



OIG Hotline and Whistleblower Protection Programs

U.S. Department of Commerce
Office of Inspector General



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DOC Office of Inspector General



- Established by the Inspector General Act of 1978 to:
 - conduct and supervise audits and investigations;
 - provide leadership, coordination and recommend policies designed to promote economy, efficiency, and effectiveness, and to prevent and detect fraud and abuse; and
 - keep the Secretary and the Congress fully and currently informed about problems and deficiencies and the necessity for and progress of corrective action.

Your Obligation as a Federal Employee



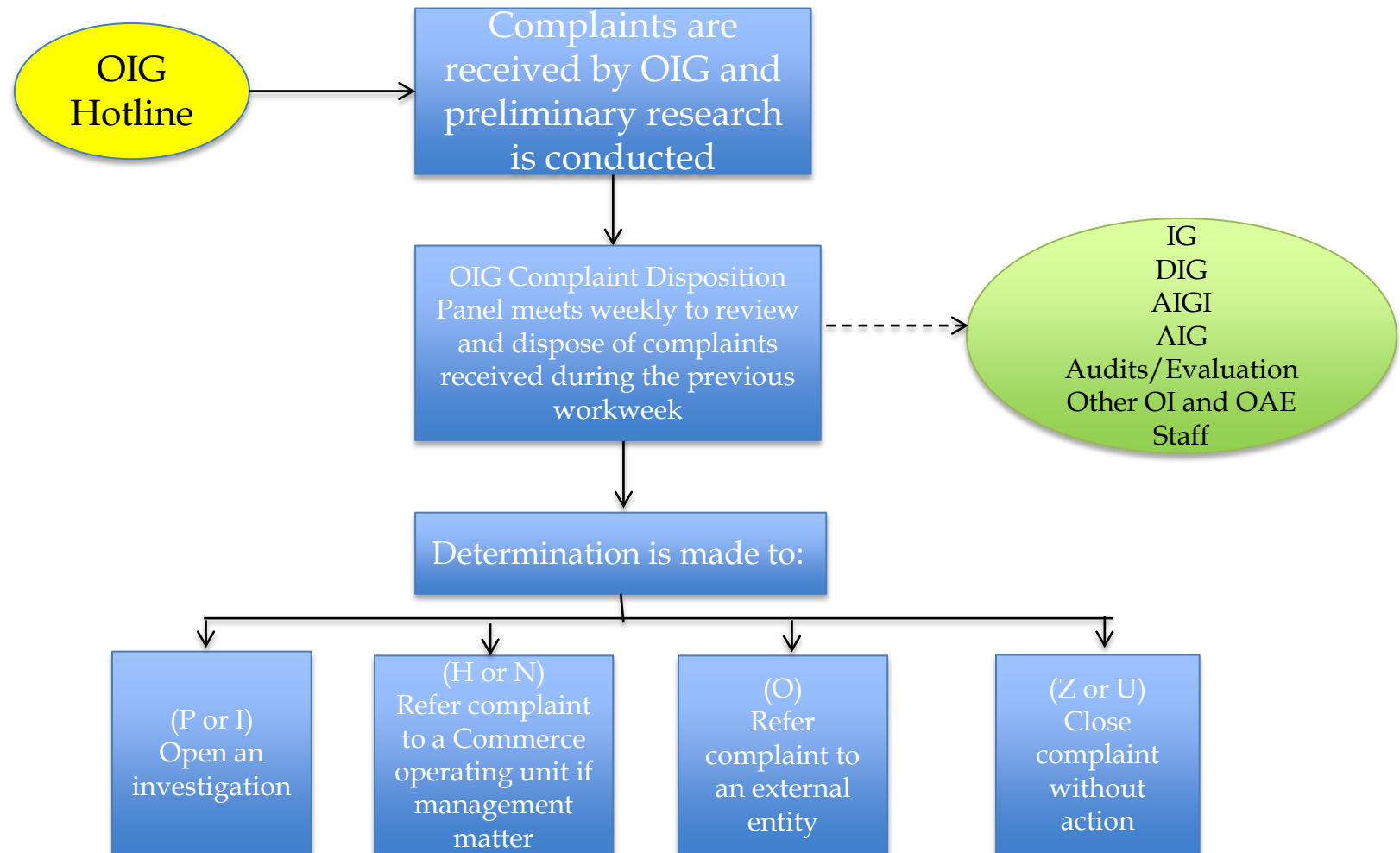
- To hold a Federal position is to hold a position of trust and responsibility.
- Per Standards of Ethical Conduct (5 C.F.R. 2635) employees have an affirmative responsibility to:
 - “disclose waste, fraud, abuse and corruption to appropriate authorities.”
- Per DAO 207-10 employees are to report to the OIG anything that may constitute gross mismanagement, waste of funds, abuse of authority, or a violation of law or regulation and a knowing failure to do so may result in disciplinary action.

OIG Complaint Intake Process



- **Sources of Complaints**
- **Role of Hotline Contractors**
- **OIG Hotline/Complaint Intake Staff**
- **Complaint Log Disposition Board**
- **Complaint Dispositions**

OIG Complaint Intake Process



OIG Whistleblower Protection Program



What Every Employee Needs to Know About Disclosures and Protections

Cecelia Wilson

Whistleblower Ombudsperson

U.S. Department of Commerce

Office of Inspector General



- **DOC OIG conducts audits and investigations of DOC programs. Some examples:**
 - Financial statement audits
 - Performance audits
 - Contract and grant fraud investigations
 - Employee misconduct investigations

- **DOC OIG receives complaints from DOC employees and the public.**
 - Some complaints become audits or investigations.
 - Many complaints concern management issues and are referred to an appropriate DOC operating unit for information or action.
 - ❖ Often, OIG requests the operating unit to conduct an independent inquiry and report its results to OIG for review.
 - Some complaints are referred to outside entities with proper jurisdiction.

Disclosures Matter



- When employees report wrongdoing it can be stopped and corrected.
- Wrongdoing not reported is not stopped.
- Positive outcomes for reporting wrongdoing within DOC have included policy changes, disciplinary actions, employee and manager training, and return of funds.



Factors Impacting Reporting



➤ **2015 DOC Employee Viewpoint Survey**

- 63% positively responded to the statement "I can disclose a suspected violation of any law, rule or regulation without fear of reprisal."
- 73% positively responded to the statement "Prohibited Personnel Practices are not tolerated."

➤ **Last DOC Risk Clarity Survey showed 20% of employees observed misconduct of which only 52% reported it to someone.**

➤ **Top reasons people said they did not report:**

- Fear of retaliation.
- Did not think anything would be done.
- Did not think they had enough information.
- A very senior person was involved.

Whistleblower Protection



- **We hope that ALL Commerce employees will feel comfortable disclosing to OIG evidence of fraud, waste, or abuse, without fear of retaliation.**
- **There are legal protections in place to guard against and to remedy whistleblower retaliation, and entities responsible for investigating and correcting improper acts.**



Whistleblower Protection



➤ Employees who make certain disclosures – to OIG or elsewhere – are protected under the law from suffering retaliation because of those disclosures.



➤ Basic elements of whistleblower protection law: (1) you make a protected disclosure; (2) you are subject to certain retaliatory acts; and (3) there is a causal connection between your protected disclosure and the retaliatory act.

What does protection mean?



- **Protection has two parts: a prohibition on retaliation and remedies if that prohibition is violated.**
- **Employees' remedies for retaliation can include:**
 - Corrective action, such as reinstatement or rescinding of job action, back pay, and
 - Damages including attorney's fees, medical, travel costs and compensatory damages.
- **Consequences for supervisors found to have engaged in retaliation may include disciplinary action sought by the Office of Special Counsel (OSC).**
 - This can include removal, reduction in grade, suspension, reprimand, debarment, civil penalty up to \$1,000 (5 USC 1215)

Where to report reprisal?



- **OIG receives, reviews, and where appropriate, investigates allegations of whistleblower reprisal.**
 - Submit allegations through the same Hotline process used for complaints of fraud, waste, and abuse.

- **Allegations of whistleblower reprisal can also be reported to OSC, which is charged specifically with protecting federal employees from prohibited personnel practices.**
 - OSC can go the Merit System Protection Board (MSPB) to compel certain actions. For instance, they can go to MSPB and get an immediate stay (order to stop) an action from going forward.
 - OSC can request or recommend corrective action to the agency, and if the agency does not comply, OSC can petition MSPB to compel action.

Whistleblower Protection Ombudsperson Contact Information



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OIG Hotline Contact Information



➤ For Disclosures:

- Email: Hotline@oig.doc.gov
- Web form on our website:
 - ❖ <http://www.oig.doc.gov/>
- Phone:
 - ❖ Toll Free 800.424.5197
 - ❖ Toll Free 855.860.6950 TTD

Office of Special Counsel Contact Information



- **To learn more about OSC, visit**
www.osc.gov.
- **OSC Disclosure Unit:**
(202)254-3640 / (800) 572-2249
- **OSC Complaints Examining Unit:**
(202)524-3670
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

EEO Contact Information



To report discrimination and harassment contact your bureau EEO office:

- Census: (301) 763-2853
- NIST: (301) 975-2042
- NOAA: (301) 713-0500
- USPTO: (571) 272-8292
- BEA, BIS, EDA, ESA, ITA, MBDA, NTIA, NTIS,
OS: (202) 482-8121

Questions?