

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

December 12, 2007

SECRETARY'S MEMORANDUM 1700-002

Procedures For Handling Hotline Complaints Against Senior Executive Service Officials

1. BACKGROUND AND PURPOSE

This Memorandum establishes U.S. Department of Agriculture (USDA) procedures for the handling of hotline complaints in which the subject of the complaint is a member of the Senior Executive Service (SES).

Pursuant to the Inspector General Act of 1978, the Office of Inspector General (OIG) conducts investigations, audits, inspections, and reviews related to USDA programs and operations, 5 U.S.C. app. 3, §§ 1-12. Additionally, as set forth in section 10 of Departmental Regulation (DR) No. 1700-2, OIG maintains a "whistleblower hotline" and a post office box for USDA employees and the general public to report fraud, waste, or abuse in USDA programs or misconduct by a USDA employee.

As outlined in section 7f(5)(c)1 through 3 of DR 1700-2, all employee misconduct allegations against the following categories of USDA employees must be reported to OIG: (1) Presidential appointees; (2) members of the SES or equivalent employees under other pay systems; and (3) Schedule C employees. Currently, OIG refers complaints relating to SES employees to the Deputy Secretary or the appropriate Under Secretary, Assistant Secretary, or Agency Administrator for review and investigation. To avoid any potential problems with communication and consistency in handling of such complaints, the Assistant Secretary for Administration has created a Compliance Officer position. The Compliance Officer will serve as the official to whom all complaints regarding SES employees will be referred for review and investigation. Therefore, in accordance with this Memorandum, OIG has agreed to refer such allegations to the Assistant Secretary for Administration, Compliance Officer, except in the circumstances specifically outlined in paragraphs 2a(1) and (2), below.

2. PROCEDURE

- a. The OIG Hotline will refer all hotline complaints in which one or more subjects are SES employees to the Compliance Officer within the Office of the Assistant Secretary for Administration. This procedure will be followed for all such complaints except in the following circumstances:
- (1) complaints which OIG Audit, Investigations, or the Office of Inspections and Research determines they will pursue internally through a formal audit or investigation, preliminary inquiry, or inspection; and
 - (2) complaints for which another office has primary jurisdiction (e.g., an allegation of whistleblower retaliation, in which the Office of Special Counsel has primary jurisdiction).

In the cases in which exception (1) or (2) above apply, the agency which has completed its review of the complaint (including any related inquiry/investigation), shall send a report containing its conclusions including any recommended administrative action to the OIG Hotline and the Compliance Officer. The Compliance Officer shall refer those reports containing recommendations for administrative actions to Departmental Administration's Office of Human Capital Management for appropriate action.

- b. After the Compliance Officer has completed his/her review of a hotline complaint (including any related inquiry/investigation), the Compliance Officer will send a written response to the OIG Hotline setting forth the results of the review. Referrals shall be sent to Departmental Administration's Office of Human Capital Management for appropriate administrative actions as necessary.

3. EFFECTIVE DATE

The provisions of this Memorandum shall be effective immediately.

4. TERMINATION

This Memorandum shall remain in effect until incorporated into Departmental Regulation 1700-2.

SECRETARY OF AGRICULTURE