



U.S. Department of
Transportation

The Inspector General

Office of Inspector General
Washington, DC 20590

January 18, 2017

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Ranking Member Cummings:

This is in response to a follow-up request to a letter originally dated November 17, 2015, from the House Committee on Oversight and Government Reform to Michael Horowitz, Chairman of the Council of Inspectors General on Integrity and Efficiency (CIGIE), and Carl Hoecker, Chairman of CIGIE's Investigations Committee. The Committee requested a response to a survey regarding the sharing of information between Inspectors General and their respective agencies during investigations into employee misconduct. Below, please find responses to each survey question from the Department of Transportation's Office of Inspector General (DOT-OIG).

1. Please briefly describe your office's process or procedure for communicating with your agency regarding your office's investigations of serious administrative misconduct. Please address how you interact with the agency during and after the investigation on matters where administrative leave may be appropriate.

Employee Integrity (EI) cases are an investigative priority for DOT-OIG. We routinely communicate with the Department through outreach and briefings, including regular, proactive fraud prevention briefings for DOT officials, employees, and contractors to educate them about "red flag" indicators of fraud. Such outreach is integrated into OIG teams' performance management, and certain goals must be met as part of our annual performance metrics.

At appropriate times during the course of an EI investigation, we will communicate with departmental officials about the investigation's status. After the investigation is completed and referred for action—either to the relevant DOT agency or the Department of Justice (DOJ)—we coordinate with departmental officials on the resulting administrative action(s). We then record that information in our investigative database. In some instances, we may not be in a position to

proactively communicate with DOT officials, such as when DOJ takes the lead in handling EI allegations that may be criminal in nature.

2. Are there practices or procedures that have bettered communications between your OIG and the agency's Human Resources, General Counsel, or other offices improving the efficiency of the disciplinary process or leading to less administrative leave.

Our routine proactive communications with Department officials, employees, and contractors have proven effective. We have an established goal to complete all administrative investigations in fewer than 180 days, and on average those cases take fewer than 30 days. Infrequently, there are instances when we encounter minor delays in an agency retrieving and providing us with employee emails, although such instances have not had an impact on our investigations. We continue to work with DOT to improve this process and reduce the time it takes for officials to respond to our requests.

3. Please note whether your OIG has the following elements in any process or procedure for sharing with your agency information regarding investigations of serious misconduct prior to the related investigation being closed. If answering in the affirmative, please provide a short description of the relevant practice or procedure. If negative, please address whether such elements are appropriate for a process or procedure in your OIG.

a. Periodic meetings between the OIG and the relevant agency offices involved in disciplining employees.

- Yes. OIG routinely coordinates with departmental officials on employee misconduct cases and conducts routine fraud-prevention briefings as well. The Inspector General briefs DOT senior leadership, including the Deputy Secretary, on cases involving egregious misconduct or high-level officials.

b. Status updates on investigations of serious misconduct.

- Yes. OIG's senior management keeps DOT officials apprised and updated on the status of investigations into serious misconduct, as appropriate. In addition, DOJ may provide relevant updates for any cases that it takes on.

c. Establishing and tracking target dates for agency and IG actions.

- Yes. OIG has established a goal to complete each administrative investigation within 180 days.

d. Providing the agency with written reports of investigation.

- Yes. OIG provides reports of investigation (ROI) to the Department.

e. Exchange of sworn statement of admission or IG memorandum of interview.

- Yes. Our ROIs contain statements of admission and interview transcripts.

f. **Flexibility for the IG not to share information if the unique circumstances of a particular case require confidentiality.**

- Yes. OIG can decline to share information under certain circumstances.

4. **Are there common barriers, including legislative barriers, that hinder communication between the OIG and the agency during investigations of serious misconduct? If so, what are they and what recommendations do you have for Congress to help overcome the barriers you have identified.**

No, OIG does not face any barriers that hinder our communication with DOT.

5. **Should there be exceptions to any process or procedure for sharing information between the OIG and the agency during investigations of serious misconduct? If so, please describe.**

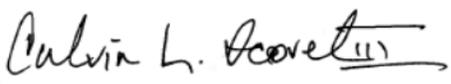
Yes, if the matter is criminal and OIG's actions are restricted because of the nature of the allegations (e.g., public corruption) or due to grand jury or other relevant DOJ rules regarding proper procedure.

6. **Do you have additional suggestions for improving the effectiveness and efficiency of the federal disciplinary process?**

No, OIG does not have additional suggestions for improving the effectiveness and efficiency of the federal disciplinary process.

If you have any questions or need further information, please contact me at (202) 366-1959 or Nathan Richmond, Director and Counsel for Congressional and External Affairs, at (202) 493-0422.

Sincerely,



Calvin L. Scovel III
Inspector General

cc: Jason E. Chaffetz, Chairman
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