



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET

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Subject 1144 - REPORTING NONSECURITY IRREGULARITIES AND
EMPLOYEE MISCONDUCT

1. Explanation of Material Transmitted: This release transmits a Manual Section on the policy and responsibilities of the Bureau in reporting nonsecurity irregularities and employee misconduct.
2. Reports Required: None.
3. Material Superseded: This release supersedes BLM Manual Release 1-999, dated 09/02/75.
4. Filing Instructions: After the attached sheets have been filed as directed, this Transmittal Sheet may be discarded.

REMOVE:

All of 1144 (Rel. 1-999)
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1144
(Total: 4 sheets)

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.01 Purpose. This Manual Section provides uniform procedures for handling and reporting instances of alleged nonsecurity irregularities and misconduct by Bureau employees.

.02 Objectives. It is the Bureau's objective to require a competent, impartial finding of fact as to any information, allegation, or complaint received against any employee in this Bureau, which indicates a compromise of the integrity of Bureau policies and practices or misconduct.

.03 Authority. Departmental Manual 355 and 356.

.04 Responsibilities.

A. The Chief, Division of Personnel and Training, through the Chief, Branch of Position and Pay Management, is responsible for the day-to-day operations of the Bureau's system for reporting nonsecurity irregularities and misconduct and specifically for:

1. Receiving referred allegations of irregularities and misconduct allegations.

2. Controlling and referring these cases to the Departmental Office of the Inspector General or to the Chief, Resource Protection Staff, as appropriate.

a. Cases involving the possible violation of a criminal statute by a Bureau employee, are referred to the Chief, Resource Protection Staff. He/she then coordinates the investigation with the Office of the Inspector General.

b. All other cases are referred directly to the Inspector General.

3. Maintaining liaison between the Division of Personnel and Training, the Office of the Inspector General, and the Resource Protection Staff during the course of any investigation.

4. Receiving final reports of investigations.

5. Recommending further actions, if applicable, to the appropriate officials.

6. Keeping higher level officials informed of all unusual or particularly serious cases.

7. Making all necessary inquiries into cases which are not reportable to the Office of the Inspector General, or cases of a minor nature for which that Office declines to take action.

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B. The Chief, Resource Protection Staff is responsible for coordinating all cases of a criminal nature, which involve Bureau employees, with the Office of the Inspector General.

C. The Deputy Director, for Services and the Assistant Director, Administration are responsible for implementing administrative action resulting from irregularities in performance of duties and employee misconduct. The authority for implementation may be delegated to other appropriate officials.

D. State Directors, District Managers, Service Center Director, Managers of Outer Continental Shelf Offices, and BLM Director-Boise Interagency Fire Center, are responsible for referring all serious matters of alleged instances of nonsecurity irregularities or misconduct (as defined in .05), immediately upon discovery, to the Chief, Branch of Position and Pay Management (WO 832), and they must not precede such referrals with partial or preliminary investigation unless so requested by the Chief, Branch of Position and Pay Management. All such referrals must be treated in a confidential manner to avoid any violation of employee rights or any compromise of the subsequent investigation. However, any possible crime requiring immediate police action should be reported directly to the Chief, Resource Protection Staff and/or to other Federal and local law enforcement officers at or near the site of the crime.

.05 Definitions.

A. Reportable Incidents. While it is impracticable to define all such offenses, broad categories may be stated as follows:

1. Statutory Violations: irregularities in the performance of official duties in violation of Federal statutes, such as misuse of official powers, fraud, or misuse of the franking privilege.
2. Financial Irregularities: matters involving financial irregularities in use or handling of Government funds regardless of the amount involved.
3. Government Property Irregularities: matters involving any irregularity in use of, and accounting for, Government property.
4. Official Misconduct: matters pertaining to performance of official duties and involving violation of regulations promulgated by the Office of the Secretary, the Bureau, and when applicable to Bureau employees, by other Federal agencies.

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5. Personal Misconduct: matters involving conduct so notorious or disgraceful as to reflect adversely on the employee's suitability for continued employment, the performance of his/her duties, or on the Government.

B. Specific Reportable Instances. See BLM Manual Section 1400-751, Appendix 1, for an enumeration of offenses involving disciplinary action which illustrate some types of reportable instances of irregularities or misconduct.

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.1 Nonsecurity Controlled Cases.

.11 Steps for Processing.

A. Sources of Information. Information, allegations, complaints, or other communications, concerning Bureau employees, which could reflect adversely upon the integrity of the Bureau's policies and practices and upon the conduct of its employees, may be received from any source. Examples would include: anonymous sources, individuals or firms having official relationships with the Bureau, disclosures in reports and correspondence of other Executive agencies and the Congress, the general public, or other employees.

B. Reporting.

1. All irregularities not of a criminal nature, occurring in field offices must be reported to the appropriate State Director or District Manager, or the Service Center Director, BLM Director-BIFC, or Managers of OCS Offices. Each office must establish procedures to effect prompt referral of these cases at first intelligence, to the Branch of Position and Pay Management (WO-832), Washington, D.C., and, except as noted in paragraph 3 below, such referrals must not be preceded by partial or preliminary investigations. District Managers must refer cases to the Chief (832) through their State Directors.

2. Cases which could possibly involve a criminal violation must be reported directly to the Chief, Resource Protection Staff.

3. The Branch of Position and Pay Management must report all matters enumerated in .05A1 through .05A5 to the Office of the Inspector General, or the Resource Protection Staff, if appropriate.

4. As to time of referral, an exception is recognized in connection with financial irregularities in which internal audit determinations are essential to establish the existence of an irregularity and its scope. This exception extends to technical accounting findings, and not to determinations based on witness interviews and other purely investigative actions.

C. Conduct of Inquiries.

1. The Office of the Inspector General is responsible for all investigative actions concerning alleged nonsecurity irregularities and personal misconduct, and reserves to itself investigative jurisdiction on all complaints of a serious nature. Upon receipt of reported nonsecurity irregularities or employee misconduct, it will determine the nature of the investigation to be made.

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2. After reporting as required in .11B, matters involving minor administrative irregularities, trivial offenses, and simple misconduct, may be investigated and disposed of by the Assistant Director, Administration or, at his/her direction, by the head of each responsible office.

3. Accident investigations must be conducted in accordance with BLM Manual Section 1112.22.

4. Any inquiry must be suspended and the matter reported pursuant to .11B1 whenever the inquiry discloses offenses falling within the provisions of .05A1 through .05A5.

5. In the discharge of various responsibilities in connection with referral and handling of investigative matters, each office is cautioned to observe the limitations on personnel action authority in disciplinary cases (See 357 DM 4.1B and BLM Manual Section 1400-751.7.).

D. Referrals to Department of Justice. The Department of the Interior cooperates fully with the Department of Justice by referring for prosecution, or necessary additional investigatory handling, any matter in which violations of Federal statutes are involved. Such matters, however, are referred only by decision of the Office of the Secretary, acting through the Solicitor, and usually after investigation by the Office of the Inspector General. Similarly, investigative matters of an exploratory or general compliance nature are referred outside the Department only after consideration and decision by the Office of the Secretary as to the appropriate investigative action to be taken. The BLM Director is responsible for full compliance with this policy on the part of BLM headquarters and field offices; therefore, individual field officials must not refer any cases involving employee misconduct or irregularities directly to an outside agency. Field officials must follow the procedure of .11B.

E. Reporting Cases to Local and Federal Law Enforcement Officers. Crimes requiring immediate police action or investigation may be reported directly to the appropriate authority near the site of the crime. Whenever the limited authority for direct reporting is exercised, notice of such action, together with a report of the circumstances in the case and the identity of the enforcement agency to which referred, must be immediately forwarded to the Branch of Position and Pay Management for reporting to the Resource Protection Staff. Any subsequent information received by the reporting office must also be forwarded to the Branch of Position and Pay Management.

F. BLM Enforcement Activities. Matters involving the violation of Federal laws by persons not employed by the Department, for which the enforcement responsibility is given to the Bureau by statute and regulations, must be reported to the Chief, Resources Protection Staff (WO-711), for appropriate handling.