

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

November 17, 2015

The Honorable Michael E. Horowitz
Chair
Council of Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington, DC 20006

The Honorable Carl W. Hoecker
Investigations Committee Chair
Council of Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington, DC 20006

Dear Inspectors General Horowitz and Hoecker:

The Committee on Oversight and Government Reform has held six hearings this year to examine incidents of federal employee misconduct and to review procedures for disciplining or removing “bad apples” from the federal workforce.

As part of this process, we have been exploring ways to help make the disciplinary process used by federal agencies more efficient and effective, and one option we are examining relates to enhancing coordination between agencies and their Offices of Inspector General (IGs).

At the Committee’s April hearing with the Environmental Protection Agency (EPA) and the EPA IG, Ranking Member Cummings requested that the agency and the IG work together using their existing authorities to determine if they could identify ways to improve the sharing of information in employee misconduct cases to enable the agency to take more timely disciplinary action.

As a result of this process, the EPA and the IG recently implemented a new agreement between the two offices, and it appears to be working well.

Specifically, they have begun holding bi-weekly coordination meetings to share information about IG investigations, administrative actions that the EPA intends to initiate, and Reports of Investigation that the IG has delivered to agency managers. These bi-weekly meetings are also used to identify categories of employee misconduct cases to which expedited procedures for sharing information should be applied.

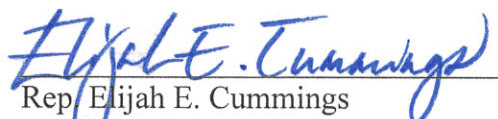
The EPA and the IG have agreed to use an expedited procedure initially for any cases that may involve pornography, although it could be applied more broadly in the future. In these cases, the IG will provide the EPA with an unredacted sworn statement or Memorandum of Interview within seven days of obtaining the document; however, under the agreement, the IG may note that it cannot share information if the unique circumstances of a particular case require confidentiality. Within two weeks of receiving documentation from the IG, the EPA will advise the IG in writing of its plan for taking administrative action.

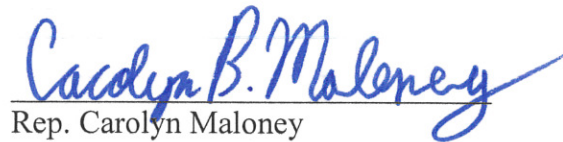
The EPA and the IG have already used this new procedure to take prompt administrative action in two misconduct cases. Attached is a copy of a joint letter setting forth the new processes for your reference. It notes the "considerable progress made" in sharing information "with the goal of enabling the agency to take more timely administrative disciplinary action, when appropriate."

We request your assistance in helping us determine if this or similar procedures can be used under existing authorities to effectively streamline the disciplinary processes throughout the federal government. We value the input of the IG community on this matter and ask that CIGIE conduct a survey of its membership based on the attached questions and share the results with us.

If you have any questions regarding this request, please contact Lena Chang or Courtney French at (202) 225-5051.

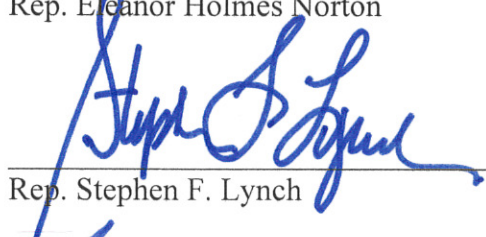
Sincerely,

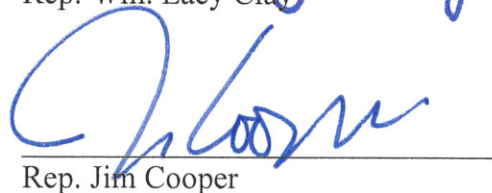

Rep. Elijah E. Cummings

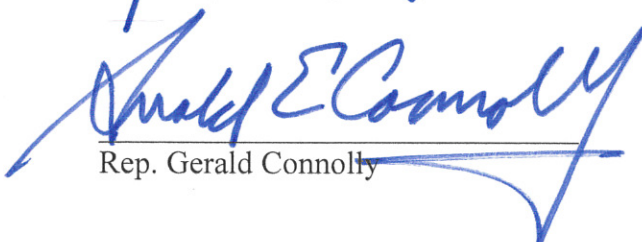

Rep. Carolyn Maloney


Rep. Eleanor Holmes Norton

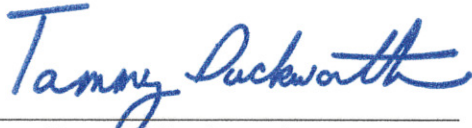

Rep. Wm. Lacy Clay


Rep. Stephen F. Lynch

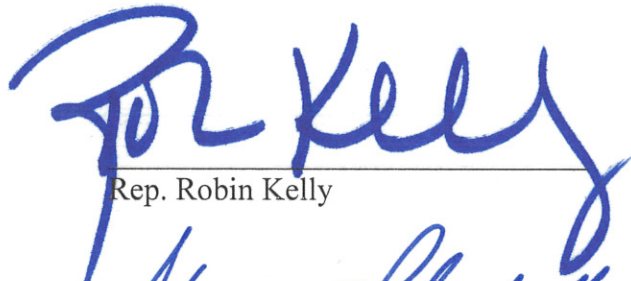

Rep. Jim Cooper


Rep. Gerald Connolly


Rep. Matt Cartwright



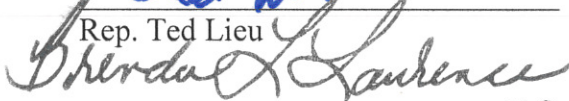
Rep. Tammy Duckworth



Rep. Robin Kelly

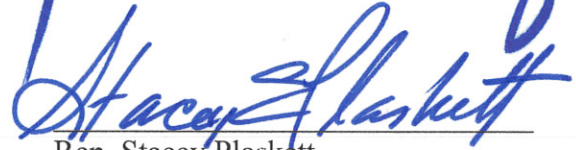


Rep. Ted Lieu

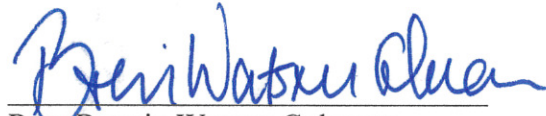


M.C.

Rep. Brenda Lawrence



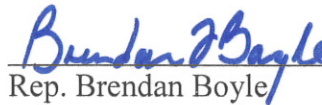
Rep. Stacey Plaskett



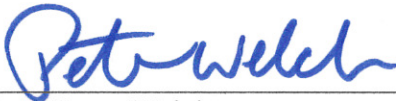
Rep. Bonnie Watson Coleman



Rep. Mark DeSaulnier



Rep. Brendan Boyle



Rep. Peter Welch



Rep. Michelle Lujan Grisham

Enclosure

cc: The Honorable Jason E. Chaffetz, Chairman

SURVEY QUESTIONS FOR CIGIE MEMBERS

Please answer the following questions with respect to your agency, department, or component:

1. Could better communications between the IG and the agency's Human Resources, General Counsel, or other offices speed the disciplinary process and minimize the amount of administrative leave used pending disciplinary action?
2. Should the following elements be included in a process for sharing information on serious misconduct matters between the agency and its IG?
 - a. periodic meetings between the agency and its IG
 - b. monitoring or tracking of serious cases and investigations
 - c. target dates for agency and IG actions
 - d. exchange of written reports of investigation
 - e. exchange of sworn statement of admission or IG Memorandum of Interview
 - f. flexibility for the IG not to share information if the unique circumstances of a particular case require confidentiality
 - g. reporting to Congress on the status of an agency's use of administrative leave
3. What are the barriers to better communication between the IG and the agency in matters relating to serious misconduct?
4. Does your office have a process in place similar to that of the EPA and EPA IG for sharing information about cases involving serious misconduct?
5. Should there be exceptions to the process of sharing information between the IG and the agency? If so, please describe.
6. Do you have additional suggestions for improving the effectiveness and efficiency of the federal disciplinary process?



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 29 2015

The Honorable Jason Chaffetz
Chairman
Committee on Government and Oversight Reform
U.S. House of Representatives
Washington, DC 20515

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

Dear Mr. Chairman and Congressman Cummings:

On April 30, 2015, representatives from the United States Environmental Protection Agency appeared before your Committee to discuss management at the EPA. During that hearing, Ranking Member Cummings urged the agency and its Office of Inspector General (OIG) to work together to improve the agency's practices for sharing information in employee misconduct matters, with the goal of enabling the agency to take more timely administrative disciplinary action, when appropriate. We are pleased to submit this joint letter updating you on the considerable progress made in that regard.

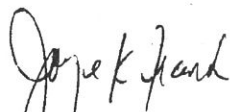
On May 14, 2015, senior representatives from the OIG, the Office of Administration and Resources Management (OARM), and the Office of General Counsel (OGC) held the first of what will initially be biweekly coordination meetings. A second meeting was held on May 28, 2015. These meetings provide: 1) a venue for the OIG to brief agency representatives on employee misconduct matters that have been accepted for investigation; 2) a forum for the agency to express its intent to move forward with administrative action while an OIG investigation is open and to request any evidence or material the OIG has obtained or generated during the course of its investigation; and 3) an opportunity for agency representatives to learn about Reports of Investigation that the OIG has delivered to agency managers but on which the OIG has no information on management actions taken. Although the agency will continue to initially defer to the OIG and the Department of Justice on matters that have been accepted for investigation by the OIG, the biweekly coordination meetings will provide an opportunity for regular, senior-level discussion of pending matters that should allow the OIG to maintain the integrity of its cases, but, at the same time, enable the agency to take timely administrative action, as appropriate.

Additionally, the biweekly meetings will also be used to identify categories of employee misconduct cases where the agency and the OIG can agree to an expedited procedure for the sharing of information. To date, the agency and the OIG identified one such category -- cases involving employees alleged to have used government equipment to access sexually explicit images or information. For this category of cases, the OIG will usually provide the agency with an un-redacted copy of the subject employee's written statement, or, if no such statement was obtained, an unredacted version of the OIG Memorandum of Interview (MOI) within seven days of obtaining either document. In situations where the OIG determines that the sharing of such documents, in either redacted or unredacted form, or any other information requested by the agency, is not possible due to the unique circumstances of the particular investigation, the OIG will inform the agency representatives of that conclusion in writing. Within two weeks of receiving a written statement, MOI, and/or other case evidence, the agency representatives will inform the OIG in writing of its expected process for moving forward on an administrative action, including any fact finding the agency intends to do, unless the agency concludes it cannot act due to the limitations imposed by the OIG on the use of evidence.

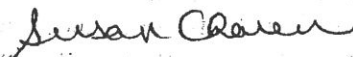
The agency and the OIG are confident that the biweekly coordination meetings will improve information sharing in employee misconduct cases consistent with your statements at the hearing. In fact, since the hearing, the OIG and agency representatives have worked closely on two additional important employee misconduct cases. In both matters, the agency representatives clearly identified the information in the OIG's possession that it needed to act, and the OIG provided that information in a timely fashion. The agency and the OIG look forward to building on those successes in the future.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact us, or your staff may contact Tom Dickerson in the Office of Congressional and Intergovernmental Relations at dickerson.tom@epa.gov or (202) 564-3638, or Jennifer Kaplan in the Office of Inspector General at Kaplan.Jennifer@epa.gov or (202) 566-0918.

Sincerely,



for Laura Vaught
Associate Administrator
Office of Congressional and
Intergovernmental Relations



for Alan S. Larsen
Counsel to the Inspector General and
Assistant IG for Congressional and Public Affairs
Office of Inspector General