

**U.S. DEPARTMENT OF DEFENSE  
OFFICE OF INSPECTOR GENERAL**

**OFFICE OF THE OMBUDS**

**ANNUAL REPORT**

**FISCAL YEAR 2009**

**(March 1, 2009 – September 30, 2009)**

## MESSAGE FROM THE OMBUDSMAN

April 20, 2010

MEMORANDUM FOR ALL PERSONNEL

SUBJECT: Annual Report for Fiscal Year 2009

I am pleased to present the first Office of the Ombuds Annual Report for fiscal year 2009. The report is submitted in accordance with Inspector General Instruction 5100.1(F)(2)(j). It covers a partial reporting period (from March 1, 2009, when the office was launched, through September 30, 2009, the end of the fiscal year).

Through employee engagement, I have worked diligently to promote better communication, foster constructive dialogue, increase collaboration, identify systemic issues, facilitate equitable outcomes, and improve transparency through shared understanding. In the pursuit of this mandate, I kept your concerns confidential so that all members of the DoD IG community are free to bring concerns or complaints to this office without fear of reprisal or retaliation.

This report provides an overview of the office's roles, responsibilities, activities, analysis of issues, and recommendations.

Scott M. Deyo  
Ombudsman

## **INSPECTOR GENERAL MESSAGE TO STAFF**

I am deeply pleased by the extensive involvement you've had with the Office of the Ombuds. This sends a clear message about how much you care about improving the vital work we do. This confidential resource is a critical asset to the DoD Office of Inspector General. Your input on sensitive topics and systemic issues, as conveyed by the Ombuds (always without attribution), helped inform my decisions and those of my leadership team. As a result, you helped make a significant difference.

The Office of the Ombuds embodies the core principles of integrity, accountability, efficiency, and is a conduit for meaningful change. The Ombudsman sheds light on substantial concerns related to the mission, organization, strategic matters, policies, and procedures of the DoD IG. As a result of his efforts with personnel, managers and senior executives, the Ombuds helps reinforce our core values, ethics, respect, trust, integrity, and transparency. Thank you for your support and I strongly encourage your continued good faith efforts and involvement with the Ombuds.

Gordon Heddell  
Inspector General

## QUOTES

The most intense conflicts, if overcome, leave behind a sense of security and calm that is not easily disturbed. It is just these intense conflicts and their conflagration which are needed to produce valuable and lasting results.

– Carl Gustav Jung

It isn't enough to talk about peace. One must believe in it. And it isn't enough to believe in it. One must work at it.

– Eleanor Roosevelt

Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser –in fees, expenses, and waste of time.

– Abraham Lincoln

Courage is what it takes to stand up and speak. Courage is also what it takes to sit down and listen.

– Winston Churchill

Whenever two people meet there are really six people present. There is each man as he sees himself, each man as the other sees him, and each man as he really is.

–William James

True peace is not merely the absence of tension: it is the presence of justice.

– Martin Luther King, Jr.

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## EXECUTIVE SUMMARY

On March 1, 2009, the U.S. Department of Defense Inspector General (DoD IG) administratively established an organizational Ombuds. The office is staffed by one full-time Ombudsman, who serves as the principal advisor and designated neutral for alternative dispute resolution and conflict management. The Ombuds is an independent, impartial resource that provides a safe harbor for informal and confidential dispute resolution for approximately 1,600 DoD IG employees worldwide.

Professional disagreements arise even in the best organizations. By facilitating constructive dialogue about perceived differences, the Ombudsman plays a significant part in DoD IG's continuous improvement efforts and helps to increase mutual gains throughout the agency. The Ombudsman uses a wide variety of conflict resolution techniques, such as shuttle diplomacy, conflict coaching, mediation, group facilitation, climate assessments, consultation about organizational barriers, upward feedback on systemic patterns.

The climate assessment process was used extensively during this reporting period and proved to be a beneficial strategic tool. The Ombudsman met privately with individual employees in specific organizational divisions. Staff members were asked three broad questions: what is working well (and why); what isn't working well (and why); and what changes should be made. While maintaining confidentiality, this method highlighted organizational successes, opportunities for improvement, and specific recommendations on a way forward. Further, it was a proactive way to bring issues to the forefront and allow leadership to address the problems before they escalate.

By and large, this report provides metrics on the issues presented by DoD IG employees. Throughout the reporting period, the Ombuds met with 225 employees (approximately 14 percent of the workforce): 75 (33 percent) individual employees and 150 (67 percent) through organizational climate assessments.

The concerns shared related to the DoD IG mission, organization, strategic matters, policies, practices, and procedures. The top three major categories of issues dealt with supervisory relationships, mission, and colleague relationships, respectively. These issues collectively represented 76 percent of all matters brought to the Ombudsman's attention.

These cases represented opportunities for the agency to make specific improvements, particularly regarding organizational performance, supervisory accountability, leadership decisions, the decision-making process, merit systems principles, change management, customer service, collaborative governance, employee engagement, ethics, National Security Personnel System (particularly regarding fair and ethical administration), diversity, safety, manpower, and morale.

## OMBUDS OVERVIEW

### Ombudsman Mission

The DoD IG Ombudsman is the principal advisor and designated neutral for alternative dispute resolution and conflict management within the DoD IG. The Ombuds is an independent, impartial resource that provides DoD IG employees worldwide with a safe harbor for informal and confidential dispute resolution.

Through employee engagement, the Ombuds strives to:

- Promote better communication
- Foster constructive dialogue
- Increase collaboration
- Improve transparency
- Identify systemic issues
- Facilitate equitable outcomes

### Program Development

In the first year of operation, a primary goal was to establish the Office of the Ombuds' base infrastructure. Objectives toward that goal involved drafting the charter and developing a variety of outlets to communicate the Office's mission, services provided, and potential benefits.

Though fully operational since March 1, 2009, Inspector General Instruction 5100.1 was published on November, 25, 2009, which formally established the Office of the Ombuds. The Instruction outlined the DoD IG policy and agency responsibilities for providing a professional working environment, encouraging a positive dispute resolution climate, and promoting conciliatory methods for resolving internal workplace concerns. A copy of the Ombuds Instruction is attached to this report at Appendix 6.

In an effort to provide for widespread communication of the newly created Ombuds office, a marketing campaign was initiated to share information about the office's

roles, responsibilities, and functions. To that end, the Ombuds held 15 briefing sessions (including two new employee orientation sessions) to 471 staff. A website was created ([www.dodig.mil/ombudsman](http://www.dodig.mil/ombudsman)), along with a mirror site on the agency's intranet, that were collectively visited by 672 people.

A confidential tracking system was developed to identify issues, systemic trends, impact, type of intervention, and outcomes. Further, a system was created so employees could give feedback anonymously about their experiences with the Office of the Ombuds.

Lastly, the Ombuds developed and administered a conflict resolution skills course to two groups (73 personnel). This course was designed to explore what conflict is, why it occurs, and how specific dispute resolution strategies, such as interest-based negotiation and problem solving, can create and distribute value and maximize mutual gains throughout the DoD IG.

## **Code of Ethics**

### ***Independence***

The DoD IG Ombuds is independent from other Office of Inspector General components; reports directly to the Inspector General as the agency head; and holds no other position within the DoD IG which might compromise independence. The Ombuds exercises discretion to accept or decline to act on employee complaints, concerns or questions; addresses issues on his/her own initiative or issues identified through means other than employee notification; has access to DoD IG records required for the legitimate performance of duties, except classified records and those records protected by law or regulation.

### ***Confidentiality***

Generally, there is no legal privilege for communications with the Ombuds. However, all communications with employees are held in strict confidence by the Ombuds. The Ombudsman takes all reasonable steps to safeguard both anonymity and confidentiality. The identity of individuals contacting the Office of the Ombuds are not disclosed without that individual's explicit permission. Further, the Ombuds does not reveal information provided in confidence that could lead to the identification of any individual contacting the Office of the Ombuds.

The Ombuds pursues systemic issues in a way that safeguards the identity of individuals; keeps no records containing identifying information of individuals making the allegation; and maintains information in a secure location and manner,



protected from inspection by others.

Particular Ombudsman communications while serving as a "neutral" in a dispute resolution proceeding pursuant to the Administrative Dispute Resolution Act of 1996 are privileged. This privilege is unavailable where there appears to be imminent risk of serious harm and there is a full admission or direct evidence, rather than a general allegation, of fraud, waste, abuse, which the Ombuds must report to the appropriate authority.

### *Neutrality*

The Ombuds treats people and considers issues in an impartial, fair and objective manner. The Ombuds has a responsibility to consider the legitimate concerns and interests of all employees affected by a matter under consideration or review. While the Ombuds does not advocate on behalf of any DoD IG employee, he does advocate for fair, equitably administered processes. Neutrality does not preclude the Ombuds from advocating for changes deemed necessary to improve working environments or conditions.

### *Informality*

The Office of the Ombuds pursues resolution of concerns as an informal and off-the-record resource. The Office looks into procedural irregularities and/or broader systemic problems when appropriate. It is a supplement, not a replacement, to any formal avenue of redress. Use of the Ombuds office is voluntary, and is not a required step in any grievance, complaint, or investigatory process. The Ombuds does not make binding decisions, mandate policies, or formally adjudicate issues. Similarly, the Ombuds does not participate in or conduct any formal investigative or adjudicative procedures.

## **Services Provided**

### ***What does an Ombudsman do?***

- Facilitates dispute resolution and conflict prevention
- Receives concerns about alleged acts, improprieties and systemic problems
- Helps analyze complex and difficult problems
- Seeks clarification on policies
- Serves as an early warning system and feedback mechanism
- Explores non-adversarial approaches for resolving concerns
- Provides a means of internal control by identifying areas of vulnerability
- Identifies complaint patterns and trends
- Advocates for fairness, equity and positive change

### ***The Ombudsman does not:***

- Advocate for any individual within the agency
- Conduct formal investigations
- Serve as a witness or testify in formal proceedings
- Accept or provide official notice of an alleged violation
- Serve as part of any formal grievance or complaint process
- Issue investigative reports of any kind
- Make or change policy or administrative decisions
- Make binding decisions
- Compel anyone to act

### ***What methods or techniques are used?***

- Shuttle Diplomacy
- Informal Inquiries
- Conflict Coaching
- Mediation
- Group Facilitation
- Negotiation
- Upward Feedback
- Climate Assessments
- Training

## EMPLOYEE COMMITMENT

By and large, the Office of the Ombuds receives problems and complaints. However, it is quite typical for the Ombuds to hear the following caveat, “I absolutely love working here, and for the most part, things are great, but...” A number of staff cited their underlying goal was to help the agency get from “good” to “great.”

To be fair, it is important to provide a balanced picture and highlight the positive aspects that employees appreciate and value.

### Top Ten Compliments

- “The mission of supporting and protecting our troops is really meaningful.”
- “You know there’s a shared commitment because everyone’s emotionally invested.”
- “My team members are great and go the extra mile.”
- “You couldn’t ask for a better agency to work for.”
- “Our new Inspector General truly cares; his actions prove its not just lip service.”
- “Its tough work, and there are some headaches, but I love my job and the work.”
- “You are truly supported here as a professional and a person.”
- “There’s a good work-life balance, especially through alternate work schedule, telework, and the new fitness program.”
- “The agency does a good job of providing for substantive training and growth.”
- “Opportunities to work on diverse projects are significant.”

## ISSUES

As an independent, neutral, and informal resource, the Ombudsman helps employees explore a wide range of options and decide an appropriate way forward. Unlike fact-finding or fact-verifying functions within the agency, the Ombudsman works with divergent viewpoints and facilitates mutually beneficial solutions.

During this reporting period, the Ombuds discussed over a thousand issues with employees related to the DoD IG mission, organization, strategic matters, policies, and procedures.

### **Top Ten Concerns**

1. Component leadership and management
2. Component communications
3. Supervisory respect and treatment of staff
4. Supervisory effectiveness
5. Communications from supervisor
6. Mission, strategy or technical management (component level)
7. Organizational climate
8. Priority setting or funding
9. Use of positional power/authority
10. Responsiveness and/or timeliness

The number of employees and issues signify opportunities for the DoD IG to effect change and improvements.

1. Supervisory Relationships – 362 (34%)
2. Mission, Strategic, & Organizational Related – 342 (33%)
3. Colleague Relationships – 93 (9%)

*Note: The top three issues represent 76 percent of all issues addressed with the Ombuds*

4. Career Progression & Development – 71 (7%)
5. Administrative & Customer Service Issues – 64 (6%)
6. Values, Ethics, & Standards – 60 (6%)
7. Policy, Legal, Regulatory, & Financial Compliance – 25 (2%)
8. Safety, Health, & Physical Environment – 24 (2%)
9. Pay & Benefits – 14 (1%)

**TOTAL – 1,055 (100%)**

### **Supervisory Relationships**

In FY09, there were 362 questions, concerns, or issues arising about DoD IG staff in evaluative relationships, such as supervisor-employee. The following provides a description of the subcategories, number and percent of issues that arose. The major subcategories will also contain additional case examples.

53 (14.6%) – Respect/Treatment (Demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)

52 (14.4%) – Supervisory Effectiveness (Management of component/division, failure to address issues)

51 (14.1%) – Communication (Quality and/or quantity of communication)

31 (8.6%) – Feedback (Feedback or recognition given, or responses to feedback received)

30 (8.6%) – Equitable Treatment (Favoritism, one or more individuals receive preferential treatment)

26 (7.2%) – Trust/Integrity (Suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)

24 (6.6%) – Climate (Prevailing behaviors, norms, or attitudes within a component for which supervisors have responsibility)

24 (6.6%) – NSPS-related (Job performance in formal or informal evaluation)

22 (6.1%) – Reputation (Possible impact of rumors and/or gossip about professional or personal matters)

14 (3.9%) – Bullying (Abusive, threatening, and/or coercive behaviors)

13 (3.6%) – Assignments/Schedules (Appropriateness or fairness of tasks, expected volume of work)

13 (3.6%) – Priorities/Values/Beliefs (Differences about levels of importance –often rooted in ethical or moral beliefs)

6 (1.7%) – Retaliation (Punitive behaviors for previous actions or comments, whistleblowing)

1 (0.3%) – Discipline (Appropriateness, timeliness, requirements, alternatives, or options for responding)

1 (0.3%) – Consultation (Requests for help in dealing with issues between two or more individuals they supervise or other unusual situations)

1 (0.3%) – Diversity-related (Comments or behaviors perceived to be insensitive, offensive, or intolerant based on identity-related differences)

### **Best Practices**

#### ***How do employees describe a good boss?***

- “Immediately involved me in substantive projects when I arrived.”
- “Has regular team and division meetings.”
- “Inspires me, rather than demands compliance.”
- “Sticks up for us; keeps the pressure on to get answers, responses, and/or support.”
- “Proactive rather than reactive.”
- “Recognizes contributions in both small and large ways.”

- “Gives background on projects and justifications for decisions.”
- “Supports telework, alternate work schedule, and fitness program, etc.”
- “Is comfortable with respectful disagreement.”
- “Trusts that employees will get the job done.”

### ***Learning Environment***

- Demands we ask questions
- Allows us to learn from mistakes
- Gives us constructive feedback in a positive way; doesn’t try to “catch” us
- Negative feedback is given behind closed doors, not in front of the group
- Honest – Consistent – Constructive

### ***Communication***

- Friendly, personable and approachable
- Accessible, open, and available to staff
- Listens and makes you them feel part of the team
- Talks with and to you, not down to you
- Knows that information is power; goes the extra mile to ensure it filters down
- Provides full, open and honest communication about what’s going on
- Rotates higher level projects and assignments around to all staff

## **National Security Personnel System**

### ***Objectives***

Despite the imminent shift away from the pay-for-performance National Security Personnel System (NSPS), concerns remained about how to fairly evaluate and rate individual job performance. Staff expressed concerns about generic, non-specific job objectives that applied to everyone (with no room for minor customization).

### ***Expectations***

- Some said they were never told what the phrase “significantly above and beyond” meant in practical terms as applied to their job (which in turn could result in a higher rating).
- Further, there were concerns that pay pool deliberations resulted in “on-the-spot” definitions and expectations. In other words, panel members would read employee and supervisor narratives, then conclude who set the bar for the top rating of “5”, then compare others against that top performer. Such methodology was seen as

problematic, particularly with regards to a lack of ongoing communication about expectations. Employees were not informed about what “4s” and “5s” meant throughout the year. Moreover, they were not advised after the NSPS process concluded about general examples (while protecting confidentiality) of top performance to help guide efforts throughout the following year.

### ***Other***

- “A supervisor should never blindside an employee in their rating; they should’ve received feedback and opportunity to improve.”
- “NSPS seemed to kill teamwork; some were hoarding work to take personal credit.”
- “NSPS killed supervisory responsibility; it took away their ability to rate employees; it also allowed bosses to blame the panel - Sorry you got a ‘3’...I recommended a ‘5’.”
- “You can get a good rating if you can pat yourself on the back and a boss who can write well.”
- “If your boss doesn’t really like you, s/he can focus on your few mistakes, rather than all the positive things you did throughout the year, and thus you end up with an average rating.”
- Staff stated they did much better than they ever would have under the GS system.

### **Case Examples**

*The majority of issues about supervisors dealt with the respectful treatment of staff, effectiveness of their boss, and communication about work-related issues. As the top area of concern, it is important to gain a better understanding of bosses’ behaviors in question, as perceived by employees.*

#### ***My boss...***

- “Constantly talks down to me in front of others, rolls eyes and walks away, doesn't keep me informed about anything, and conveniently forgets details that makes me look bad.”
- “Had me reading procedural manuals for 6 months before putting me on a project.”
- “Is rude, disrespectful, belittling, unprofessional, and on a power trip.”
- “Berates others in staff meetings and in the halls; terribly unprofessional.”



- “Is at that point where s/he will say anything and doesn’t care who is listening. No one will do anything about it because “that’s just [so and so]”; s/he’s never been held accountable for being openly hostile towards staff, and you wonder why there’s so much turnover.”
- “Hears a rumor that involves me, assumes its true (and the worst about me), calls me up and immediately starts blaming without hearing my perspective.”
- “Reprimanded me in my mid-year evaluation; this was the first I heard of it.”
- “Thinks the jokes are funny, but are inappropriate and belittling.”
- “Thinks communications are better than they are.”
- “Is a control freak (extreme micromanager): literally looks over my shoulder every 5 minutes; questions why I’m calling people who are on the project.”
- “Sits in the office all day and never walks around, or walks around checking to see who’s in their seat.”
- “Only has meetings when there are problems.”
- “Is too busy to explain anything or listen to me.”

### **Dispute Resolution Climate**

#### ***Case Scenario***

If a manager talks honestly about a problem with senior leadership, they might as well start looking for another job. All of a sudden their work isn’t great anymore. They’ll start seeing their work products second-guessed; their integrity and trust questioned. They’re seen as disloyal, will have less support, given inappropriately short deadlines, blamed for everything, receive harsh criticisms and hear rumors of public floggings. Their reputation is then ruined and their evaluations will focus on a perceived mistake (that is either not their fault or blown out of proportion) rather than the totality of their positive contributions. This is typical workplace bullying and pure retaliation.

***Barrier***

Throughout the reporting period, there were reports of managers overtly expressing objections to staff seeking assistance from the Ombudsman, Equal Employment Opportunity and other resources for assistance. There were also general concerns about bringing issues forward and components cultivating fears of reprisal.

***Adverse Impact***

The above incidents were not the norm. However, a few incidents can have a widespread chilling effect. Further, the impact may include stress, absenteeism, low morale, marginal commitment and productivity, grievances, and turnover. Discouraging requests for assistance (intentional or not), results in issues remaining buried, unresolved, and promotes the perception that senior staff wish to "sweep things under the rug."

***Recommendation***

Agency leaders are responsible for ensuring that staff feel free to come forward with concerns or complaints without fear of reprisal. To help reinforce values of transparency and accountability, senior leadership should proactively assess the extent of this barrier and take appropriate corrective actions. Further, the Ombudsman plans to lead focused dialogue sessions on this topic. The purpose is to further analyze this barrier, understand the conditions that lead to related behaviors and perceptions, then examine next steps.

**ISSUES:  
MISSION, STRATEGIC & ORGANIZATIONAL CONCERNS**

In FY 2009, there were 342 questions, concerns, issues or inquiries arising between people in evaluative relationships, such as employee and team leader/ supervisor/ higher level reviewer.

76 (22.2%) – Leadership and Management (Quality/capacity of management and/or leadership decisions, reassignments, reorganizations, etc.)

70 (20.5%) – Communication (Content, quality, style, timing, effects and amount of leader's communication about strategic issues)

46 (13.5%) – Management (Principles, decisions and actions related to where and how the organization is moving)

42 (12.3%) – Priority Setting/Funding (Disputes about setting priorities and/or allocation of funding within programs)

42 (12.3%) – Organizational Climate (Issues related to organizational morale and/or capacity for functioning)

38 (11.1%) – Use of Positional Power/Authority (Lack or abuse of power provided by individual's position)

9 (2.6%) – Data/Methodology/Interpretation of Results (Academic disputes about the conduct, outcomes and interpretation of studies and resulting data)

8 (2.3%) – Change Management (Making, responding or adapting to organizational changes, quality of leadership in facilitating change)

7 (2.0%) – Division/Field Specific (Disputes about which component/department/division should be doing what/taking the lead)

4 (1.2%) – Restructuring and Relocation (Issues related to broad scope planned or actual restructuring and/or relocation)

## **Case Examples**

### ***Mission & Vision***

- “We need to do a better job staying in touch with the needs of the military.”
- “Our leaders need to be more clear and consistent in their vision and direction.”
- “Delay in making decisions (or flip-flopping) on strategy causes pervasive idleness.”
- “I don’t feel a leadership presence; there’s a significant lack of visibility.”
- “We seem to be reactionary and not proactive. Therefore, everything is a crisis, which points to our inability to plan and execute.”
- “We need leaders to be a calm force.”

### ***Leadership***

- “We need leaders leading, not getting into the weeds and managing well below their grade.”
- “Top leaders need to empower their direct reports to make decisions.”
- “It seems like every decision, including minor ones, must be made at the top.”

### ***Joint Efforts***

- “There are too many stovepipes.”
- “Senior leaders need to be the example for initiating and partnering on joint projects.”
- “Similar functions throughout DoD IG should be consolidated and resourced as a whole.”
- “Decentralization is causing inconsistent application of policies and procedures.”

### ***Workflow***

Staff appreciated how open their top management were to meeting and mingling with all staff members. However, there were some concerns that senior leadership were going directly to staff to disseminate work, rather than going to their managers. As a result,

these managers were unaware of specific projects and the extra workload of their staff. There was general concurrence that work should flow downward using the chain of command.

### ***Accountability***

“There are no repercussions for major actions, inactions or failures with adverse impacts on mission and people. Rather, more policies and procedures are developed that hamper our efficiency.”

### ***Communication***

Despite an agency-wide mandate for monthly all-hands meetings, there were accounts of staff members being unaware of the work of their team members and component-wide initiatives. There was general acknowledgement that all-hands meetings by component front offices were taking place (for the most part). However, there were reports that they just weren't happening at the division level. Staff expressed their desire to be more attuned to the work projects of their peers.

### ***Process Improvement***

Issue. There were concerns about the quality, efficiency, and timeliness of work products. Specifically, staff were having trouble understanding or knowing the balance between the three. Regarding quality, staff observed a corporate emphasis on a pursuit of perfection. They believed this was an admiral goal, but could never be achieved.

Impact. As a result, there were endless reviews and coordinations. When asked whether these extra steps and layers were effective, most agreed that problems were indeed caught. However, a large number of staff were concerned there were mostly minor, non-substantive “wordsmithing” changes that did not alter the message. While quality may have been improved, work products were delayed significantly, and at worst were moot by the time it was ready to publish.

### ***Recommendations***

A. Consider the viability of implementing dashboard metrics on key component performance indicators, typically involving resources and production, and may include 1) time (frequency, schedule, duration) and 2) resources (people, funds, skills, materiel, etc.) Focus should be on quality, independence, and timeliness (without sacrificing the former).

Other options for improving quality and efficiency include, but are not limited to the following:

- B. Initiate pilot projects throughout the DoD IG in support of DoD Directive 5010.42, “DoD-wide Continuous Process Improvement (CPI)/Lean Six Sigma (LSS) Program,” May 15, 2008.
- C. Conduct best practices studies to identify characteristics of high performing projects and risks (at the process level) that have the greatest impact on component’s ability to execute strategy.
- D. Champion performance excellence criteria from the National Institute of Standards and Technology’s Malcolm Baldrige National Quality Award, which includes the following elements: leadership; strategic planning; customer and market focus; measurement, analysis, and knowledge management; and workforce focus.
- E. Consider implementing a DoD IG-wide quality function that champions above and/or related techniques and serves as a central resource for ongoing improvement efforts.

### ***Tracking & Oversight***

Questions emerged about how the agency measured its performance goals. Some systems existed to monitor projects at the action officer level. More commonly, though, existing systems lacked reporting mechanisms that provided macro-level summaries. As one senior employee described it, “I should be able to simply click a button to see the big picture (number, days, etc.) to brief my executive leadership, then click again to drill down further and see the caseloads of my management team.” Other inefficiencies existed with current systems. As one employee stated, “We shouldn’t have to go into one program to note our time and attendance, print it out, then hand it to someone else to manually enter into another completely different system.”

Replacement of major information technology systems takes resources, careful planning and time. Efforts are in motion to determine tracking and oversight requirements across all components of the Office of Inspector General.

**ISSUES:  
COLLEAGUE RELATIONSHIPS**

In FY 2009, there were 93 questions, concerns, issues or inquiries involving professional colleagues.

24 (25.8%) – Reputation (Possible impact of rumors and/or gossip about professional or personal matters)

22 (23.7%) – Respect/Treatment (Demonstrations of inappropriate regard for people, not listening, rudeness, crudeness, etc.)

18 (19.4%) – Communication (Quality and/or quantity of communication)

12 (12.9%) – Trust/Integrity (Suspicion that others are not being honest, whether or to what extent one wishes to be honest, etc.)

8 (8.6%) – Bullying (Abusive, threatening, and/or coercive behaviors)

6 (6.4%) – Priorities/Values/Beliefs (Differences about levels of importance –often rooted in ethical or moral beliefs)

2 (2.2%) – Diversity-Related (Comments or behaviors perceived to be insensitive, offensive, or intolerant based on identity-related differences)

1 (1.0%) – Retaliation (Punitive behaviors for previous actions or comments, whistleblowing)

**ISSUES:****CAREER PROGRESSION & DEVELOPMENT**

In FY 2009, there were 71 questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, what it entails, (e.g., recruitment, nature and place of assignment, job security, and separation.)

24 (33.8%) – Career Development/Coaching/Mentoring (Classroom, on-the-job, and varied assignments as training and developmental opportunities)

17 (23.9%) – Application/Selection and Recruitment Processes (Recruitment and selection processes, facilitation of job applications, selection criteria, disputed decisions)

10 (14.1%) – Career Progression (Promotion, reassignment, reappointment)

8 (11.3%) – Rotation and Duration of Assignment (Requests for transfer; incomplete or over-extension of assignments; denied or involuntary transfers)

5 (7.0%) – Involuntary Transfer/Change of Assignment (Notice, selection and special dislocation rights/benefits, removal from prior duties, unrequested change of work tasks)

3 (4.2%) – Re-employment of Former or Retired Staff (Loss of competitive advantages associated with re-hiring retired staff; favoritism)

2 (2.8%) – Position Security/Ambiguity (Security of position or other provision of secure employment)

2 (2.8%) – Job Classification and Description (Changes or disagreements over requirements of assignment, appropriate tasks)



## **Case Examples**

### ***Rotations***

There were mixed reviews about whether or not rotation assignments and details were supported by managers. In some instances, managers were overtly supportive of staff gaining diverse experiences in different components and/or directorates. However, there were other reports of managers being unsupportive of such requests. Moreover, there were feelings that the staff making the requests were “disloyal”. Some managers stated this was not the case at all. Rather, they would be more inclined to support the request after major milestones were reached, but not mid-way through the project.

### ***Recommendation***

Component leaders communicate expectations surrounding details. More specifically, create general guidelines where details would be supported.

### ***Pre-Selection***

Issue. There were many concerns about equity and fairness in the selection process, and specifically the hiring and promoting of individuals for reasons other than merit (e.g. friendships, nepotism, etc.) In instances after selections were made, the matters were generally referred to the Human Capital Advisory Services Directorate for further inquiry. At this late stage, the options to explore early resolution on an individual basis were limited. A few instances, however, were raised to the Ombudsman as soon as the job opportunity announcements were advertised. These situations presented opportunities for the hiring officials to proactively take extra steps to control for perceived favoritism.

Outcome. In response to specific cases presented by the Ombudsman, hiring panels were created that comprised of balanced groups of employees from multiple components or divisions. The panels reviewed and rated the resumes on the certification list using specific criteria. Further, the panels conducted the first round of interviews (again, using specific rating criteria) and recommended three top candidates. The hiring manager worked toward maximum transparency and promptly communicated to staff and committed to ongoing follow-ups on the status of filling the vacancy.

### ***Favoritism***

Issue. Favoritism arose as major issue throughout the reporting period. A cousin of pre-selection, this concern was described as more prevalent yet subtle actions that can be seen in everyday situations involving training, assignments, and mentoring.

Elements. This issue plays out when certain individuals are consistently chosen for the top training opportunities, high visibility projects, detail assignments, frequent face time with top level leaders, and for the “acting” position. The latter was observed either in the boss’ absence or in more long term scenarios after a supervisor leaves and while waiting (sometimes extensively) to fill the permanent positions.

Some reported favoritism being systemically ingrained, such as “hiding the talent” within specific teams, whereby no other groups or divisions are afforded the opportunity to work on hot projects. Rather, they’re relegated more routine assignments that receive little attention. For clarity, the lack of attention was described in terms of leadership involvement in providing vision, goals, and direction, which lacked in any project not considered pressing at the time.

Impact. Instances of perceived favoritism were seen to give the select few a leg up in knowledge, skills, and abilities. Concerned individuals believed such practices prepositioned the favorites for higher ratings, desirable reassignments and promotions.

Outcome. In response to the Ombudsman’s involvement, supervisors agreed to ensure that opportunities for training and high visibility assignments were rotated around to the maximum extent possible. Some supervisors acknowledged, however, there were specific performance deficiencies that prevented such projects from being assigned to everyone equally. However, those supervisors acknowledged their need to spend more time coaching and mentoring those individuals.

**ISSUES:  
OTHER**

In FY 2009, there were 187 other questions, concerns, issues or inquiries about services or administrative offices or functions; fairness of organizational values, ethics, and/or standards; safety, health and infrastructure; and equity, appropriateness and competitiveness of employee compensation, benefits and other benefit programs.

32 (17.1%) – Responsiveness/Timeliness (Time involved in getting a response or return call/email or about the time for a complete response to be provided)

29 (15.5%) – Professional Conduct/Integrity (Any misconduct involving questionable professional standards, such as falsification of results, etc.)

22 (11.8%) – Administrative Decisions (Impact of non-disciplinary decisions about requests for administrative services (e.g., exceptions to policy, deadlines))

21 (11.2%) – Business & Financial Practices (Inappropriate actions that abuse or waste organizational finances, facilities or equipment)

18 (9.6%) – Values & Culture (Questions, concerns or issues about the values or culture of component)

11 (5.9%) – Standards of Conduct (Fairness, applicability or lack of behavioral guidelines and/or codes of conduct (e.g., plagiarism, conflict of interest))

10 (5.3%) – Quality of Services (How well services were provided, accuracy or thoroughness of information, competence, etc.)

9 (4.8%) – Compensation (Rate of pay, salary amount, classification/level)

7 (3.7%) – AWS/Telework (Ability to work from home or other location because of business or personal need)

6 (3.2%) – Safety (Physical safety, injury, medical evacuation, continuity of operations planning, training and equipment)

4 (2.1%) – Benefits (Decisions related to medical, dental, life, vacation/sick leave, education, worker's compensation insurance, etc.)

4 (2.1%) – Stress & Work-Life Balance (Traumatic stress, critical incident response, internal/external stress (e.g. caring for sick/injured, divorce, terrorism))

3 (1.6%) – Physical Working Conditions (Temperature, odors, noise, available space, lighting, etc.)

2 (1.1%) – Security (Personal safety, metal detectors, guards, building access, continuity of operation procedures)

2 (1.1%) – Cleanliness (Sanitary conditions, facilities, and measures to prevent the spread of disease)

2 (1.1%) – Disability (Accommodations involving assistive technology, parking, interpreters, including questions on related policies, etc.)

2 (1.1%) – Other (Other policies and procedures related to values, ethics and standards)

1 (0.5 %) – Retirement, Pension (Eligibility, calculation of amount, retirement pension benefits)

1 (0.5%) – Discrimination (Different treatment or exclusion from some benefit based on an EEO protected category (e.g. gender, race, age, etc.))

1 (0.5%) – Harassment (Unwelcome physical, verbal, written, digital, psychological or sexual conduct that creates an intimidating environment)

## IMPACT

The 225 employees that contacted the Ombuds shared that their issues had 422 adverse impacts on them personally, on their team, component, and the mission.

<u>PERSONAL</u>	<u>152</u>
<u>COMPONENT</u>	<u>131</u>
<u>MISSION</u>	<u>100</u>
<u>PROFESSIONAL</u>	<u>39</u>
<b>TOTAL:</b>	<b>422</b>

### Personal

Lowered morale	62
Increased anxiety	34
Decreased job satisfaction	22
Defensiveness	17
Reduced productivity	16
Loss of sleep	1

### Component

Damaged management credibility	50
Reduced collaboration	28
Distrust	26
Split alliances	12
Negative upward attention	6
Hidden agendas	5
Passive/aggressive behavior	4

### Mission

Quality problems	47
Delayed and missed deadlines	22
Excessive employee turnover	16
Decreased customer satisfaction	15

### Professional

Fault-finding and blaming	21
Increased supervision	10
Fractionated activities	8

## OUTCOMES

*The following describes just a few results. It is important to note that in order to protect confidentiality, the Ombuds cannot report individual successes.*

- Situations arose where bosses made simple changes in behavior that made a big difference in the overall climate. From a communication standpoint, some examples of easy fixes included making the rounds and saying “good morning” each day; not using ALL CAPS in emails (which equated to “yelling”), and not typing and looking at the computer monitor when staff were trying to talk to them.
- In other situations, there were discussions with supervisors about whether using power techniques and negative reinforcement were achieving their goals. The Ombudsman advised that such styles were seen as workplace bullying and in a few instances, directly contributed to turnover. In many situations, supervisors proactively tried taking different approaches. In other situations, however, behaviors did not change, and employees felt trapped in an unproductive environment.
- Specific questions arose about senior leadership’s vision about mission areas, resources, and the way forward. In such situations, the Ombuds helped improve communication and transparency in the decision-making process.
- There were a number of situations where the Ombuds coached employees on how to better handle issues with co-workers. In other situations, the Ombuds served as a mediator to facilitate constructive dialogue and help them work through difficult impasses. These situations helped to address negative rumors and improve mutual trust and respect.
- The Ombuds helped employees receive clarification on a number of policies and procedures.
- Concerns about fair and equitable distribution of training, assignments and promotions were addressed.
- The Ombuds responded to requests for improved communication, responsiveness, collaboration, and improved customer service internally.

*Note to DoD IG employees: To help better evaluate the effectiveness of the Office of the Ombuds, those that utilized the Ombuds’ services are encouraged to visit the intranet by clicking [here](#) to rate your experience.*

## APPENDICES

- 1 – History of Federal Dispute Resolution
- 2 – Ombudsman History, Models of Practice
- 3 – Department of Defense (DoD) Ombuds
- 4 – DoD Inspector General Overview, Organization Chart,  
and Component Missions
- 5 – Acronyms
- 6 – DoD IG Ombuds Charter (IGDINST 5100.1)

## **APPENDIX 1 – HISTORY OF FEDERAL DISPUTE RESOLUTION**

Disagreements and problems can arise whenever interdependent relationships exist. Most of these problems manage to resolve informally by and between the involved parties. However, there often exists complicating factors that prevent effective negotiations: high emotions; repetitive unproductive behaviors; perceived or actual differences over data; power imbalances; structural barriers to meaningful discussions; incompatible interests; value differences; unfulfilled needs; culture; identity; and other layers of complexity that further entrench parties in a seemingly insurmountable impasse. The ability to resolve matters privately (on their own) either no longer exists or is no longer appropriate. Parties would then typically look to formal methods to invoke authoritative outcomes, such as administrative decision-making, arbitration, judicial or legislative decisions.

In formal resolution methods, parties relinquish control over the outcome to an outside authority. The outcome is often a decision about compliance with law or policy, thereby creating a socially accepted right-wrong and win-lose result. Historically, the Federal government has relied heavily upon such formal processes to resolve both internal matters and disputes involving the public, which are often adversarial in nature. The intangible costs of such methods are often far greater than financial liabilities. Litigation can destroy underlying relationships with the public, contractors and the internal workforce, even long after the case is over.

### **Alternative Dispute Resolution**

Alternative dispute resolution (“ADR”) is a field that comprises of a diverse range of specialized processes that provide an alternative to traditional litigation. Ombudsman programs are forms of ADR that were established in the United States in the 1960s. Other forms of ADR were used experimentally in the 1970s as a potential remedy for disabling court backlogs, and as resolution techniques for environmental and natural resource disputes.

In 1985, the Attorney General issued an order recognizing the need for ADR to reduce the time and expense of civil litigation. A few years later the Department of Justice again recognized the benefits of ADR in the Congressional testimony of its Assistant Attorney General, Office of Legal Counsel, who supported the first ADR legislation enacted by Congress in 1990. In the 1990s, Congress passed three statutes (the Administrative Dispute Resolution Acts of 1990 and 1996, and the ADR Act of 1998) which, collectively, required each agency to adopt a policy encouraging use of ADR in a broad range of decision making, and required the federal trial courts to make ADR programs available to litigants.

In 1996, the President issued Executive Order 12988 on Civil Justice Reform, directing



federal litigation counsel to consult with the referring agency and suggest ADR where benefits might be derived from its use. On May 1, 1998, the President issued a Memorandum directing the Attorney General to lead an Interagency Alternative Dispute Resolution Working Group to promote and facilitate Federal ADR.

In a 2007 report to the President, the Federal Interagency ADR Steering Committee reported that applying ADR to workplace conflict has resulted, “with great success,” in higher morale and greater productivity in the federal workforce. ADR has also been instrumental in promoting a citizen-centered government, managing the costs of government, and supporting the strategic management of government resources.

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For more information, please visit [www.adr.gov](http://www.adr.gov).

## **APPENDIX 2 – OMBUDSMAN HISTORY**

The Swedish Constitution of 1809 established the first Ombudsman, titled Special Parliamentary Commissioner for the Judiciary and the Civil Administration (Justitieombudsmannen). This iconic institution symbolizing democratic government was independent from the King. The role still exists today, and is charged with ensuring that laws are observed, public authorities and officials act in the public trust, and rights of citizens are protected. An equivalent role was created for the Swedish military (Militieombudsmannen) in 1915.

Early Ombuds were investigative in nature. This “classic” ombuds model flourished throughout Europe. The first ombuds offices in the United States were established in the mid 1960's in response to Federal secrecy, scandals, civil rights and other movements toward improved government. The State of Hawai'i established an Ombudsman in 1967 to serve as a neutral, independent intermediary between the citizen and the agency that investigates complaints about actions of executive branch agencies of the state and county governments. Since then, Ombuds have flourished in local, state, and federal governments. The U.S. Ombudsman Association was founded in 1977 to help improve the operation of the Ombudsman offices throughout the country.

Alternative dispute resolution programs proliferated in the 1990s, a large majority of which utilized mediation as the preferred resolution method. Mediation is a process whereby a neutral third party facilitates a negotiated settlement. At the same time, Ombuds offices became increasingly popular because of the role's broad ability to address systemic issues, and amid growing concerns by the Administration, Congress, and the American public about the government's regulations and processes.

In July 1996, the Coalition of Federal Ombudsmen (the Coalition) was created to share information about developing practices, policies, and operating models. In 2006, the American Bar Association, in coordination with the Coalition and Federal Interagency ADR Working Group Steering Committee, issued “A Guide For Federal Employee Ombuds.” This guide described four primary models: Legislative, Executive, Organizational and Advocate Ombuds.

### **Ombuds Models of Practice**

There are five primary models of ombuds practice: legislative, executive, acquisition, organizational, and advocate.

#### ***Legislative***

Established as part of the legislative branch who receives complaints from the general public

or internally and addresses actions and omissions of a government agency, official, public employee, or contractor. A Legislative Ombuds should be appointed by the legislative body and may be authorized to: hold agencies accountable to the public and to assist in legislative oversight; conduct independent and impartial investigations; issue subpoenas for testimony and evidence; issue public reports; and advocate for change.

### ***Executive***

May be located in either the public or private sector and receives complaints from the general public or internally and addresses actions and omissions of the entity, its officials, employees, and contractors. An Executive Ombuds may work either to hold the entity or specific programs accountable or work with officials to improve the performance of a program. The Executive Ombuds may be authorized to conduct investigations and inquiries; issue reports on the results of the investigations and inquiries; and if located in government, may not have general jurisdiction over more than one agency but may have jurisdiction over a subject matter that involves multiple agencies.

### ***Acquisition***

The Federal Acquisition Regulation, Section 16.505(b)(6), states “the head of the agency shall designate a task-order and delivery-order ombudsman. The ombudsman must review complaints from contractors and ensure they are afforded a fair opportunity to be considered, consistent with the procedures in the contract. The ombudsman must be a senior agency official who is independent of the contracting officer and may be the agency’s competition advocate.” The American Bar Association advises that Charters for such Ombuds should be precise regarding the Ombuds’ location and scope of authority.

### ***Organizational***

Facilitates fair and equitable resolution of concerns that arise within an entity, and authorized to undertake inquiries and function by informal processes as specified by the charter; conduct independent and impartial inquiries; issue reports; and advocate for change within the entity.

### ***Advocate***

Serves as an advocate on behalf of a population that is designated in the charter, has a basic understanding of the nature and role of advocacy; provides information, advice, and assistance to members of the constituency; and evaluates claims objectively and advocate for change or relief when the facts support the claim. An Advocate Ombuds may be authorized to represent the interests of the designated population with respect to policies implemented or adopted by the establishing entity; initiate action in an administrative, judicial, or legislative forum when the facts warrant.

## APPENDIX 3 – DEPARTMENT OF DEFENSE OMBUDS

### Acquisition

[United States Special Operations Command Ombudsman](#)

Defense Logistics Agency – [Defense Reutilization and Marketing Service](#) and [Defense Supply Center](#) Small Business Ombudsman programs

Office of the Under Secretary of Defense (OUSD) for Acquisition, Technology and Logistics – [DoD Acquisition Ombudsman](#) and [DoD Ombudsman for Earned Value Management](#). On October 1, 2009, the OUSD Director for Defense Procurement and Acquisition Policy mandated all DoD components with acquisition and procurement executives to designate an [Ombudsman for Procurement Integrity](#). Such programs include, but are not limited to the [Department of the Air Force](#), [Business Transformation Agency](#) and DoD Education Activity.

### Organizational

National Geospatial-Intelligence Agency

[Pentagon Force Protection Agency](#)

Missile Defense Agency

[DoD Office of Inspector General](#)

### Advocate

Department of the Army [Medical Command Ombudsman Program](#)

[Department of the Navy Family Ombudsman Program](#)

[United States Coast Guard Ombudsman Program](#)

Employer Support for the Guard and Reserve [Ombudsman Services Program](#)

National Naval Medical Center – [Healthcare Mediator Program](#)

## **APPENDIX 4 – OVERVIEW OF THE DoD INSPECTOR GENERAL**

The Department of Defense Inspector General is an independent, objective agency within the U.S. Department of Defense that was created by the Inspector General Act of 1978, as amended. We are dedicated to supporting the Department, the Congress, the warfighter and the taxpayer by conducting audits, investigations, inspections, and assessments that result in improvements to the Department. We provide guidance and recommendations to the Department of Defense and the Congress.

### **Mission**

Promote integrity, accountability, and improvement of Department of Defense personnel, programs, and operations to support the department's mission and serve the public interest.

### **Vision**

One professional team strengthening the integrity, efficiency, and effectiveness of the Department of Defense.

### **Core Values**

Accountability • Integrity • Efficiency

### **Goal 1**

Improve the economy, efficiency, and effectiveness of Department of Defense personnel, programs, and operations.

### **Goal 2**

Eliminate fraud, waste, and abuse in the programs and operations of the Department.

### **Goal 3**

Ensure the efficiency and effectiveness of DoD IG products, processes, and operations.

## **DoD IG COMPONENT MISSIONS**

### **Administration and Management**

Provides human capital advisory services; safety and protection of personnel, information, material and facilities; training and learning services; facility, safety and space management, property management, acquisition, mail, travel and publication support; effective stewardship of financial resources; and information technology products, services, and support to the DoD IG.

### **Administrative Investigations**

Investigates and conducts oversight of investigations into allegations of: misconduct against senior DoD civilian leadership and military officers (O-7 and above); whistleblower reprisal against service members, Defense contractor employees, and DoD civilian employees (appropriated and non-appropriated fund); and improper command referrals for mental health evaluations for service members.

### **Auditing**

Conducts audits on all facets of DoD operations. The work results in recommendations for reducing costs, eliminating fraud, waste, and abuse of authority, improving performance, strengthening internal controls, and achieving compliance with laws, regulations, and policy.

### **Communication and Congressional Liaison**

Provides full and accurate information to Members of Congress, senior OIG and DoD leadership, other members of the Federal inspector general community and public, and ensures open and transparent communication with the public and OIG employees on DoD and OIG issues.

### **Equal Employment Opportunity (EEO)**

Promote equal opportunity and prevention of employment discrimination and all forms of harassment to include sexual harassment by ensuring compliance with EEO and Affirmative Employment policies, practices, and procedures. Directs a proactive management oriented EEO and Affirmative Employment program that is customer-focused ensuring fair and equitable treatment regardless of race, color, age, sex, religion, national origin, physical/mental disability, genetic information and /or retaliation.

**General Counsel**

Provide independent and objective legal advice and counsel on all matters that relate to the programs, duties, functions, or responsibilities of the Inspector General and Office of the Inspector General.

**Intelligence**

Provide oversight (audits, evaluations and inspections) across the full spectrum of programs, policies, procedures and functions of the Intelligence Enterprise, Special Access Programs, Nuclear Enterprise and related security issues within the Department of Defense.

**Investigations**

The Defense Criminal Investigative Service (DCIS) is the criminal investigative arm of the DoD IG. At the direction of the Office of the Deputy Inspector General for Investigations, DCIS protects America's warfighters by conducting criminal investigations in support of crucial national defense priorities.

**Policy and Oversight**

Provides oversight and policy for audit, investigative, and hotline activities in the Department; conducts inspections and evaluations of DoD programs; and provides technical advice and support to DoD IG projects.

**Professional Responsibility**

Conducts criminal and administrative investigations of allegations of misconduct by DoD IG employees and military personnel assigned to the DoD IG; investigates other matters as the Inspector General may direct; and inspects DoD IG Headquarters components, regional offices, and field offices at regular intervals to determine the managerial, administrative, and operational efficiency of an office.

**Special Plans and Operations**

Facilitates informed decision-making by senior leaders of the Department of Defense and U.S. Congress to accomplish national security objectives and support the warfighter, with current emphasis on the war on terrorism and Southwest Asia.

**Strategic Planning for Southwest Asia (SWA) Affairs**

The Special Deputy Inspector General for Southwest Asia is the single point of contact for all matters relating to oversight activity in SWA for the Department of Defense: recommends the development of strategic and operation plans; monitors and evaluates the success of integration efforts relative to investigations, inspections, audits, and various oversight and policy activities; identifies gaps and overlaps, conflicting priorities, and senior leadership requests in the planning and execution of SWA oversight.

**APPENDIX 5 – ACRONYMS**

ADR	Alternative Dispute Resolution
DCIS	Defense Criminal Investigative Service
DoD	United States Department of Defense
EEO	Equal Employment Opportunity
IG	Inspector General
NSPS	National Security Personnel System
OUSD	Office of the Under Secretary of Defense
US	United States



**APPENDIX 6 – DOD IG OMBUDS CHARTER (IGDINST 5100.1)****OFFICE OF THE OMBUDS****TABLE OF CONTENTS**

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## CHAPTER 1 GENERAL

**A. Purpose.** This Instruction establishes the Department of Defense Office of Inspector General (DoD OIG), Office of the Ombuds and employee alternative dispute resolution (ADR) policy.

**B. Applicability.** This Instruction applies to the Office of Inspector General and the Department of Defense Inspector General Components, hereafter referred to collectively as the OIG Components.

**C. References.** See Appendix.

**D. Scope.**

1. The OIG Ombuds serves as Director, Office of the Ombuds, and functions as an independent, impartial and confidential resource for OIG personnel seeking early resolution of workplace related concerns.

2. Ombuds services authorized under this instruction are voluntary procedures which supplement rather than limit other grievance or complaint processes.

3. The Ombuds does not accept communications from OIG personnel as notice to the agency. The Ombuds neither acts as an agent for, nor accepts notice on behalf of, the DoD or OIG and shall not serve in a position or role that is designated by the agency as a place to receive notice on behalf of the agency. However, the Ombuds may refer individuals to the appropriate office or component where formal notice can be made.

**E. Policy.** It is the OIG policy to:

1. Provide a professional working environment that fosters commitment, excellence, and teamwork;

2. Encourage recommendations and suggestions that may improve the general administration and operation of the OIG;

3. Promote the amicable and conciliatory resolution of internal conflicts, disputes and workplace concerns through the Office of the Ombuds;

4. Provide the Ombuds as the principal advisor and designated neutral for alternative dispute resolution and conflict management within OIG in accordance with references (a) through (f); and

5. Not tolerate any form of retaliation against an employee for contacting the Office of the Ombuds for assistance.

**F. Responsibilities.**1. The **Inspector General** shall:

- a. Appoint a person of recognized knowledge, judgment, objectivity, and integrity to serve as Ombuds.
- b. Provide relevant education and training to the Ombuds and sufficient resources for the Ombuds to fulfill the responsibilities enumerated herein.
- c. Support the independence of the Office of the Ombuds and its operations.
- d. Promote the neutrality and impartiality of the Ombuds.
- e. Where appropriate, protect the confidentiality of the Ombuds' communications with employees.
- f. Make efforts to protect the confidentiality provided the ombuds when acting as a neutral in a dispute resolution proceeding. (See reference a, Alternate Dispute Resolution Act, 5 U.S.C. § 574, Confidentiality)
- g. Encourage full employee and supervisory cooperation with the Office of the Ombuds.

2. The **Ombuds** shall:

- a. Receive complaints, concerns, and questions about alleged acts, omissions, improprieties, and systemic problems within the OIG.
- b. Address employee complaints, concerns or questions in a fair and timely manner.
- c. Gather relevant information from the OIG Components as needed.
- d. Address employee complaints, concerns, and questions at the most appropriate supervisory level.
- e. Refer allegations of discrimination to the Director, EEO for processing in accordance with reference (e).
- f. Refer allegations of misconduct to the Office of Professional Responsibility in accordance with reference (g).
- g. Use a variety of methods to pursue resolution of employee complainants and concerns, such as, but not limited to:

- (1) Conducting informal inquiries.
  - (2) Developing, evaluating, and discussing options to resolve problems, address concerns, and facilitate communication amongst employees.
  - (3) Performing climate assessments, facilitating, negotiation, mediation, shuttle diplomacy, and conciliatory discussions.
  - (4) Making recommendations for the resolution of individual or systemic problems.
  - (5) Identifying complaint patterns and trends.
- h. Educate and train OIG employees in proactive conflict resolution techniques and to amicably resolve issues.
    - i. Identify complaint patterns and trends.
    - j. Issue and publicize mid-year and annual reports to the Inspector General.
    - k. Issue the OIG ADR Annual Report to the Office of General Counsel.
    - l. Observe the limitations of the Ombuds authority, namely the Ombuds does not:
      - (1) Make, change or set aside a law, policy, or administrative decision.
      - (2) Make binding decisions or determine employee rights.
      - (3) Compel the OIG Components or employees to implement his/her recommendations.
      - (4) Conduct investigations that substitute for administrative or judicial proceedings.
      - (5) Accept jurisdiction over an issue that is currently pending in a legal forum unless all parties and the presiding officer in that action explicitly consent.
      - (6) Act on matters outside the scope of the Ombuds' responsibilities.
  - m. Serve as the OIG representative on the DoD ADR Coordinating Committee.
3. All **Component Heads** shall:
- a. Cooperate and share information with the Ombuds in accordance with law and security requirements.
  - b. Encourage a positive dispute resolution climate through appropriate conflict management practices consistent with DoD and OIG policies.

- c. Make Ombuds policies, procedures, and related materials available to employees upon request of the Ombuds.
- d. Promote voluntary use of the Office of the Ombuds.
- e. Encourage personnel to address conflicts early and at the lowest possible level.
- f. Not retaliate against employees for using the services of the Ombuds.

## CHAPTER 2 OMBUDS STANDARDS OF PRACTICE

### A. **Independence.** The OIG Ombuds shall:

1. Be independent from Other OIG Components and report to the Inspector General to ensure his/her independence.
2. Hold no other position within the OIG which might compromise independence.
3. Exercise discretion to accept or decline to act on employee complaints, concerns or questions.
4. Address issues on his/her own initiative or issues identified through means other than employee notification.
5. Have access to OIG records required for the legitimate performance of his/her duties, except classified records and those records protected by law or regulation.

### B. **Impartiality.** The OIG Ombuds:

1. Is neutral, impartial, and unaligned.
2. Strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. Advocates for fair, equitably administered processes and does not advocate on behalf of any employee within the OIG. Neutrality does not preclude the Ombuds from advocating for changes deemed necessary to improve working environments or conditions.
3. Is a designated agency neutral reporting to the Inspector General, operating independent of the organizational structure of the OIG and is authorized by the Inspector General to address issues at all levels of the OIG community.
4. Is not aligned or affiliated with compliance or oversight functions within the OIG.

5. Serves in no additional role within the OIG that would compromise neutrality.

6. Shall have no official, financial, or personal conflict of interest with respect to any issues in controversy, unless such interest is fully disclosed in writing to all parties and all parties agree that the Ombuds may serve.

7. Has a responsibility to consider the legitimate concerns and interests of all employees affected by a matter under consideration or review.

**C. Confidentiality.** The OIG Ombuds:

1. Holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard both anonymity and confidentiality.

2. Shall not disclose the identity of any individual contacting the Office of the Ombuds, nor does the Ombuds reveal information provided in confidence that could lead to the identification of any individual contacting the Office of the Ombuds, without that individual's explicit permission.

3. Takes specific action related to an individual's issue only with the individual's explicit permission and only to the extent permitted, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombuds.

4. The confidentiality of communications between the Ombuds and others made while the Ombuds is serving as a neutral in a dispute resolution proceeding is protected by the Administrative Dispute Resolution Act of 1996. The only exceptions to confidentiality are where there appears to be imminent risk of serious harm and there is a full admission or direct evidence, rather than a general allegation, of fraud, waste, abuse, which shall be reported to the appropriate authority.

5. When acting as a neutral in a dispute resolution proceeding, shall not voluntarily disclose or through discovery or compulsory process be required to disclose any dispute resolution communication or any communication provided in confidence to him, unless:

a. All parties to the dispute resolution proceeding and the neutral consent in writing, and, if the dispute resolution communication was provided by a nonparty participant, that participant also consents in writing;

b. The dispute resolution communication has already been made public;

c. The dispute resolution communication is required by statute to be made public, but a neutral should make such communication public only if no other person is reasonably available to disclose the communication; or

d. A court determines that such testimony or disclosure is necessary to: (1) prevent a manifest injustice; (2) help establish a violation of law; or (3) prevent harm to the public health or

safety, of sufficient magnitude in the particular case to outweigh the integrity of dispute resolution proceedings in general by reducing the confidence of parties in future cases that their communications will remain confidential.:

6. Does not testify in any formal process within the OIG and resists testifying in any formal process outside of the agency, even if given permission or requested to do so.
7. Pursues systemic issues in a way that safeguards the identity of individuals.
8. Keeps no records containing identifying information on behalf of the OIG.
9. Maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.
10. Prepares any data and/or reports in a manner that protects anonymity.

**D. Informality and Other Standards.** The OIG Ombuds:

1. Functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and, with permission and at the Ombuds discretion, engaging in informal third-party intervention. When possible, the Ombuds helps OIG personnel develop new and proactive ways to solve problems themselves.
2. Pursues resolution of concerns as an informal and off-the-record resource and looks into procedural irregularities and/or broader systemic problems when appropriate.
3. Does not make binding decisions, mandate policies, or formally adjudicate issues.
4. Supplements, but does not replace, any formal avenues of redress. Use of the Ombuds office is voluntary, and is not a required step in any grievance, complaint, or investigatory process. Allegations involving discrimination shall be referred to the Director, EEO.
5. Does not participate in or conduct any formal investigative or adjudicative procedures. Formal investigations shall be conducted by the appropriate OIG Component. When a formal investigation is requested, the Ombuds refers individuals to the appropriate offices or individual.
6. Identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.
7. Acts in accordance with the code of ethics and standards of practice of the International Ombudsman Association.

8. Uses the guidance provided by the American Bar Association, the Coalition of Federal Ombudsman, and the Interagency Alternative Dispute Resolution Working Group.
9. The Ombuds keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
10. Endeavors to be worthy of the trust placed in the OIG Office of the Ombuds.

## APPENDIX A REFERENCES

- a. Part I, Chapter 5, Section 571-584 of title 5, United State Code
- b. Executive Order 12988, *Civil Justice Reform*, February 5, 1996
- c. Presidential Memorandum, *Designation of Interagency Committees to Facilitate and Encourage Agency use of Alternative Means of Dispute Resolution and Negotiated Rulemaking*, May 1, 1998
- d. DoD Directive 5145.5, *Alternative Dispute Resolution*, April 22, 1996
- e. IGDINST 1020.1, *Processing Complaints of Discrimination*, under revision.
- f. Title 5 Code of Federal Regulations § 9901.413(d), *National Security Personnel System*, September 26, 2008
- g. IGDPM 2009-1, *Referral of Misconduct Allegations to the Office of Professional Responsibility*, February 2, 2009.

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This report is available online at [www.dodig.mil/ombudsman](http://www.dodig.mil/ombudsman).  
Additional information may be obtained by writing or contacting:

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