it should be.⁴⁴⁶

ii. No Incentives for Identifying Falsification

Current quality control structure and methods could discourage individuals from identifying falsification. There are no incentives for an individual to identify falsification.⁴⁴⁷ There are incentives for having high response rates, having high conversion rates, and maintaining staffing levels.⁴⁴⁸ Program Coordinator Thomas Almerini described the incentive and performance evaluation structure for survey supervisors. He testified:

Q. Okay. Is there any kind of incentive program for, just starting with the 2010 time period, for . . . the survey statistician to have better response rates for the --

A. Again, their overall success factors into their rating, but there's nothing structured.

* * *

If it's apparent that there's a lack of effort or failure to plan, failure to staff, if . . . there are actually circumstances that are in the sense caused by maybe the lack of leadership or support or initiative on the part of the supervisor, we look at that also in terms of their rating. I would say that the success of the survey will play a part in the rating obviously. If someone is very successful . . . their survey is well staffed and running well and the response rates are always good and the costs are within -- you know, below the national average, chances are they're going to get at least a . . . level 3 rating or better based on their . . . overall initiative.

Q. So then that would be true of the program coordinators as well?

⁴⁴⁶ *Id.*

⁴⁴⁷ Almerini Tr. at 26.

⁴⁴⁸ *Id.* at 26-27.

A. That would also be true of the program coordinators because we're part of the management of the surveys.

Q. And then I assume going forward to today, would that be true of the SSFs and the SSOs?

A. Yeah.⁴⁴⁹

Identifying falsification does not benefit response rates, but ignoring discrepancies or suspected falsification would effectively result in more completed interviews and, in turn, benefit the overall response rates. Converting Type-A non-interviews to completed interviews is applauded.⁴⁵⁰ Admitting to an inability to obtain an interview and submitting cases as Type-A is seen as a last resort and negatively affects perceptions of job performance.⁴⁵¹

If reinterviewers discover discrepancies during the reinterview process, they are encouraged to check for all possible explanations for discrepancies before reporting suspected falsification.⁴⁵² This instruction is printed in bold in the CPS Reinterviewer's Manual.⁴⁵³ The manual states, "Before reaching a conclusion that an FR is falsifying data make every effort to see if there is any other explanation for discrepancies."⁴⁵⁴ The manual then lists possible explanations for the discrepancies and example questions for reinterviewers to ask, so that they exhaust all alternative explanations before reporting suspected falsification.⁴⁵⁵

Identifying falsification also requires supervisors to conduct a lengthy and cumbersome investigation—the timing, completion, and results of which are not part of their performance evaluations.⁴⁵⁶ The Census Bureau distributes charts and records of response and Type-A conversion rates.⁴⁵⁷ Records of suspected falsification and termination, however, compare regional offices—not individual supervisors.⁴⁵⁸ Program Coordinator Thomas Almerini stated:

Q. [I]s there . . . any tracking . . . of how supervisors deal with reinterview, like . . . what are the results of different supervisors to see if there's patterns and . . . how things come out when they reinterview?

A. There's no real tracking . . . -- you know, we'll know just anecdotally that well . . . it just so happens that because CPS and APS are bigger surveys, they have a higher frequency of five-day

⁴⁴⁹ *Id.* at 26-27.

⁴⁵⁰ *See* Butler Tr. at 59.

⁴⁵¹ *See* Almerini Tr. at 96.

⁴⁵² CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 16.

⁴⁵³ *Id.*

⁴⁵⁴ *Id.*

⁴⁵⁵ *Id.* at 16-17.

⁴⁵⁶ *See* Almerini Tr. at 26-27, 88-89.

⁴⁵⁷ *See e.g.*, e-mail from FLD Labor & Crime Surveys to CPS Program Coordinators (Sept. 22, 2011, 2:56 p.m.); U.S. Census Bureau, *CPS Type A Conversion Rates* (Feb. 2, 2011).

⁴⁵⁸ Almerini Tr. at 141-42.

letters and therefore generate a higher frequency of 11-163 falsification reports, and out of those, . . . we'll look usually at the end of the year when we get a report that says well, you've terminated five people, and two of them were terminated for falsification on CPS, one was terminated for falsification on the consumer expenditure survey, two were terminated for falsification on the American Community Survey. . . . [W]e'll know basically a breakdown . . . when we get the aggregate results, so that's basically our way of tracking in the big picture.⁴⁵⁹

The data on falsification reports are not attributed to the individual supervisor, and the supervisor is not accountable for his or her rates—only whether he or she completes the investigations that he or she chose to begin.⁴⁶⁰ Given the negative connotation associated with falsification, falsification report numbers can be misconstrued as an indicator of poor management or hiring, rather than attention to detail and high data-quality standards. Supervisors have limited accountability or incentive for identifying falsification.⁴⁶¹ Regional Director Fernando Armstrong described 11-163 numbers as part of the aggregate data equation, rather than a measure of thorough data quality management.⁴⁶² Armstrong stated:

A. The analysis of the data and the reinterview, the 163, the 11-163 that I keep referring to, is forwarded to the analytical people in headquarters. We don't know what they do with it. They do their analysis and they prepare reports, which I assume they share with the sponsors of the survey, about the level of falsification or discrepancies or whatever, but the regional office is not involved in that.

Q. Okay.

A. Nor do we get reports about that.⁴⁶³

iii. Limited Means for Reporting Suspected Falsification

FINDING: There are no clear guidelines available to all Census employees for straightforward reporting of suspected falsification.

There are limited methods available to FR/SFRs for reporting suspected falsification without supervisory approval.⁴⁶⁴ SFRs may have the opportunity to flag a concern if assigned to reinterview a particular FR's case.⁴⁶⁵ An FR, however, has limited, difficult options for

⁴⁵⁹ *Id.*

⁴⁶⁰ *Id.* at 127.

⁴⁶¹ Armstrong Tr. at 80-81.

⁴⁶² *Id.*

⁴⁶³ *Id.*

⁴⁶⁴ Almerini Tr. at 49; Armstrong Tr. at 108; Butler Tr. at 83; Maddaloni Tr. at 37.

⁴⁶⁵ Maddaloni Tr. at 47-50.

reporting suspected falsification, which fall outside the realm of everyday options.⁴⁶⁶ There are also limited options for an FR/SFR to report concerns regarding a supervisor.⁴⁶⁷ While upper-level regional management expects that FR/SFRs will make them aware if there are concerns with their immediate supervisor's data integrity, there is limited opportunity for anonymity or confidentiality when expressing concerns within the chain of command.⁴⁶⁸

In June 2010, ARD Harold Hayes sent an e-mail to 14 management officials at the Philadelphia Regional Office.⁴⁶⁹ Hayes received a call from an SFR who wanted to voice concerns.⁴⁷⁰ Hayes oversaw the SFR's supervisor, so Hayes would be an appropriate point of contact if the SFR had any particular concerns related to her supervisor.⁴⁷¹ Hayes consulted with his management team in preparation for the call.⁴⁷²

From: Timothy P Maddaloni
To: Harold E Hayes
Subject: Re: [REDACTED] - I46
Date: 06/03/2010 09:50 AM

Harold,

The roster shows ACS, CPS, SOC, PAL. [REDACTED] is not in today and I am unaware of any problems. Thanks

Timothy Maddaloni
Supervisory Survey Statistician
U.S. Census Bureau
Philadelphia Regional Office
Phone: [REDACTED]
Fax: [REDACTED]

▼ Harold E Hayes---06/02/2010 05:13:16 PM---I can't tell from the roster what surveys she works so I have to ask everyone - I got a call from he

From: Harold E Hayes/PH/BOC
To: [REDACTED]
[REDACTED], Timothy P Maddaloni/PH/[REDACTED], Thomas J Almerini/PH/[REDACTED], Roderick C Wiley/PH/[REDACTED], Joal A Crosby/PH/[REDACTED], [REDACTED]

Date: 06/02/2010 05:13 PM
Subject: [REDACTED] - I46

I can't tell from the roster what surveys she works so I have to ask everyone - I got a call from her and she wants to discuss some concerns and ask me some questions. Can anyone enlighten me of any issue related to [REDACTED] before I engage her on the phone?

Harold

⁴⁶⁶ Crosby Tr. at 126.

⁴⁶⁷ Butler Tr. at 9.

⁴⁶⁸ Almerini Tr. at 221-222.

⁴⁶⁹ E-mail from Harold Hayes, Asst. Regional Dir., to Timothy Maddaloni, Survey Statistician, et al. (June 2, 2010, 5:13 p.m.) [hereinafter Hayes E-mail, June 2, 2010].

⁴⁷⁰ *Id.*

⁴⁷¹ Butler Tr. at 89; Almerini Tr. at 100.

⁴⁷² Hayes E-mail, June 2, 2010, *supra* note 473.

Hayes was not yet aware of the SFR's concerns, and so he sent this e-mail to become better informed. The SFR, however, skipped the normal chain of command, choosing instead to contact Hayes, rather than the SFR's immediate supervisors. Hayes's e-mail informed the SFR's supervisors that the SFR went above their heads, bringing the concerns to their supervisor.⁴⁷³ The documentation does not show that the concerns were related to suspected falsification or data quality. There is, however, an apparent lack of anonymity present in the current reporting structure. Concerns over anonymity could deter employees from reporting suspected falsification and other data quality issues.

Maddaloni discussed the current procedures for reporting suspected falsification and lack of anonymity in the current construct.⁴⁷⁴ Maddaloni testified:

Q. If an employee suspects another employee is falsifying data, is there a procedure for reporting these suspicions?

A. Just conversations or e-mails, yes.

Q. Employees can also report suspected falsification to headquarters. Is that correct?

A. They could, but it usually will get kicked back to us to review.

Q. If an employee chooses to remain anonymous from reporting falsification of data, is this possible through the current system?

A. To remain anonymous?

Q. Yeah.

A. The respondents can remain anonymous, but the field representatives are not anonymous.

Q. But the person reporting the falsification. Is there a way for them to be anonymous?

A. They could call in and just not say who is calling. But the office has caller ID, so we would see phone numbers, so. . . .⁴⁷⁵

The procedures lack a simple and effective way to report suspected falsification. A different SFR in the Philadelphia region, Stefani Butler, discussed the available methods.⁴⁷⁶ Butler testified:

⁴⁷³ While the SFR was later subject to investigation and received a five-day letter, there is no indication of retaliatory motives nor do the two events appear to have any correlation. *See id.*

⁴⁷⁴ Maddaloni Tr. at 71-72.

⁴⁷⁵ *Id.*

⁴⁷⁶ Butler Tr. at 82-83.

- Q. And what was the process for you as a senior field representative for reporting an employee not following proper protocol?
- A. If I had the actual case, I would report it through the case. But if I noticed discrepancies, I would bring it to the supervisor's attention.⁴⁷⁷

There is no mechanism in the interview system for an interviewer to report oddities in previous data entries other than by informal means, such a phone call to a supervisor.⁴⁷⁸ The current procedures are difficult to navigate and put the burden of proof on a supervisor within the interviewer's direct chain of command.

1. Conflict of Interest for Reviewing Employee Conduct

Butler noted that the Employee Relations Board (ERB) acts on submissions from the regional office regarding employee conduct. In addition, the ERB is supposed to be a resource for employees to dispute a claim.⁴⁷⁹ This created a potential conflict of interest for Butler, who suspected that individuals in the regional office were covering up data falsification.⁴⁸⁰ Butler testified:

- Q. Do you believe that headquarters at all participated in retaliating against you?
- A. The Employee Relations Branch.
- * * *
- Q. They retaliated against you?
- A. Yes.
- Q. How?
- A. They work in conjunction with the regional office.
- Q. I see.
- A. So, for example, they recently put me on a PIP. I have been there almost 16 years. I have never had a PIP. Prior to 2010, my ratings were grade 5's -- rating 5's. Now I'm graded at 1's and 2's. Nothing happened in between where I was given any instruction,

⁴⁷⁷ Butler Tr. at 82-83.

⁴⁷⁸ IT Briefing, *supra* note 25.

⁴⁷⁹ Butler Tr. at 111-114.

⁴⁸⁰ *Id.*

any conversations about my performance decreasing. ERB is the ones who the regional office tells them what they want them to say and they write the documents up, but ERB is also the same place that I'm told to go to to dispute a document that they wrote for the regional office. So, yeah, the PIP that was recently given to me last year was written by ERB per the regional office, but the regional office has since offered to remove it and give me all my duties back, which I have in writing from them.

* * *

Q. So they might not be complicit; they are just doing their job of helping to produce a document that is requested from Fernando down?

A. Yeah. Exactly. I think whatever the regional office gives them, they are acting on, but that is also the place where I go to to dispute, but they have a conflict, as far as I am concerned.

Q. Yeah. It is a dual duty.

A. Right.

Q. Okay.

A. And it is the same people doing both duties, so that is where the conflict comes in at.

Q. Okay. All right.⁴⁸¹

In her testimony, Butler noted that there were only two individuals in the ERB office that are assigned to the Philadelphia Regional Office. When she reported Buckmon for falsification, those individuals at ERB were in communication with Armstrong and Roman, whom Butler believed were trying to undermine her credibility.⁴⁸² The ERB produces documents on behalf of the regional office administration and handles employee claim disputes. As a result, there is a potential conflict with the ERB's responsibilities with respect to employees working within the regional office, as the same people are performing both sets of duties.⁴⁸³

⁴⁸¹ *Id.*

⁴⁸² *Id.*

⁴⁸³ *Id.*

c. Insufficient Record-Keeping

FINDING: There is no single master record of a case. The case-tracking systems make it difficult—sometimes impossible—to determine the full history and corresponding chain of custody of a particular case.

Under the current structure, sufficient recordkeeping is lacking. A supervisor can wipe the data and notes from a case by restarting the case.⁴⁸⁴ Case notes attached to the file can be edited and deleted with no record of any changes made.⁴⁸⁵ There is no way to match edits in a trace file to the Census employee who made the edits with certainty.⁴⁸⁶ The case file only records who submitted the completed file, and the trace file does not attribute ownership to the logged keystrokes.⁴⁸⁷ These insufficiencies reveal a lack of transparency and accountability surrounding data collection.

i. Data Files

There are three types of data sets pertaining to each case: the Blaise data, the trace file, and the data recorded by the Unified Tracking System (UTS).⁴⁸⁸ The UTS—implemented in July 2012—does not record who reassigned a case, but it does record who was originally assigned the case and who completed the case.⁴⁸⁹ The Blaise data—also called the case file—includes all of the interview response data.⁴⁹⁰ The Blaise data contains the FR/SFR code for whoever submitted the completed file.⁴⁹¹ The Blaise data will only show who last accessed the file in CAPI or CATI.⁴⁹² It also allows the interviewer to input case notes.⁴⁹³ Maddaloni described the case notes:

- Q. Is there a distinction between the notes and the data?
- A. Yes.
- Q. Okay. Can you describe that?
- A. The notes are what the field representatives type in after each attempt . . . on a case. Or maybe someone like me, where I have -- they send it in as a Type A refusal, I'll put notes in it and send it back out to the field representative.

⁴⁸⁴ IT Briefing, *supra* note 217.

⁴⁸⁵ *Id.*

⁴⁸⁶ *Id.*

⁴⁸⁷ IT Briefing, *supra* note 217.

⁴⁸⁸ *Id.*

⁴⁸⁹ *Id.*

⁴⁹⁰ *Id.*

⁴⁹¹ *Id.*

⁴⁹² *Id.*

⁴⁹³ *Id.*

So there will be different notes in it throughout. And since this is a longitudinal survey, different FRs would have the case, so you would have different field representatives' notes in that case. So that's basically you would see, every contact attempt or a note from the supervisor about the case itself.⁴⁹⁴

Supervisors rely heavily on the case notes to make determinations regarding supervisory review, reinterview, and suspected falsification.⁴⁹⁵ Case notes attached to the file, however, can be edited and deleted with no record of these changes.⁴⁹⁶ The case notes also have a character limit, so notes sometimes have to be deleted to make room for updates.⁴⁹⁷

The third set of data is the trace file.⁴⁹⁸ The trace file includes all the keystrokes entered by the interviewer as well as timestamps for each keystroke.⁴⁹⁹ Tracefiles do not capture the interviewer code.⁵⁰⁰ The tracefile indicates when each keystroke happened, but there is no indicator of who input each keystroke in the tracefile.⁵⁰¹

There appears to be confusion among Philadelphia Regional Office supervisors surrounding what is captured in the data files. Program Coordinator Thom Almerini testified:

Q. When data is input into the bureau's computer system, is there an electronic notation reflecting the name of the person inputting the data, including the date and time of when that occurred?

A. Yes.⁵⁰²

Almerini maintained that any changes made by supervisors would be captured in the trace file and attributed to that supervisor.⁵⁰³ He stated:

Q. And again, that -- there would be a notation reflecting that new case demonstrating the change with the name of the person doing that, plus date and time?

A. Yeah.

Q. Was this true in 2010?

⁴⁹⁴ Maddaloni Tr. at 17.

⁴⁹⁵ *Id.* at 13-14, 16-17, 27-28, 36-37.

⁴⁹⁶ IT Briefing, *supra* note 217.

⁴⁹⁷ *Id.*

⁴⁹⁸ *Id.*

⁴⁹⁹ *Id.*

⁵⁰⁰ *Id.*

⁵⁰¹ *Id.*

⁵⁰² Almerini Tr. at 88.

⁵⁰³ *Id.* at 89-90.

- A. Yes, yeah, and usually a case file, even like if a case has been restarted, like if the case let's say is turned in as a noninterview, we'll have that keystroke file along with the case. So let's say John Smith turns a case in as a type A, and he gives it to Mary Jones, who's the field supervisor. Mary Jones gets a completed interview. John Smith's data that he keyed in, his keystrokes will be in there as well as Mary Jones and her interview.
- Q. Could a supervisor make change -- changes to the data after the fact, or you know, at any point after the field rep puts data into the system?
- A. No, they would have to essentially go back in and restart the case over again.
- Q. **And again, if they did that, a notation would reflect their name, plus the date and time that they made changes or --**
- A. **Correct, that would be added to the trace file of the case.**⁵⁰⁴

Contrary to Almerini's testimony, trace files do not include a notation reflecting the user who inputs data.⁵⁰⁵ According to a sample trace file provided to the Committees, there is no name or interviewer code attached to the time stamp or keystroke data.⁵⁰⁶ A portion of the trace file is shown below:⁵⁰⁷

CPS Audit Trail File – Type A re-assigned and converted to a Type B

```

"2/7/2014 8:37:17 AM","Enter Form:1","Key:00000025"
"2/7/2014 8:37:17 AM","Enter Field:DATECHANGE","Status:Normal","Value:20140207"
"2/7/2014 8:37:17 AM","Mouse:119,30","Message:LeftDown","HitTest:Caption"
"2/7/2014 8:37:17 AM","Mouse:119,30","Message:LeftDown","HitTest:Caption"
"2/7/2014 8:37:18 AM","Mouse:988,145","Message:LeftUp","HitTest:Client"
"2/7/2014 8:37:19 AM","Mouse:147,336","Message:LeftDown","HitTest:Client"
"2/7/2014 8:37:19 AM","Mouse:147,336","Message:LeftDown","HitTest:Client"
"2/7/2014 8:37:19 AM","Mouse:147,336","Message:LeftUp","HitTest:Client"
"2/7/2014 8:37:19 AM","Mouse:147,336","Message:LeftUp","HitTest:Client"
"2/7/2014 8:37:21 AM","(KEY:)[ENTR]"
"2/7/2014 8:37:21 AM","Leave Field:DATECHANGE","Cause:Next Field","Status:Normal","Value:20140207"
"2/7/2014 8:37:21 AM","Enter Field:bFront.bIntro.START_CP","Status:Normal","Value:"
"2/7/2014 8:37:23 AM","(KEY:)4[ENTR]"
"2/7/2014 8:37:24 AM","Action:Store Field Data","Field:bFront.bIntro.START_CP"
"2/7/2014 8:37:25 AM","Leave Field:bFront.bIntro.START_CP","Cause:Next Field","Status:Normal","Value:4"
"2/7/2014 8:37:25 AM","Enter Field:bCoverage.NONTYP","Status:Normal","Value:"
"2/7/2014 8:37:27 AM","(KEY:)1[ENTR]"

```

⁵⁰⁴ *Id.*

⁵⁰⁵ IT Briefing, *supra* note 217.

⁵⁰⁶ U.S. Census Bureau, *Sample CPS Audit Trail File* (2014).

⁵⁰⁷ *Id.*

ii. Supervisory Changes and Surrounding Records

In a briefing provided to the Committees, Census Bureau IT staff observed that restarting a case brings the case file and trace file back to their “pristine” states, essentially wiping the data clean, including case notes.⁵⁰⁸ Reassignment, on the other hand, keeps the original data file.⁵⁰⁹ When a case is restarted, the data is recorded in a new trace file.⁵¹⁰ The Blaise data records who ultimately submits the case, but it does not record the chain of custody of the case—except if a Census employee chooses to include this information in the case notes.⁵¹¹

Almerini discussed how a supervisor could take advantage of this insufficient record-keeping to falsify data.⁵¹² Almerini testified:

Q. Is it possible for a supervisor to change a noninterview notation on the system to successful interview notation undetected?

A. No, that -- that -- you would have to essentially load the case onto your own laptop, put some data in and, you know, like let’s say -- a supervisor could conceivably do that. They could say well, Mary Smith sent me a refusal. I’m going to load it on my computer, I’m going to call the person tonight and try to get an interview. That can happen. So the supervisor could convert a case. Just the same, they could even just say well, I’m going to load it on my computer but I’m going to falsify. So it’s possible, if a supervisor really wanted to, they could falsify data.

Q. But if they were to do that, it’s fair to say that there would be a notation reflecting that a supervisor had changed -- changed that notation.

A. They would -- they would say that . . . like well, I called and followed up and I converted the case from a noninterview to an interview.

Q. But let’s say you were looking -- you were reviewing one of our subordinates’ --

A. Right.

⁵⁰⁸ The Census Bureau retains all tracefiles and Blaise files, but they are only accessible over the long-term by Census National Headquarters in Suitland, Maryland. See IT Briefing, *supra* note 217.

⁵⁰⁹ *Id.*

⁵¹⁰ *Id.*

⁵¹¹ *Id.*

⁵¹² Almerini Tr. at 91-93.

- Q. -- supervisors who did that. **You would be able to determine what they did compared to what the original field rep had done.**
- A. **Yeah, I'd be able to have access to the case file, the keystroke file.**
- Q. **Okay. And you could distinguish between each person inputting data.**
- A. **Yeah, yeah. Like I said, it's very difficult and cumbersome and it's not something we do on a regular basis.** There probably -- I would say the analysts are probably more adept at doing that kind of operation.
- Q. But we are based on some extreme case.
- A. Absolutely.
- Q. But in extreme cases, you could do that.
- A. Correct.⁵¹³

Supervisors have the authority to adjust particular types of cases with minimal accountability review.⁵¹⁴ Census Bureau IT staff informed the Committees that it is possible for a supervisor to determine a case was miscoded before CPS ends and make edits to the case.⁵¹⁵ According to a senior CPS official who briefed the Committees, although this practice is technically possible, it never actually occurs.⁵¹⁶ The Census Bureau does not have a policy in place to address such situations.⁵¹⁷ According to Timothy Maddaloni, this practice happens occasionally.⁵¹⁸ He testified:

Also, the only other thing that could happen during this time, if it is closeout and, say, the field representative sends it in, coding it incorrectly, they may have sent it in as Type C demolished but in actuality their notes say that it's a vacant interview, what we'd have to do is change it. We would send it to, you know, our supervisor in the office laptop and use their notes, what they had, and change the code to a Type B vacant.⁵¹⁹

Maddaloni also described an additional method for dealing with discrepancies between case notes and coding. He further stated:

⁵¹³ *Id.* (emphasis added).

⁵¹⁴ *See id.*

⁵¹⁵ IT Briefing, *supra* note 217.

⁵¹⁶ *Id.*

⁵¹⁷ *Id.*

⁵¹⁸ Maddaloni Tr. at 15.

⁵¹⁹ *Id.*

Q. Let's say we talked about that there was -- the notes might say, I talked to the person, they accidentally coded it as demolished. You are going to go in and -- or something around those lines. If you were to make the change to correct that --

A. Right.

Q. -- there would still be a notation reflecting that you made that change.

A. Correct.

Q. Okay. Could you as part of your closeout decide that I am just going to reassign it to myself and conduct the interview?

A. Yes.

Q. Okay. Have you ever done that?

A. Yes.⁵²⁰

Maddaloni's belief that this practice was "not abnormal" differed from the senior Census Bureau official's perception.⁵²¹ Maddaloni stated that this practice occurred regularly.⁵²² He testified:

Q. Have you ever cancelled a subordinate's interview, reassigned the case to yourself, and conducted a new interview for that address?

A. Cancelled an interview?

Q. Or reassigned it to yourself.

A. Have I ever reassigned a case to myself? Yes.

Q. And, in essence, does that cancel the original interview?

A. If it's a refusal or anything, it could -- yes, I have transferred cases to my computer, yes.

Q. Okay. And has the subsequent interview ever differed from the original results as reported by the field representative?

A. Yes.

⁵²⁰ *Id.* at 66.

⁵²¹ *Id.* at 119-120.

⁵²² *Id.*

* * *

Q. **Does this happen on a regular basis?**

A. It happens maybe once a month.

Q. Okay.

A. **It does happen once or twice a month.**

Q. So it's fair to say that it's **not abnormal** to at times have to make corrections with regard to certain cases that are miscoded or other issues that might pop up as a result of your review after it's submitted by the field representative.

A. **Correct.**⁵²³

d. Inadequate Employee and Supervisor Training

The Census Bureau's training program for field-based employees does not emphasize the importance of data quality.⁵²⁴ The training program conveys the importance of data integrity, but not data quality.⁵²⁵ Senior Field Representative Stefani Butler described the training program. She stated:

Q. Do you feel that you got sufficient training to execute each and every task required under your positions?

A. No. The training are self studies. They send you a booklet like this, FedEx or UPS, in the mail, and you read it from home and you study it. Then you go into a classroom and the trainer uses the same book and goes over everything with you. You get an answer, you get questions and answers, and the answers are in the back of the book. So you pretty much can go to the back of the book, get the answers, and fill in the test part.⁵²⁶

The reinterview process is the primary check for data quality.⁵²⁷ The 2010 CPS Reinterviewer's Manual—the edition obtained by the Committees—includes memory-based exercises on the definition of falsification.⁵²⁸ Lesson 6, Page 1 reads as follows:⁵²⁹

⁵²³ Maddaloni Tr. at 119-120 (emphasis added).

⁵²⁴ IG Report, *supra* note 94, at 52.

⁵²⁵ *Id.*

⁵²⁶ Butler Tr. at 52-53.

⁵²⁷ CAPI REINTERVIEWER'S MANUAL, *supra* note 287, at 1.

⁵²⁸ *Id.*, at 75, 77-78.

Lesson 6 - Falsification

What is Falsification? Falsification is when the interviewer knowingly deviates from current interviewing procedures, and/or improperly classifies units, to avoid interviewing units. This includes

- Making up information and
- Intentionally misclassifying units as Type B or Type C noninterviews.

Two pages later, the trainee must complete a review exercise on data falsification:⁵³⁰

Lesson 6 Review Exercise

1. Falsification is when the interviewer _____ deviates from current interviewing procedures, and/or _____ classifies units, to _____ interviewing units.

For each of the questions/statements below, fill the one circle that best applies.

2. You should confront an interviewer immediately if you suspect the interviewer of falsification.

True False

3. If you do not suspect falsification and your supervisor has no objections to your conferring with the interviewer, meet with the interviewer as soon as possible after you complete the reinterview of his/her cases.

True False

Now compare your answers to the answer key on the next page.

The Answer Key is included on the following page:⁵³¹

Answer Key for Lesson 6

1. Falsification is when the interviewer knowingly deviates from current interviewing procedures, and/or improperly classifies units, to avoid interviewing units.

2. You should confront an interviewer immediately if you suspect the interviewer of falsification.

True False

3. If you do not suspect falsification and your supervisor has no objections to your conferring with the interviewer, meet with the interviewer as soon as possible after you complete the reinterview of his/her cases.

True False

Program Coordinator Thomas Almerini believed the training program was sufficient.⁵³² Almerini explained the training FRs receive on the importance of data quality.⁵³³ He testified:

⁵²⁹ *Id.* at 75.
⁵³⁰ *Id.* at 77.
⁵³¹ *Id.* at 78.
⁵³² Almerini Tr. at 150-151.
⁵³³ *Id.*

- Q. Okay, and then for . . . a given field rep, are they given any refreshers over the . . . course of the year to remind them about the importance of not falsifying data, data integrity[?] . . .
- A. There might be general mention of it. People kind of know it's -- it's been an established pattern. It's kind of like the unforgivable sin, if you will . . . within the bureau.
- Q. But there's no formal -- I mean, like Congressional staff, just to use an example, we're required to take an annual ethics class.
- A. Uh-huh.
- Q. Is there an annual data integrity --
- A. There's a data stewardship class, **which implies that -- it's more about the protection of Title 13 data.**
- Q. Okay.
- A. Protection of personally identifiable information or PII, so basically it's more how to manage . . . the fact that they're in a responsible position. They work with the public. They're handling sensitive data. You know, someone is telling you their life story on paper[.]⁵³⁴

This approach relies heavily on an FR's interpretation of general principles. The Census Bureau does not clearly define expectations for data quality during its training processes, resulting in confusion among FRs.⁵³⁵ Almerini further stated:

- Q. Are field workers made aware that falsification is prohibited and can lead to termination?
- A. Most of them are. I've occasionally had people that seem to think -- one person once said I thought I would get another chance, but . . . they knew it's serious, and we spell that out in the five-day letter that the . . . discrepancies are taken very seriously.⁵³⁶

Relying on five-day letters to convey the seriousness of data falsification does not prevent falsification. Five-day letters are issued after discrepancies are found.⁵³⁷ Spelling out the serious consequences of data falsification in a five-day letter is a retrospective reprimand. The Census Bureau emphasizes the importance of data stewardship to employees early on, but

⁵³⁴ *Id.*

⁵³⁵ *Id.* at 98.

⁵³⁶ *Id.*

⁵³⁷ *Id.* at 49.

while the Bureau places a lot of emphasis on data quality in public statements, it only places minimal emphasis on data quality to data collectors in the field.⁵³⁸ In contrast, FRs and SFRs receive multiple e-mails during each CPS week reminding them of the importance of response rates.⁵³⁹

Almerini reasoned an FR/SFR is expected to infer the importance of data integrity from “general mention” and “an established pattern.”⁵⁴⁰ Relying on FR/SFRs to draw conclusions from indirect instruction raises questions, especially as supervisors encourage FR/SFRs to “do whatever [they] can to secure the interview.”⁵⁴¹

During the OIG’s 2013-2014 investigation into the Philadelphia Regional Office’s alleged manipulation of the survey data falsification, the OIG reviewed the Census Bureau’s training manuals and quality control and assurance processes.⁵⁴² In its May 1, 2014, report the OIG found that the Bureau’s CPS procedural manual and training materials were “outdated, inconsistent, and do not discuss prohibitions and serious consequences for falsifying data.”⁵⁴³

The OIG found that the Bureau’s training materials are outdated, while some materials that the Bureau updated still contain archaic terms.⁵⁴⁴ For instance, the CPS pre-classroom self-study materials refer to outdated position titles and include an outdated supervisory structure.⁵⁴⁵ Further, the on-the-job training form used to conduct initial observations for new hires refers to outdated position titles.⁵⁴⁶ Although the Bureau updated the CPS reinterviewer’s manual in April 2013, it still refers to position titles that no longer exist within regional offices.⁵⁴⁷ The OIG also noted that the Bureau’s CPS training materials do not mention the prohibition against data falsification or its consequences.⁵⁴⁸

The OIG included in its report a specific recommendation to the Bureau to correct and update procedural manuals and training materials.⁵⁴⁹ The OIG recommended that the Bureau include updated position titles and information about detecting and handling falsification issues.⁵⁵⁰ In its report, the OIG cautioned that without updates, the Bureau’s training procedures have the potential to confuse, waste time, and result in errors in data collection.⁵⁵¹

⁵³⁸ See IG Report, *supra* note 94, at 52.

⁵³⁹ Butler Tr. at 20.

⁵⁴⁰ Almerini Tr. at 150-51.

⁵⁴¹ Maddaloni E-mail, Sept. 26, 2011, *supra* note 396.

⁵⁴² IG Report, *supra* note 94, at 4.

⁵⁴³ *Id.* at 2.

⁵⁴⁴ *Id.* at 51-52.

⁵⁴⁵ *Id.* at 51.

⁵⁴⁶ *Id.* at 52.

⁵⁴⁷ *Id.* at 51.

⁵⁴⁸ IG Report, *supra* note 94, at 52.

⁵⁴⁹ *Id.* at 56.

⁵⁵⁰ *Id.* at 2, 56.

⁵⁵¹ *Id.* at 52.

XI. Recommendations

The claims brought forth by Butler and Buckmon highlight a number of vulnerabilities in the CPS quality assurance practices. It is imperative the Census Bureau take swift corrective action to ensure data integrity. It may be prudent for the Census Bureau to also look into best practices in the private sector to discern if there are additional ways to ensure data integrity that it has not yet considered. The following section outlines a number of recommendations that would address the current shortfalls of the Bureau's quality assurance efforts.

➤ **A Clear Process Should Exist for Field Representatives to Report Potential Falsification.**

For a number of surveys conducted by the Census Bureau, including CPS, households and addresses may remain in the survey sample for a number of months in a row. After the first month in the sample, FRs receive information about the household based on the prior interview(s), such as the name of the respondent or the number of people living at the address. While clearly limited in nature, this information is still sufficient to allow an FR to identify potential falsification in cases where one month's responses might be strongly at odds with a previous month's responses. Unfortunately, there is no clear process whereby an FR can easily report these concerns today.

To address this and similar concerns, the Bureau should create a dedicated falsification reporting tool within its CATI and CAPI programs. This tool should enable users to quickly flag specific case files for further scrutiny and describe their concerns with these cases.

➤ **Reinterview Should Be Conducted Independent of the Chain of Command.**

Under the current system, a team leader or, more frequently, an FR's direct supervisor, conducts reinterview. This system would allow supervisors to cover for FRs that deliberately falsify, making such falsification nearly impossible to detect. Further, it puts supervisors in a difficult position where they are responsible for identifying falsification even though identifying it could make it harder for the survey to reach its goals. This can lead supervisors to give FRs greater benefit of the doubt than is warranted in certain cases.

The best way to avoid this situation is for Census Bureau employees outside of the original interviewer's chain of command to conduct reinterview. One way to accomplish this goal is to assign reinterview cases randomly to reviewers located in regions different than the reviewed individual. A second way would be to create an independent body to act as a clearinghouse for all reinterview, removing reinterview entirely from Field Supervisor and Survey Statistician job responsibilities. According to the May 2014 Commerce OIG report, the Census Bureau uses the latter option for the Decennial Census. The OIG recommended implementing this structure across all surveys.

➤ **Case Tracking Systems Must Be Improved.**

Currently, there is no single master record that allows reinterviewers or auditors to determine the full history of an individual case file, including the keystroke log, who was responsible for each keystroke, whether a case was restarted or partially erased, and who was responsible for the assignment or reassignment of a case. To find this information for a specific case file today, an individual would need access to three individual data sources: the Blaise file, which is the actual survey response; the trace file, which includes a time-stamped keystroke log, and the Unified Tracking System (UTS), which tracks who assigns and who completes cases. In cases of potential data falsification and cover up by regional office staff, this division of information makes it exceedingly difficult to understand the full history of individual case files and impossible to quickly compile the case histories of large numbers of case files.

To correct this problem, the Census Bureau should significantly expand the UTS to include the ability to track every change made to an individual case file. This full access does not necessarily need to be made available to reinterviewers, but should be made available to auditors, including the Office of Inspector General. It is especially important in instances in which allegations have been made that supervisors have engaged in a cover up for data falsification, as was the case in the Philadelphia Regional Office.

➤ **The Form 11-163 Process Must Become Electronic.**

When an irregularity is caught during the reinterview process, the record for the resulting investigation is kept in hard copy form, on carbon paper. This system is unnecessarily vulnerable to both accidental error and deliberate circumvention. Since there is only one copy of the form, the form can be lost or misplaced, and it can be hard to track when forms are due or whether forms have been sent to the appropriate officials. Moreover, a paper form also makes it difficult for regional office and headquarters staff to check on the status of any Form 11-163, or even confirm that an investigation into an irregularity has begun.

Moving to an electronic process would increase transparency for the investigations and curb delays. Such a system should allow all interested parties at both regional offices and headquarters to see when an irregularity is flagged in reinterview, the status of the digital Form 11-163, the individual responsible for the completion of the form, and the completion date required.

➤ **The Census Bureau and the Department of Commerce Need to Improve Their Responsiveness to Congress.**

One of the recurring themes of the Committee's investigation has been the failure of the Census Bureau and the Department of Commerce to cooperate with the Committees and respond to requests within a reasonable timeframe. Starting with the Committees' initial letter, the Department displayed a pattern of delay and obstruction. Initially the Department refused to provide any of the documents requested by the Committees. Then after a staff-level meeting discussing the document request and the Department's commitment to cooperation, the Committees only received 4 pages of documents in the following week, and a month in total

before the Committees received a substantive document production. Moreover, despite the Committees' request for transcribed interviews with seven individuals on November 22, 2013, the Department waited four weeks before scheduling the first witness and nearly three more weeks before scheduling a second. This behavior is unacceptable and created the appearance that the Department was not acting in good faith to respond to Congressional oversight requests.

XII. Conclusion

The Committees' investigation identified a number of flaws in the current quality assurance process for the Census Bureau's data collection efforts nationwide. As the nation's, if not the world's, preeminent statistical agency, the Census Bureau's methods and data integrity must be above reproach. Unfortunately, the Bureau's current practices make it difficult to report or track potential data falsification and, in some cases, create clear incentives to disregard potential data falsification. Witnesses described circumstances in which it would be possible to circumvent the system and falsify data. Because these employees have highlighted the potential for abuse, the Census Bureau must implement changes that will eliminate these deficiencies and improve overall quality.

The insufficient records surrounding data collection demonstrate a lack of transparency and limited accountability. With no master data set attached to individual case files, it is difficult, and sometimes impossible, to determine the chain of custody. The record-keeping pertaining to suspected falsification procedures is also problematic. The inefficient, paper-based investigative procedures lack consistency and make tracking suspected falsification difficult. The process for reporting and investigating the suspected falsification is inconsistent and relies heavily on the subjective determinations of supervisors. Interviewers, in many instances, continue conducting interviews while undergoing investigation for suspected falsification, potentially compromising data integrity.

Regional offices are responsible for both data collection and quality control, which often have conflicting objectives. Most Census Bureau employees are evaluated, at least in part, on survey response rates. Testimony and documents obtained by the Committees indicate a high-pressure environment, in which interviewers are encouraged to do whatever it takes to obtain a 90% survey response rate. Supervisors are responsible for helping maintain both survey response numbers and staffing levels. At the same time, the same supervisors oversee data quality control, namely the reinterview process. The Census Bureau expects that its regional supervisors will act in accordance with the intent of the current procedures, but supervisors still have the opportunity to act at will.

The Census Bureau can minimize the potential for conflict of interest by separating reinterview from the regional chain of command and, thus, allowing quality control to function independently from data collection. Reinterview should not be the only opportunity for field-based falsification detection. As cases are sometimes assigned to different interviewers from month to month, interviewers in the field might come across an oddity worth further review. Currently, there is no mechanism, aside from e-mailing or calling a supervisor, whereby interviewers can simply flag oddities for further review. Adding a falsification-reporting tool

accessible by all levels of Census Bureau staff would provide a badly needed additional quality check.

The Census Bureau must strive to prevent future incidents such as the one Ms. Butler brought to light. The Committees' investigation highlighted a number of vulnerabilities in the current survey collection structures and quality control practices, as well as recommendations to address these weaknesses. Implementing the recommendations outlined here will affirm the Census Bureau's commitment to data integrity. The Committees will continue to assess whether the Census Bureau is taking all necessary steps to guarantee the quality of its surveys.