



**U.S. DEPARTMENT OF TRANSPORTATION**  
**FEDERAL AVIATION ADMINISTRATION**  
National Policy

**ORDER**  
**1100.167**

Effective Date:  
12/06/10

**SUBJ: The Office of Audit and Evaluation**

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- 1. Purpose of this Order.** This order describes the structure, functions, and responsibilities of the Office of Audit and Evaluation in the Office of the Chief Counsel (AGC).
- 2. Who this Affects.** This order affects everyone who does business with the Office of Audit and Evaluation.
- 3. Where you can get a copy of this Order.** FAA Orders and Notices website:  
[http://www.faa.gov/regulations\\_policies/orders\\_notices/](http://www.faa.gov/regulations_policies/orders_notices/).
- 4. Background.**
  - a.** In the past, the FAA has had several different programs and entry points in various offices for disclosures and recommendations on safety-related and personnel issues, including whistleblower issues. These include, among other sources, four different FAA hotlines, as well as external sources such as the DOT Office of the Inspector General (OIG), the Government Accountability Office (GAO), and the Office of Special Counsel (OSC). The various hotlines and other programs operated independently, without a structure to ensure issues were coordinated among the various entities and addressed in a timely and appropriate way. Each forum followed different processes and timelines for documenting and investigating issues and bringing them to resolution.
  - b.** On December 8, 2008, the FAA established the Office of Audit and Evaluation (AAE) to provide a centralized focus for safety-related contributions and other audits and investigations related to Whistleblower retaliation. Among its year-one achievements, the AAE Office brought the Administrator's Hotline and OIG/GAO Audit Liaison functions under its purview and began the process of aligning the Aviation Safety Hotline, Safety Issues Reporting System (SIRS), and Whistleblower Protection Program with AAE goals and objectives. The AAE Office also established an alternative, independent forum for employees and the public to submit safety contributions and established a program of intervention to help managers resolve workplace conflicts.
  - c.** The AAE Office will complete the consolidation of the agency's hotline systems. It will also establish branches to carry out independent quality control evaluations of certain investigations<sup>1</sup> and expand the intervention program to include proactive training and process change to enhance the inclusiveness of the social culture within agency organizations and to incorporate whistleblower-type contributions into the normal oversight regime of the agency.

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<sup>1</sup> Excluding investigations involving FAA employee conduct and discipline and/or airmen/aircraft regulatory investigations that fall under the purview of the FAA Office of Security and Hazardous Materials as defined in FAA Order 1600.38, Employee and Other Internal Security Investigations.

**5. Structure.** The AAE Office is managed by a Director and Deputy Director. The office consists of three branches, staffed as follows:

**a. Reporting and Data Analysis Branch.**

(1) Branch Manager

(2) Specialists for the Safety Hotline, Administrator's Hotline, Public Inquiry Hotline, Whistleblower Contributions, and the Safety Issues Reporting System.

(3) Docket Clerk/Administrative Assistant

**b. Audit and Analysis Branch.**

(1) Branch Manager

(2) Technical Evaluation Experts

(3) Specialist for the OIG/GAO Audit Liaison Functions

(4) Administrative Assistant

**c. Intervention and Evaluation Branch.**

(1) Branch Manager

(2) Intervention Specialist

(3) Contract Consultants

(4) Specialist for the FAA Whistleblower Protection Program (49 USC § 42121).

**6. Supervision and Oversight.** The Director for Audit and Evaluation reports directly to the Chief Counsel.

**7. Functions of the AAE Office.** The AAE Office operates the agency's hotline system and other programs that offer employees and other persons avenues to report safety-related and other concerns and make safety contributions. The AAE Office coordinates and provides independent quality control evaluations of certain investigations<sup>2</sup> conducted by the lines of business and analyzes data from a broad range of sources. During its evaluation of such investigations, the AAE Office will not determine the technical merits of safety-related issues or make recommendations for resolution of particular safety-related cases. These determinations will remain the ultimate responsibility of the appropriate safety office. The AAE Office may initiate independent investigations, using investigative resources from other lines of business and staff offices, of whistleblower contributions

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<sup>2</sup> Excluding investigations involving FAA employee conduct and discipline and/or airmen/aircraft regulatory investigations that fall under the purview of the FAA Office of Security and Hazardous Materials as defined in FAA Order 1600.38.

and may inquire into and resolve hotline or SIRS disclosures. The AAE Office also will provide intervention assistance to managers and employees. Among its responsibilities, the AAE Office performs the following functions:

- a.** Be the primary interface and maintain a continuous liaison with GAO, OSC, and the DOT OIG investigations/audit staffs concerning safety-related investigations.<sup>3</sup>
- b.** Record, track, review, and confirm implementation of FAA responses to DOT OIG, OSC, and GAO audits and investigations that are under the purview of AAE.
- c.** Operate the Safety Hotline, the Administrator's Hotline, the Public Inquiry Hotline, and the Safety Issues Reporting System (SIRS).
- d.** Manage the Whistleblower Protection Program established under 49 U.S.C. § 42121 to record, review, and track the investigation of information identifying an alleged violation of any order, regulation, or standard of the FAA or an alleged violation of any other federal law related to air carrier safety associated with complaints of discrimination filed with the Secretary of Labor. Be the primary interface and maintain a continuous liaison with OSHA on these matters.
- e.** Analyze data from the Safety Hotline, the Administrator's Hotline, the Public Inquiry Hotline, the SIRS, whistleblower contributions to identify trends and issue reports to the Administrator, the Chief Counsel, and appropriate lines of business based on this analysis.
- f.** Serve as an alternative point of contact for receipt of safety-related contributions or allegations of retaliation against whistleblowers in general.
- g.** Provide intervention assistance for managers and their co-workers to help resolve workplace conflicts.
- h.** Conduct an initial review of contributions and investigations received, including an immediate assessment (in consultation with appropriate parties), and review responses for accuracy, thoroughness and internal consistency of handling.
- i.** Task appropriate organizations for investigation and resolution of issues within a specified time that are raised to the Safety Hotline, the AAE Whistleblower Hotline, the Administrator's Hotline, the Public Inquiry Hotline, or the SIRS.
- j.** Carry on a liaison with the Director of the Accountability Board. The AAE Director will report all matters that are reported to the AAE Office that come under the scope of the Accountability Board to the Executive Director of the Accountability Board.
- k.** Carry on a liaison with the Director of the Air Traffic Oversight Service.

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<sup>3</sup> ASH remains the primary interface with the DOT OIG investigations staff for matters involving FAA employee conduct and discipline and/or airmen/aircraft regulatory investigations as outlined in FAA Order 1600.38.

**l.** Carry on a liaison with the Director of the Office of Emergency Operations, Communications, and Investigations.

**m.** Provide guidance to lines of business and staff offices on how to conduct investigations to determine if a retaliatory action was taken as a result of a Whistleblower contribution, thoroughly and impartially. Lines of businesses and staff offices will be referred to ASH for general guidance on how to conduct investigations.

**n.** Assess whether investigations and resolutions, of matters that come under its purview, are fair, impartial, and in conformance with established processes.

**o.** Review for accuracy and completeness reports prepared by Flight Standards Service (AFS) Internal Assessment Capability (IAC) teams and evaluate whether the IAC review was fair and followed established AFS procedures.

## **8. AAE Whistleblower Protection.**

**a. Applicability.** The AAE Office will serve as a new venue to receive disclosures from FAA employees or former employees, certificate holders, or employees of certificate holders, concerning:

(1) Actions relating to a possible violation of the FAA's statute (49 U.S.C. subtitle VII) or an FAA regulation or order,

(2) Acts or omissions that pose a high level of risk to aviation safety, or

(3) Gross misconduct of agency employees involving a matter of aviation safety.

**b. Investigative Responsibility.** The AAE Office will evaluate the contribution, including any supporting documentation, to determine whether a substantial likelihood exists that conduct within a category described in subparagraph 8.a. occurred. If the AAE Office determines there is a substantial likelihood that conduct within subparagraph 8.a. occurred, it will either refer the contribution to the appropriate FAA office for further investigation (with continuous AAE oversight) or request assistance from the line of business or staff office to conduct an inquiry under the auspices of AAE.

**c. Limitations on Review.** The AAE Office will not investigate, or refer for investigation, the substantive matters that:

(1) Are the subject of an on-going enforcement investigation by an FAA office, unless such investigations involve allegations of retaliation for safety contributions;<sup>4</sup>

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<sup>4</sup> This does not preclude AAE from reviewing the allegations to determine if whistleblower status exists. In such instances, AAE will initiate, or refer, the whistleblower matter for investigation to determine if a protected contribution was made and retaliatory action was taken as a result.

(2) Are the subject of an administrative appeal process or within the jurisdiction of an administrative forum, such as the National Transportation Safety Board or the Merit Systems Protection Board, or under review before, or within the jurisdiction of, Federal or state courts;

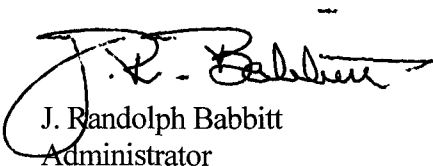
(3) Were previously submitted to the Department of Transportation Office of Inspector General as a discrimination complaint, grievance, or complaint; or

(4) Fall under the purview of FAA Order 1600.38.<sup>5</sup>

**9. Prohibition on Retaliation.** All persons are entitled to contact the Office for Audit and Evaluation without fear of reprisal. Retaliation against persons who do so is prohibited and will become a separate matter for investigation by AAE.

**10. Authority to Change this Order.** The Chief Counsel is authorized to make changes as appropriate to this order through the directives management process.

**11. Distribution.** This order is distributed to the division level in the Washington headquarters, regions and centers with distribution to each field office and facility. Attached as Appendix A is the Office of the Chief Counsel Organization Chart.



J. Randolph Babbitt  
Administrator

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<sup>5</sup> This does not preclude AAE from reviewing the allegations to determine if whistleblower status exists. In such instances, AAE will initiate, or refer, the whistleblower matter for investigation to determine if a protected contribution was made and retaliatory action was taken as a result.

### Appendix A. Audit and Evaluation Organizational Chart

