

Department of the Interior Departmental Manual

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Series: Investigations

Part 355: Departmental Investigations

Chapter 2: Policy for Investigating Complaints and Referrals

Originating Office: Office of Inspector General

355 DM 2

2.1 Purpose. This chapter provides Departmental policy for reporting suspected or alleged violations and referring matters to the Office of Inspector General.

2.2 Policy. Any information, allegation or complaint which gives the appearance of fraud, waste, abuse or mismanagement in Departmental programs or operations is required to be reported to the OIG for review and appropriate action.

2.3 Requirements for Investigating Complaints. The IG Act (Sec.7) provides that:

A. “The Inspector General may receive and investigate complaints or information from an employee of the establishment concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.”

B. The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

C. Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

D. The OIG Whistleblower Protection Program is dedicated to protecting current and former Department of the Interior (DOI) employees and applicants for employment who report improper government actions, including violations of laws, rules, and regulations; gross mismanagement; gross waste of funds; abuse of authority; and, a substantial and specific danger to public health and safety. The Whistleblower Protection Program’s mandate is to protect whistleblowers from retaliation or reprisal through oversight, monitoring, and if necessary, early intervention. If the OIG, through the efforts of the Associate Inspector General for Whistleblower Protection, discerns that an employee who provided information to the OIG is

vulnerable to retaliation or reprisal, the Inspector General may advise the appropriate Assistant Secretary and Bureau Director to intervene and/or may seek the assistance of the Office of Special Counsel.

2.4 Policy for Referrals.

A. Referrals of matters to the OIG Office of Investigations 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 five days of receipt to the responsible bureau or office for investigation and appropriate disposition.

B. This policy details matters by bureaus and offices that must be referred to the OIG, matters that should be addressed and the process by which referrals to the OIG should be made. As a practical matter, the OIG cannot effectively investigate every matter that may fall within its broad jurisdictional definition. Accordingly, this policy distinguishes matters that must be referred to the OIG from those matters that fall within the jurisdiction of other authorities or matters that are more efficiently addressed and resolved by management through administrative action. When a bureau or office refers a matter to the OIG that falls within the jurisdictional guidance contained in this section, the OIG is committed to conducting a thorough, timely and professional investigation. Guidance for referrals to the OIG is provided below:

(1) Integrity Matters. Allegations of serious matters which could compromise the Department's mission, receive public attention, or threaten the integrity of DOI programs must be referred to the Assistant Inspector General for Investigations (AIG-Investigations) for review by the Program Integrity Division, Office of Investigations. Matters for referral to the Program Integrity Division include:

- (a) Serious allegations involving misconduct by supervisory personnel, regardless of grade.
- (b) Serious allegations against employees at the GS-15 level and above.
- (c) Serious complaints against Department law enforcement officers and Departmental managers who have oversight of law enforcement programs.

(2) Investigations Matters. Matters that give the appearance of fraud, waste, abuse or mismanagement in Departmental programs and operations must be referred to the Assistant Inspector General for Investigations in Washington, DC. Matters for referral to the Investigations Division include:

- (a) Allegations of fraud, waste, abuse or mismanagement resulting in a significant dollar amount loss to the government.
- (b) Misconduct by employees with access to or responsibility for monies or financial systems, regardless of dollar amount and regardless of grade.

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

(3) Referrals to Other Legal Authorities. Certain matters fall outside the primary investigative jurisdiction of the OIG and should be referred directly to the entity having jurisdiction. Such matters include:

(a) 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 U.S. Office of Special Counsel (OSC).

(b) Complaints of discrimination are investigated by the Department's Office of Civil Rights and adjudicated by the Equal Employment Opportunity Commission (EEOC).

(c) The Merit Systems Protection Board (MSPB) adjudicates grievances and appeals of adverse personnel actions.

(d) The Occupational Safety and Health Administration (OSHA) investigates health and safety violations at the workplace.

(4) 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 management include:

(a) Time and attendance violations (unless determined to be widespread and systematic).

(b) Delinquent payment on government credit cards.

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

(d) Non-fraudulent misuse of government property (unless determined to be widespread and systematic).

(e) Allegations of Sexual Harassment.

(f) Matters addressed in the Department's Charges and Penalty Section for Disciplinary and Adverse Actions in 370 DM 752, (unless identified in (1) and (2), above).

(5) Required Referrals to the Attorney General. Section 4(d) of the IG Act provides that "In carrying out responsibilities under the Act each Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law on matters coming to his attention."