

OSHA Response to Draft Report

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210



MAR 31 2011

MEMORANDUM FOR: ELLIOT P. LEWIS
Assistant Inspector General for Audit

FROM: 
DAVID MICHAELS, PhD, MPH

SUBJECT: Response to OIG's Draft Audit Report No. 02-11-202-10-105
"Whistleblower Protection Program Complaint"

This memorandum is in response to your March 21, 2011, transmittal of the Office of Inspector General (OIG) Audit Report No. 02-11-202-10-105, "Whistleblower Protection Program Complaint." The Agency appreciates the opportunity to submit a statement in response to this report. As you know, the Agency is committed to improving this program.

In FY 2010, OSHA completed the initial draft report on the top-to-bottom audit of the whistleblower protection program. In FY 2011, after the report and accompanying recommendations are finalized, OSHA will make any changes necessary to address the weaknesses and inefficiencies in the operation of the program, including programmatic changes to ensure consistency and improved program delivery and possibly restructuring the Office of the Whistleblower Protection Program. I assured you that the results of your prior comprehensive evaluation of the program (Audit Report No. 02-10-202-10-105) would be addressed in this process. Likewise, our plan will incorporate your latest recommendation, discussed below.

Recommendation: We recommend that the Assistant Secretary for Occupational Safety and Health implement controls to require that supervisors review all complaints for coverage and the presence of a *prima facie* allegation prior to beginning an investigation.

OSHA Response: I intend to implement such controls. The *Whistleblower Investigations Manual*, which will be issued in the coming weeks, will include such supervisory review as a step in the intake process. In addition, the training we provided to all users when we implemented the recent change to the Whistleblower application in the Integrated Management Information System (IMIS) should reinforce this requirement. We stated in the training that decisions on whether to docket and investigate complaints under three statutes must be reviewed and approved by supervisors.

OSHA appreciates the opportunity to comment on the report.