



U.S. Department of
Transportation

The Inspector General

Office of Inspector General
Washington, DC 20590

February 6, 2017

The Honorable Bill Nelson
Ranking Member
Committee on Commerce, Science and Transportation
United States Senate
Washington, DC 20510-6125

Dear Ranking Member Nelson:

This is in response to your letter to the Department of Transportation (DOT) Office of Inspector General (OIG) dated February 1, 2017, regarding whistleblower protections and recent news reports about Inspectors General and the presidential transition team. Specifically, you requested information on: 1) education and training for current and new DOT employees, 2) notification since January 20, 2017, to DOT employees about their whistleblower rights, 3) OIG's designated Whistleblower Protection Ombudsman, and 4) recent communications with the presidential transition team regarding my position.

Education and Training of Current and New Employees

Our Web site¹ provides DOT employees with substantial information about their whistleblower rights and remedies related to allegations of retaliation. The Web site provides information about the Whistleblower Protection Ombudsman, the purpose of the Ombudsman, and his contact information. The Web site discusses several aspects of whistleblower retaliation—what it means to make a protected disclosure, the types of personnel actions covered by the statutes, the processes for pursuing a whistleblower retaliation claim, and potential remedies. It further explains that DOT employees may file a claim of whistleblower retaliation with OIG or with the Office of Special Counsel (OSC) and offers contact information for DOT's Whistleblower Protection Ombudsman. Additionally, contact information for OIG's Complaint Center Operations (CCO), and links to OSC's Web site are available directly from our Web site. Further, OSC has certified OIG under 5 U.S.C. § 2302(c) for compliance with its obligations to inform DOT's workforce of their rights and remedies under the prohibited personnel practice and

¹ www.oig.dot.gov/whistleblower

whistleblower protection provisions of chapters 12 and 23 of Title 5. This certification is effective through December 2017.

In addition to OIG's certification, nearly all DOT administrations have been certified by OSC for compliance with section 2302(c). These administrations are the Office of the Secretary, Federal Aviation Administration, Federal Highway Administration, Federal Motor Carrier Safety Administration, Federal Railroad Administration, Maritime Administration, and Pipeline and Hazardous Materials Safety Administration. The National Highway Traffic Safety Administration and Saint Lawrence Seaway Development Corporation have registered with OSC for the certification program as well. The Federal Transit Administration (FTA) has provided whistleblower training and materials to its employees but has not yet registered with OSC. However, FTA's Executive Director has assured OIG that it will register with OSC and complete the certification process.

Along with having a Whistleblower Protection Ombudsman, OIG investigative field offices refer potential whistleblower retaliation complainants to the Ombudsman. OIG's processes inform DOT employees of OSC's primary jurisdiction to investigate whistleblower retaliation complaints. When DOT employees contact OIG's CCO alleging whistleblower retaliation, they receive information about OSC, including the OSC intake unit's phone number and address. Since January 1, 2015, CCO has referred 17 potential complainants to OSC.

All OIG employees receive training on whistleblower retaliation laws and protections. During new employee orientation, OIG staff receive a presentation on whistleblower retaliation rights and remedies. OIG also educates its employees about their whistleblower rights as part of its mandatory training under the Notification and Federal Anti-Discrimination and Retaliation Act of 2002, commonly called the No FEAR Act.

Notification of Whistleblower Protections

We have not yet sent a notice to DOT employees since January 20, 2017, to inform them about their whistleblower retaliation rights. However, OIG plans to contact each DOT Operating Administration shortly to offer training and materials to ensure that DOT employees remain cognizant of their whistleblower protections.

Designated Whistleblower Protection Ombudsman

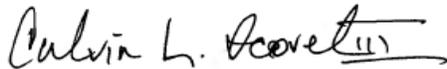
Attorney-Investigator Jason Weidenfeld has been designated by my office as DOT's Whistleblower Protection Ombudsman since January 2016. Prior to OIG, he worked for OSC from April 2002 to October 2015.

Contacts from the President-Elect's Transition Team Regarding the IG's Position

I was contacted via email by a representative of the President-elect's transition team for DOT on the night of Friday, January 13, 2017, and informed that I was being "held over on a temporary basis." The next day I responded via email acknowledging receipt of the notice. The transition team representative responded to let me know that if I needed anything I was free to call anytime and included a cell phone number. Subsequently, on Wednesday, January 18, 2017, I initiated a face-to-face discussion with the same transition team representative regarding the January 13 email notification. During this discussion, the transition team representative gave what I understood to be a reassurance that I would continue to serve as DOT's Inspector General.

If I can answer any additional questions or be of further assistance, please contact me at (202) 366-1959 or Nathan Richmond, Director and Counsel, Office of Congressional and External Affairs, at (202) 493-0422.

Sincerely,

A handwritten signature in black ink that reads "Calvin L. Scovel III". The signature is written in a cursive style with a horizontal line at the end.

Calvin L. Scovel III
Inspector General

cc: The Honorable John Thune, Chairman