United States Department of the Interior

OFFICE OF INSPECTOR GENERAL
Washington, D.C. 20240

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Memorandum

To: Assistant Secretaries
Solicitor
Bureau and Office Directors

From: Earl E. Devaney
Inspector General

Subject: OIG Policy for Referrals from Departmental Offices and Bureaus

I. INTRODUCTION

In April 2000, former Deputy Secretary David Hayes issued a memorandum (copy attached) highlighting the Departmental Manual provisions concerning referrals of matters to the Office of Inspector General (OIG). In that memorandum, the Deputy Secretary asked each bureau to review its internal guidance concerning matters that fall within the jurisdiction of the OIG to ensure that such guidance does not conflict with Departmental policy. He also asked me to issue guidance describing those matters that must be referred to the OIG and the process by which such referrals should be made.

In July of 2000, I issued that guidance. Substantively, that guidance remains sound today, and as such, I am re-issuing it via this memorandum. Procedurally, however, we have learned over the past nineteen months that several steps in the process need to be improved. First, the OIG must improve the way in which its investigative results are transmitted to the bureaus, emphasizing that these reports are the culmination of thorough investigations conducted by law enforcement professionals, and that they may be relied upon as such. If, upon receipt of one of our reports, a bureau manager believes that the investigation failed to address an area of concern to the manager, our investigators will discuss that concern with the manager, and supplement the report with additional investigation, if necessary. The bureau manager or human resources office should not undertake an independent investigation. When a bureau or office takes adverse action against an employee based on the results of an OIG investigation, the OIG investigators will be made available to the bureau as witnesses, should the matter be challenged in any administrative forum, including the Equal Employment Opportunity Commission and the Merit Systems Protection Board.

When a bureau refers a matter to the OIG that falls within the jurisdictional guidance contained here, the OIG is committed to conducting a thorough, timely and professional investigation, and providing to the bureau a report that will serve as a sound basis for administrative action, if such is warranted. In turn, the OIG expects the bureaus to act timely and appropriately in response to OIG investigative reports. Such responses

have not been universally forthcoming and I ask that the responsible officials review this process within their respective offices. My staff and I remain available to candidly discuss this issue with each bureau.

This document sets forth criteria by which the Departmental offices and bureaus should be guided in making referrals to the OIG. [1]

II. SCOPE OF AUTHORITY OF THE OFFICE OF THE INSPECTOR GENERAL

The authority of the OIG is broadly defined to cover "any information, allegation or complaint which gives the appearance of fraud, waste and abuse or inefficiency in Departmental programs and operations," and "serious matters which could embarrass the Department or threaten the integrity of DOI programs." The authority of the OIG and the policy on referrals to the OIG are contained in the Department Manual at 355, DM1.

As a practical matter, however, the OIG cannot effectively investigate every matter that may fall within this broad jurisdictional definition. Accordingly, this guidance distinguishes matters that must be referred to the OIG from those matters that either fall within the jurisdiction of other authorities or matters that are more efficiently addressed and resolved by management through administrative action.

III. INTEGRITY MATTERS

Allegations of "serious matters which could embarrass the Department or threaten the integrity of DOI programs" must be referred to the Assistant Inspector General for Program Integrity at (202) 219-0725

Such "serious matters" that must be referred to Program Integrity would include:

1. Allegations involving misconduct by supervisory personnel -- regardless of grade.

2. Allegations against employees at the GS-15 level and above.

3. Allegations of felony criminal misconduct or domestic abuse by DOI law enforcement officers.

IV. INVESTIGATIONS MATTERS

Matters that give the appearance of fraud, waste and abuse or inefficiency in Departmental programs and operations must be referred to the Assistant Inspector General for Investigations at (202) 208-5313, in Washington DC or one of three Regional Offices:

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[1] This memorandum supercedes Chapter 810.2 of the Inspector General Manual (IGM).

Western Region .....(Sacramento, CA.) ..... (916) 978-5630
Central Region .....(Lakewood, CO) ..... (303) 236-8296
Eastern Region .....(Arlington, VA.) .....(703) 235-9221

Such matters that must be referred to Investigations would include:

1. Allegations of fraud, waste, abuse or mismanagement resulting in a significant dollar amount loss to the government.

2. Misconduct by employees with access to or responsibility for monies or financial systems, regardless of dollar amount and regardless of grade.

3. Allegations involving contractors, grantees, or any other entities doing business with, making payments to, or receiving funding from the Department of the Interior.

V. REFERRALS TO OTHER LEGAL AUTHORITIES

Certain matters fall outside the investigative jurisdiction of the OIG and should be referred directly to the entity having jurisdiction. Such matters would include:

1. Hatch Act violations, specific prohibited personnel practices such as nepotism (contained at 5 U.S.C. '2302(b)) and Whistleblower disclosures/protection are investigated and prosecuted by the Office of Special Counsel (OSC).

2. Complaints of discrimination are investigated by the Departmental Equal Employment Opportunity Office and adjudicated by the Equal Employment Opportunity Commission (EEOC).

3. Grievances and appeals of adverse personnel actions are adjudicated by the Merit Systems Protection Board (MSPB).

4. Health and safety violations at the workplace are investigated by the Occupational Safety and Health Administration (OSHA).

VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

Certain matters may technically fall under the broad jurisdiction of the OIG, but, as a practical matter, are more efficiently addressed at the administrative or management level. Examples of such matters that are best addressed by Departmental office or bureau management are:

1. Time and attendance violations (unless determined to be wide-spread and systematic).

2. Delinquent payment on government credit cards.

3. Non-fraudulent misuse of government credit cards (misuse with no loss to the government) under $10,000.

4. Non-fraudulent misuse of government property (unless determined to be wide-spread and systematic).

5. Allegations of Sexual Harassment.

6. Matters addressed in the Department's Charges and Penalty Selection for Disciplinary and Adverse Actions dated November 9, 1998 (unless identified in III and IV, above).

VII. PROCEDURES

Referrals of matters to the OIG Program Integrity or Investigations Offices should be made within 48 hours of discovery. If the OIG declines to initiate an investigation into a matter referred, the OIG will remand the allegation or complaint within 5 days of receipt to the responsible bureau or office for investigation and appropriate disposition.

VIII. CONCLUSION

We believe that implementation of this guidance will advance the ability of the OIG to investigate the most serious matters within its jurisdiction quickly and effectively, and allow Departmental management to immediately and directly address those matters that can be resolved administratively. With a view toward consistency and fairness throughout the Department, bureaus and offices are encouraged to consult with the OIG on matters that are not directly addressed in this guidance, and which raise a question of the appropriateness of referral to the OIG.

Bureau and office Directors should bring this memorandum to the attention of all managers and ensure that no existing internal bureau or office policies conflict with this guidance.

Attachment