

January 13, 2017
Whistleblower Red Team Meeting

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In preparation for the meeting, please see attached:

- **Paper "The WPP's New Way Forward"**
- **Catalog of Recommendations**
- **Audit Crosswalk**

DOL also developed prototypes around some of the recommendations.

- **Pilot Marketplace** A catalog of all on-going OSHA Whistleblower pilots.
- **Screener Prototype** Online WB pre-complaint form. To be used to determine if complaint is timely and if the complainant is filing with the correct Federal Agency.
- **Tracker Prototype** Think Domino's Pizza Tracker. This will allow complainants to receive updates to their cases online. They can see what phase of the process they are and next steps.
- **Training**
 - **Investigation and Leadership Competency Guide Prototype** Links OPM's ECQs and WPP (to-be) developed investigative core competencies. Provides examples of each competency by: leading self, leading projects, leading people, leading WPP.
 - **Training Catalog Prototype** Complements the Competency Guide. A compilation of training classes, focuses on free or low-cost options.

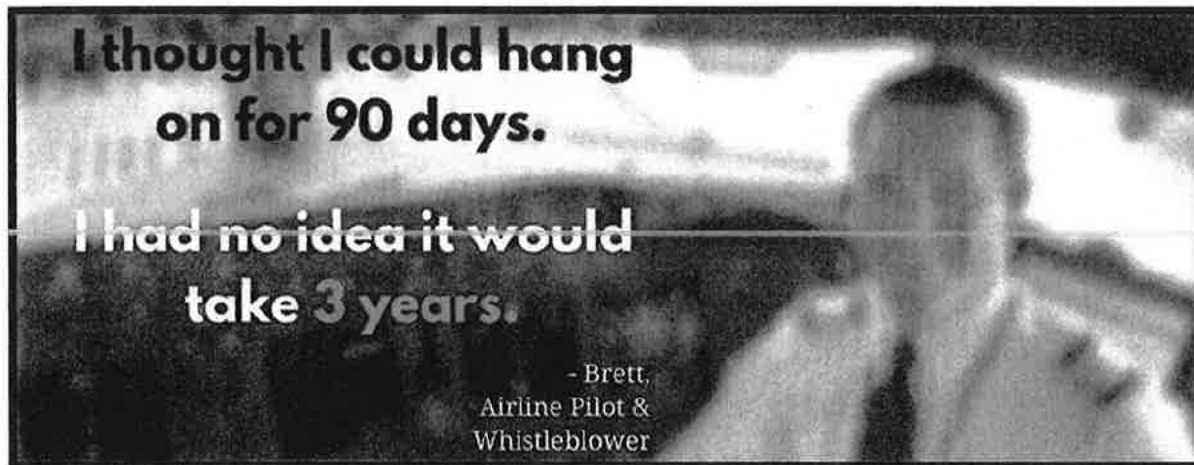


The Whistleblower Protection Program's New Way Forward

Introduction

Imagine Yourself as a Whistleblower

You have filed an Occupational Safety and Health Administration (OSHA) complaint about unsafe conditions at your work. A week later, your boss tells you that you are being fired, and you think it is because of the OSHA complaint. So you reach out to OSHA's Whistleblower Protection Program for help, hoping it can help save your job and your livelihood. Only it takes weeks before you hear from anyone. And it takes years before OSHA fully investigates your whistleblower claim.



Now Imagine Yourself as a Whistleblower Investigator

You work for a program that is in heavy demand. Every day, more and more complaints seem to be coming in, stemming from 22 different federal statutes. On your first day, your office handed you dozens of complaints. Since then, it has only gotten more stressful. In the time you need to investigate one complaint, it feels like four or five more complaints have come in. Under the increasing weight of your docket, you are trying to juggle two competing interests: (1) thoroughly investigating each complaint, and (2) completing investigations as fast as possible, so you can help more people.



So how can the Department of Labor build a program that meets whistleblowers where they are? A program that satisfies their core needs? The first step is to embrace the core challenge facing the Whistleblower Protection Program.

The volume of complaints outpaces the capacity of staff and resources, especially when operating under current business practices.

This core challenge leads to slow and incomplete handling of a whistleblower's complaint. It also increases the stress on Investigators. Moreover, it limits the chances for OSHA's Investigators to use their specialized skills to the fullest extent.

Working from this insight, we developed a catalog of concepts and ideas. We created each concept with the following goals:

- Focusing the limited number of Investigators on a smaller universe of whistleblower complaints, and/or
- Improving how OSHA handles complaints through improved business practices.

Methodology

We spent a month engaging the Whistleblower Protection Program.

We reviewed program guidance (primarily the Whistleblower Investigator’s Manual), and OSHA, DOL Inspector General, and Government Accountability Office (GAO) studies of the program. We also reviewed: training, staffing and position descriptions, budget requests, and OSHA’s FY2017 Operating Plan and performance metrics, including their Federal Employee Viewpoint Survey results.

We visited four regions and interviewed:

Stakeholder Group	Details
Whistleblowers	<ul style="list-style-type: none"> • Three individuals who previously filed whistleblower complaints
Members of the Whistleblower Bar	<ul style="list-style-type: none"> • Three attorneys involved in a range of whistleblower litigation
Regional Whistleblower Staff	<ul style="list-style-type: none"> • OSHA Whistleblower teams from Regions I, II, IV and IX. Interviews included the Union, RAs, ARAs, and Investigators.
National Leadership	<ul style="list-style-type: none"> • DWPP leadership. Including the Director of WPP and the Division Chief of Policy, Planning and Program Development.
Federal Agency Partners	<ul style="list-style-type: none"> • CFPB’s Assistant Deputy Director for Enforcement, Policy and Strategy • DOT FMCSA’s Director Office of Policy, Strategic Planning and Regulations
Department of Labor Partners	<ul style="list-style-type: none"> • Employee Benefits Security Administration • Office of Labor and Management Standards • Wage and Hour Division • DOL Innovation Council

Our team set out to learn about the experiences of whistleblowers and OSHA’s whistleblower investigators.

We learned that whistleblowers:

- Come to the Whistleblower Protection Program at a moment of immense stress and need.
- Are looking for timely help.
- Are hoping to find an independent person who will thoroughly and objectively uncover the facts.

We learned that whistleblower investigators:

- Feel the pressure of their expanding dockets.
- Want to be able to exercise their skills as trained investigators.
- Experience the emotional toll of disappointing either the whistleblower or respondent in every case.

Executive Summary

Why Read the Report

OSHA's Whistleblower Protection Program investigates alleged violations of 22 statutes. Protecting employees who report unsafe conditions, financial fraud, and numerous other conditions is critical to the protection of both employees and the public. However, conducting quality investigations efficiently is a tremendous challenge to a program with limited resources. Our suite of recommendations provides multiple ideas to address this challenge.

Why Was the Team Created?

In recent months, numerous media outlets described complaints that Wells Fargo retaliated against employees who reported illegal activities, such as opening accounts without clients' knowledge. Some of these complainants claimed that OSHA took too long to investigate; did not investigate at all; and/or did not communicate with the complainants, sometimes for years. To address these concerns, OSHA's leadership undertook a review of all of the Wells Fargo complaints. Additionally, DOL leadership decided to examine the program more holistically to see how the agency can avoid similar problems in the future. The Red Team, then, undertook that broad holistic review.

What We Learned

Everyone is frustrated! Complainants feel ignored. Investigators are committed to the mission and love helping people but are drowning in an ocean of complaints, anger, and bureaucratic morass. Supervisors, despite their dedication and diligence, lack the tools to see either the forest or the trees. Whistleblower staff at every level feels undervalued, like a "red-headed step-child."

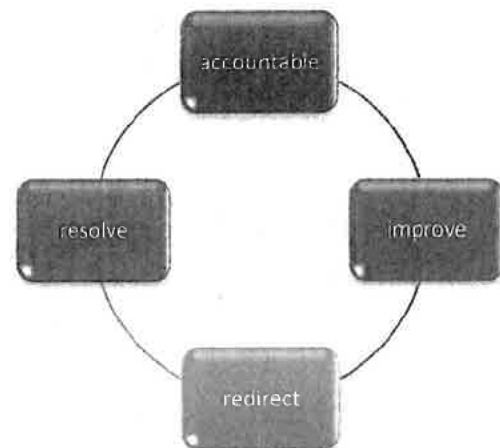
What We Recommend

In general, our recommendations fall into four categories:

- ✦ [Redirecting non-jurisdictional complaints](#)
- ✦ [Finding and closing "otherwise resolvable" complaints](#)
- ✦ [Improving Investigations](#)
- ✦ [Enhancing Accountability](#)

Taken together, these recommendations focus the WPP's limited number of Investigators on a smaller universe of whistleblower complaints (represented by the bottom-most triangle). By focusing WPP's resources, OSHA can begin to address the management, oversight, and process improvements of the investigations.

We have assembled these recommendations into a catalog. To the extent that DOL intends to pursue any of these concepts, we recommend partnering with the DOL Innovation Council (the Council), a multi-faceted cross-agency group addressing Department-wide innovation enhancing initiatives. The Council assists in developing solutions to overcome barriers to innovation. We view the Council as a helpful party providing on-going assistance and resources to evaluate pilots and recommendations, including assisting with the design and execution of the recommendations.



Background of the Whistleblower Protection Program

When Congress passed Section 11(c) of the Occupational Safety and Health Act (OSH Act) in 1974, it created a whistleblower protection function for the Department of Labor. If an employer discriminated or retaliated against an employee for engaging in kinds of OSH Act activity, Section 11(c) laid out the ground rules for how an employee could file a complaint with the Secretary of Labor.

The Department of Labor's whistleblower function has grown since then. As of today, the program is responsible for investigating whistleblower claims under 22 different statutes; the basic provisions of which are administered by a number of different Federal Agencies. These include, but are not limited to:

- Consumer product safety
- Trucking
- Nuclear power
- Airline
- Railroad
- Food safety
- Securities
- Environmental

The 22 statutes are far from uniform, varying in:

- Complexity
- Days from incident a complaint can filed
- Timeliness to complete investigation
- Burden of proof
- Allowable remedies
- Kick-out provisions¹
- Appeal avenue

These 22 statutes allow complainants to file with the Secretary of Labor. They charge the Secretary of Labor with the task of investigating these complaints. The statutes do not, however, require the Secretary to investigate complaints through DOL's existing structure.

The significance of the whistleblower program

We cannot overstate the significance of the laws protecting whistleblowers. These laws protect the health, safety, and financial security of workers and the public at large.

- For example, the Surface Transportation Assistance Act (STAA) protects the public from trucks with faulty brakes. STAA protections only work if trucking companies actually follow them. To make sure this happens, we need truckers and other employees to report when companies might be violating the law. We need these insiders to tell their supervisors, higher management, or government entities.

Indeed, a recent study shows that whistleblower reports bring about improvements in the workplace. See [*Whistle-Blowers Spur Companies to Change Their Ways.*](#)² If employers could fire, demote, or harass whistleblowers with impunity, it stands to reason that fewer people will come forward with evidence of wrongdoing.

Majority of complainants only have the Whistleblower Protection Program

About 60% of the complaints that DOL docket come via the anti-retaliation provision of the OSH Act – Section 11(c). The Secretary of Labor is the only entity empowered to bring these retaliation claims – in other words, there is no

¹ Cases that have kick-out provisions are statutes that grant private right of action to the complainant.

² <http://www.nytimes.com/2016/12/16/business/whistle-blowers-corporate.html?smprod=nytcore-ipad&smid=nytcore-ipad-share>.

private right of action.³ We found that OSHA's Investigators understood this distinction. They know that dismissing an 11(c) case means that the complainant may have no place else to turn for relief.

Secretary findings not used in ALJ hearings

The remaining statutes provide a different enforcement mechanism. Under those statutes, OSHA issues findings and, where appropriate, an order requiring respondents to take certain actions (*e.g.*, reinstate the whistleblower, pay financial remedies, etc.). At that point, either the whistleblower or the respondent may request a hearing before a Department of Labor Administrative Law Judge (ALJ). With the exception of cases under the Surface Transportation Assistance Act (STAA) in which OSHA has found violations, the Department of Labor does not litigate cases before the ALJs (although it has a right to participate, if it chooses to do so). Rather, the parties litigate those cases on their own.⁴ OSHA provides the Office of Administrative Law Judges with a copy of the OSHA findings as a matter of course, but not a copy of OSHA's investigative file. Like federal courts, the ALJs are not bound by OSHA's determination in any way; they issue decisions based on their own evaluation of the facts and the law (*de novo*). Some of the statutes also allow the whistleblower to "kick out" the case from OSHA to federal district court if a determination is not issued within a certain amount of time. Parties also litigate these cases themselves. Thus, these statutes give complainants an avenue to control their case and go before a judge. Consequently, Investigators understand that they are not the "last resort" in these cases. Complainants can proceed with their cases even if the OSHA dismisses them.

Early Whistleblower Organization and Concerns (1970-2010)

Since the start of the program, the Investigatory activity was a component of OSHA's regional structure. Initially, Compliance Safety and Health Officers (CSHOs) performed whistleblower investigations as well investigations of violations of OSHA's safety and health standards. In 1974, as a direct result of concerns over the quality and timeliness of the Investigatory work, DOL removed the program from the jurisdiction of the Regional Administrator (RA), gave the program its own permanent personnel and management team, and assigned the program to the Office of the Deputy Assistant Secretary.

This reorganization resulted in considerable improvement. However, RAs were concerned about personnel working out of their offices over whom they had no control and whose actions they felt had an impact on local OSHA activities. In 1981, based on these concerns, DOL realigned the program back to regional oversight. This organizational alignment set the tone for the next 30 years and solidified the idea that RAs oversee regional whistleblower program activities. This remained the case until Congressional scrutiny led to DOL re-examining the status quo.

Developments Since 2010

In FY2010, increased Congressional scrutiny prompted DOL to kick off two simultaneous reviews. OSHA Assistant Secretary initiated the first in April 2010, leading to a top-down review and recommendations on improving the program. DOL's Deputy Secretary initiated the second in July 2010, resulting in recommendations for organizational changes designed to drive efficiency and productivity.

The first review considered adopting a centralized model for handling whistleblower investigations. OSHA ultimately recommended against the idea, "but after careful evaluation [the centralized model] was dismissed as inappropriate in order to achieve the needed program improvements as outlined in [the] report." OSHA recommended the status-quo of RAs "structuring their respective whistleblower program in a manner [they] deem appropriate," noting "as a result, several different organizational structures are in place."

In recommending against centralization, OSHA noted:

³ Two other statutes, the Asbestos Hazard Emergency Response Act (AHERA), 15 U.S.C. §265, and the International Safe Container Act (ISCA), 46 U.S.C. §80507, create the same exclusive right as Section 11(c). However, as a practical matter, OSHA receives very few complaints under AHERA and ISCA. Therefore, we have focused on 11(c) cases for the purpose of this section.

⁴ However, some of the statutes allow the Secretary to seek enforcement of OSHA's preliminary orders of reinstatement in federal district court.

- It would be difficult to centrally manage the growth of the program and increase in staffing levels throughout the country
- Several factors are not conducive to centralizations, including: case management; effective monitoring of state plans; supervision of employees; budgeting, individual development; and, administrative support.

The report acknowledged stakeholder suggestions of centralization due to a lack of consistency across the program, but OSHA believed it could overcome these weaknesses with clear policies and procedures, comprehensive training and development, and a strong audit program.

In the second organizational review, authors considered four options for reorganizing the whistleblower protection program. These options focused on increased efficiency and productivity, while enabling OSHA to enhance focus on its core mission, and assumed no staff reduction or increase in costs:

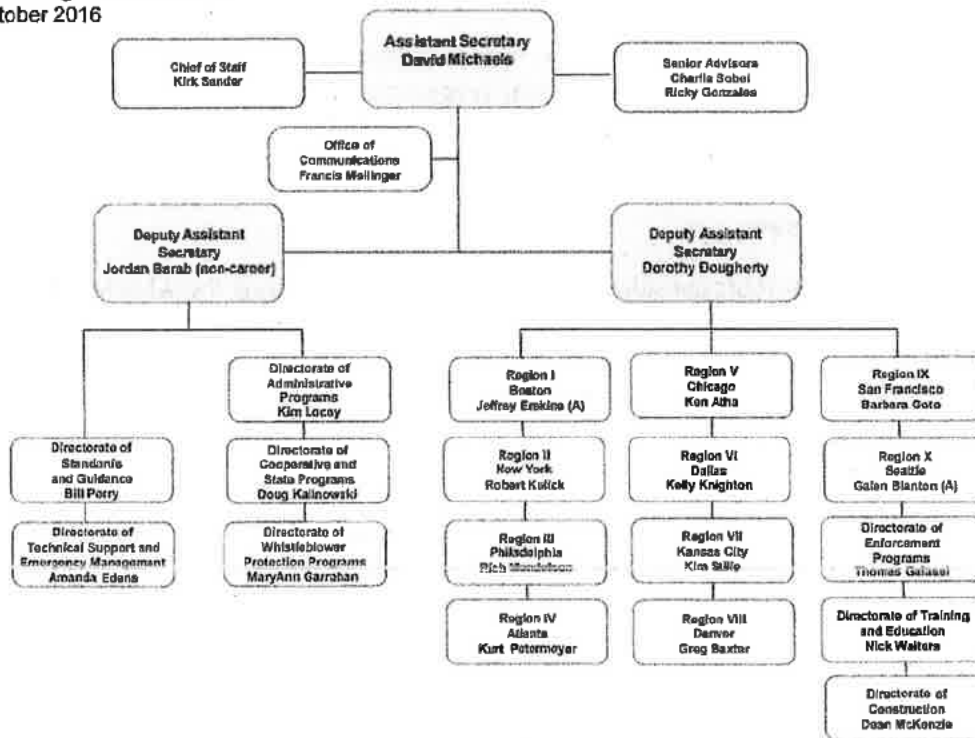
- **Option 1:** Transfer the entire Whistleblower Protection Program (WPP) from OSHA to the Office of Labor Management Standards (OLMS)
- **Option 2:** Transfer all of the WPP except 11(c) program from OSHA to OLMS
- **Option 3:** Create a stand-alone WPP within the Department of Labor
- **Option 4:** Establish a separate WPP directorate within OSHA, with a separate budget, and which is centrally controlled by the whistleblower program

Based on this report, the Department initially pursued Option Two. The Office of Management and Budget (OMB) did not accept DOL's recommendation to move non-11(c) whistleblower functions from OSHA to OLMS (approximately 40% of the whistleblower caseload), specifically citing "concerns about splitting these activities between two agencies and uncertainty about the costs and benefits of the change." OMB agreed to provide additional funding in FY2012 and a separate budget activity "with the understanding that the Department will in FY2011 initiate efforts to improve and reform this activity within OSHA."

As a result of these two reviews, OSHA made two structural changes. First, in FY2012, OSHA elevated the Office of Whistleblower Protection Program (OWPP) from under the Directorate of Enforcement Programs (DEP) to the Directorate of the Whistleblower Program (DWPP), which is charged with providing policy, guidance, and assistance to the regions. The DWPP does not have direct oversight of the operations of investigative activities in the regions. As the FY2017 Operating Plan describes it, the 2012 change "gave DWPP the same authority as all of OSHA's other Directorates" reporting directly to the Assistant Secretary. Second, in FY2014, OSHA revised its regional structure to include an Assistant Regional Administrator (ARA GS14), who reports to the RA/Deputy RA (DRA). The ARA is the second-line manager for the WPP.

The first change is reflected in the chart below.

OSHA Organizational Chart
October 2016



New Challenge - Changes to OSHA's Recordkeeping Standard

On December 1, 2016, DOL revised the occupational injury/illness recordkeeping and reporting requirements in 29 CFR 1904.35. Under the new provisions, employers must have a reasonable procedure for reporting work-related injuries and illnesses. They must also tell employees of that procedure. Moreover, employers must tell their employees that they have the right to report work-related injuries and illnesses free from discrimination or retaliation.

The new rule also explicitly prohibits employers from discriminating or retaliating if they report a work-related injury or illness. It also allows OSHA to issue citations for such retaliatory actions. Like other OSHA citations, OSHA must issue citations under the new rule within six months of the adverse actions. OSHA's Interim guidelines state that whistleblower Investigators will determine whether the facts support a claim that the employer retaliated/discriminated against an employee for reporting an injury or illness. Thus, due to the new rule, whistleblower Investigators will have to:

- Investigate a new set of cases
- Do so with haste because of the six-month statute of limitations.

DOL has placed another responsibility on the whistleblower program without more resources.

Training

Until 2008, OSHA offered whistleblower Investigators only one mandatory training course: Basic Whistleblower Investigator Training Course, OTI #142. Both Federal and State Plan Investigators attended the first six days of the course, which focused on 11(c) investigations under the OSH Act and other regulations and policies as they related to discrimination investigations. The instructors gave Investigators only three days of training focused specifically on the "other" 21 whistleblower statutes.

Occasionally, OSHA offered other skills development course (e.g., interviewing, report writing, etc.), but these were not mandatory. OSHA also held national training conferences most years. These conferences provided training opportunities for Investigators and Managers and covered topics such as appeals, administrative reviews, mediation,

investigative techniques, report writing, FOIA, and case management. The conferences often featured guest speakers from the agencies with primary enforcement authority for the “other” 21 statutes, as well as speakers from SOL, OSHA’s National Office, and attorneys representing both workers and the regulated community. Regions varied in the degree to which they participated in these conferences.

In 2009, OSHA made a second course mandatory for whistleblower Investigators: Basic Whistleblower Investigations Federal Statutes, OTI #1460. This course, which OSHA intended for federal Investigators only, was eight days long and covered the remaining federal statutes – those beyond 11(c). OSHA then converted Course #142 to Course #1420 and changed it to cover basic investigations and Section 11(c) of the OSH Act. OSHA has not held a national training conference since 2011. It has not offered Basic Whistleblower Investigations Federal Statutes, OTI #1460, for a number of years, and is not currently listed on OTI’s intranet site (<http://intranet.osha.gov/dte/LAP/dte/courses.html>).

In October of 2015, OSHA issued Directive Number TED 01-00-020, “Mandatory Training Program for OSHA Whistleblower Investigators”. This directive created a new training program for OSHA Whistleblower Investigation personnel and implemented the following three-year approach to mandatory training:

- **Year One** – Each Whistleblower Investigator will be required to complete Whistleblower Investigation Fundamentals Course #1420 offered by the OSHA Training Institute (OTI) during the first year of his/her career as a Whistleblower Investigator.
- **Years Two and Three** – Whistleblower Investigators will be required to complete four additional technical courses during the next two years of his/her career: Interviewing Techniques for Whistleblower Investigators (Course #1610), Written Communication and Report Writing for Whistleblower Investigators (Course #1630), Legal Concepts for Whistleblower Investigators (Course #2710), and Whistleblower Complaint Resolution and Settlement Negotiations (Course #2720).

Although OSHA issued this directive in October of 2015, our site visits and discussions with WPP staff suggest that it has not yet implemented this program.

Budgetary Resources

In FY 2012, the Department established a separate budget line item for the Whistleblower Protection Program. This budget designated FTEs and resources for the program within OSHA.

By enacting a number of new whistleblower statutes, Congress has caused the program to experience budgetary and resource stresses. In short, these new statutes have:

- Substantially increases the Whistleblower Protection Program’s responsibilities,
- Contributed to a rising caseload by regional office and Investigator, a rise that outpaces any increase in FTEs.

FY	Authority	FTE Ceiling	Actual FTE
2012	15,873	119	115
2013	15,043	115	115
2014	17,000	131	116
2015	17,500	135	132
2016	17,500	135	129

What We Learned

We interviewed staff across four regional offices and the National Office. We also interviewed external participants included complaints and lawyers who represent complainants. When we asked “what was working” and “what was not working” within the program, we heard some consistent themes across the four regions. Notably, the staff:

- Felt overwhelmed by the constant influx of complaints.
- Felt frustrated by inconsistent policies and procedures, shifting priorities, antiquated technology and a disconnect with DWPP and OSHA as a whole.
- Expressed dedication to the program’s mission.

Reoccurring themes

- (1) WB mission does not align to OSHA’s mission.
- (2) Lack of a unified, consistent “National” program.
- (3) Decentralization results in operational inefficiencies.

What We Learned From Whistleblowers

Complainant concerns centered around service delivery. The current structure makes it hard for OSHA to take a unified strategy to tackle the service delivery issues mentioned below. There is an opportunity for the National Office to take a strong leadership role in guiding the regions with a unified vision and strategy.

My job and livelihood is on the line

Whistleblowers come to the program desperate for help and searching for a lifeline. They arrive at a moment when their job and livelihood is on the line. Now, finding themselves in a predicament where they believe they have been on the receiving end of adverse actions, and in some instances fired, the whistleblowers are in a “really bad place” emotionally when they pick up the phone to call their regional Whistleblower Protection Program (WPP) office.

Here, they expect to find someone who will listen and fight on their behalf. More than one whistleblower said they felt positive after their first interaction with the WPP Office. After filing a complaint, the whistleblower’s typical experience is:

- **Screening** After the initial screening, the Investigator goes several months before contacting the whistleblower again. In most regions, OSHA does not always assign the same Investigator who handled the intake/screening to investigate the case.
- **Investigation** In most instances, OSHA does not assign the case to an Investigator until a few months out. When OSHA does assign a case immediately, the Investigator is likely so overwhelmed with cases that he or she is not likely to take any action on the case within the Investigatory period as defined by the statutes.

I call every few weeks to get an update

Both the whistleblower and the WPP Office are frustrated by this delay. OSHA does not generally reach out to give whistleblowers updates on the status of their claim. Instead, whistleblowers we spoke with took it on themselves to call the WPP Office repeatedly about on the status of their case. In fact, one whistleblower we interviewed stated that they would call every week or two. These calls further tax the Investigators’ time, creating additional demands and delays, and therefore increases the Investigators’ frustration.

I thought the Investigator would fight harder for me

Some whistleblowers are frustrated because their Investigator is not zealous advocate on their behalf. The Investigator’s job is to determine the facts in a neutral manner. However, whistleblowers often have a mis-impression about what an Investigator does, and who they represent. This misunderstanding of the Investigators’ role leads to whistleblowers feeling disappointed, or even angry, with the Investigator.

Just wish they would close my case so I could take it to the ALJ

As a result, the lifeline can take months to arrive. The process takes years before getting to a findings letter, resulting in the leading pain point for whistleblowers. In FY2016, the average for cases opened was 306 days. One whistleblower interviewed said, "I thought I could handle 90 days. I didn't realize it would take 3 years." (This includes the ALJ process). Many do not have the resources or the stamina to sustain over 3-5 years, especially if their job has terminated them.

My findings document contradicted the findings from the FAA's investigation

Whistleblowers and lawyers noted that the WPP is not effective in its partnership with other Federal Agencies. WPP does not engage SMES from the authorizing Federal Agency.

- ✚ For example, we heard from one lawyer that "OSHA does not rely on SMEs" and a complaint stated that Investigator findings contradicted the findings of the substantive subject matter Federal Agency.

What We Learned From Whistleblower Staff

We are the red-headed step-child of OSHA

Staff across the regions perceive the WPP as an ancillary program within OSHA. OSHA's mission statement does not mention WPP or even whistleblowing. Within the WPP, performance measures could not be easily identified. This includes the OSHA Operating Plan. Staff within regions, or sometimes within the same office, could not agree on the criterion to measure a successful program or a quality investigation. Additionally, staff expressed concern about the WPP operating within the regional structure. Varying levels of staff/Investigators suggested WPP separate from OSHA and operate as its own agency within the DOL.

We don't understand how resources are distributed

There are few safeguards to ensure resources are used as intended, and the process to allocate FTEs is not transparent nor does it have the buy-in from all regions. FTE distribution falls under responsibility of the Whistleblower Executive Steering Committee (WESC). In general, people felt that a DWPP budget-line was not sufficient to detangle itself from conflicts of interest. For example:

- Not all ARA positions have been filled, and some of the ARAs are in an acting capacity.
- Cases are not transferred between regions to balance staff workloads. The exception being the recent case transfer from Region IX to other regions due to the Wells Fargo reviews.
- WPP's management system, called Integrated Management and Information System (IMIS or WebIMIS) complicates the investigative process. It is not integrated with the online charge system, and it does not allow staff to track and manage their workload or to recognize systemic trends. Nor were there alternative IT programs available to staff to meet these basic case management needs.

In addition, resources are not available to assist Investigators with screening or clerical tasks. The Investigators feel that their skills are better served conducting actual investigations. They do not feel data entry should be a part of their day-to-day functions. The lack of administrative support causes Investigators to devote a considerable amount of time to clerical work.

I spend a whole day cutting and pasting from lots of PDF documents

Regional Administrators and Investigators expressed frustration about the **difficulty, frustration, and time-consuming nature of entering data into IMIS.** Our user research dovetails with other reports in this regard. We heard about the limited value that Investigators saw in how the system helped them do their jobs. We also experienced ourselves how difficult it was to assemble meaningful analytics from the system. On some occasions, it was because IMIS did not provide users with a way to enter all the relevant data about a case. On other occasions it was because IMIS was down. Moreover, IMIS made it difficult to run basic analytics. For simple trend analysis staff has to go through contractors to extract the data from the back end. Or, staff has to generate dozens of PDF reports from IMIS. Then, they cut and paste from those PDFs into an Excel spreadsheet, and then create the requested charts and tables.

The manual is used against us

The Whistleblower Investigators' Manual (WIM or the Manual) is lengthy, vague, out of date, leads to numerous inefficiencies, and not a practical guide for day-to-day investigative work. OSHA created a desk-aid which summarizes the 22 statutes; however, this aid also does not address operating procedures around investigative work. This situation has resulted in numerous pilot programs created haphazardly to address Manual's problems. Specifically the Manual has:

- **No flexibility** Unnecessary and/or redundant bureaucratic steps, even to close out a non-meritorious case. An inability to update work practices in a rational, consistent manner. The Manual suggests that there is flexibility in its application and that it is meant as a guide. But, Investigators reported that they have no flexibility because every time there is an audit the Manual is used against them.
- **Unintended consequences** Auditors and stakeholders cite to the Manual to argue that the investigation is somehow deficient.
- **Lack of standardization** The guide does not provide SOPS for day-to-day investigative work. This leads to inconsistencies in how investigators handle cases.
- **Lack of accountability measures** There is no standardized way to ensure that the Manual is being followed or that the steps are being taken in a timely manner.
- **Over-investigation** Staff perceived they were over-investigating complaints to comply with the Manual. The Manual also caused risk-aversion among supervisors, again resulting in "over-investigation" by Investigators. As a result of supervisor risk-aversion, even more senior Investigators are not allowed to dismiss cases that they view as not specific, credible, or are speculative in nature. This situation is drastically different from that of other agencies.
 - ✦ For example, in the IRS's whistleblower program these dismissals account for 59% of all dismissals. Investigators' felt their time would be better suited towards mediation of cases, or cases that have sufficient evidence to warrant merit. One lawyer interviewed summed it up: "Investigators should not dwell on a bad case." Adding that they "over investigate" and some "beat a case to death."
- **Not all cases are created equal** Investigators noted that they inefficiently devote their time equally between all investigations when not all investigations are equal, and felt that their work on some cases has little impact.
 - ✦ For example, Investigators devote a significant amount of time to cases where their investigative analysis will not be used by ALJs (*de novo* cases).

They only offer training to new Investigators

OSHA has made recent developments to strengthen the training program. But, these **requirements focus on new Investigators. They do not provide for continuous professional development or refresher training.** Recent hires (less than one year with the agency) reported:

- Training consisted of only attending Course #1420: Whistleblower Investigation Fundamentals.
- There was little pre-class preparation, only a very informal on-the-job training program.
- They were unaware of any subsequent training that they were to receive.

More requirements, no added resources

Investigators feel the new 1904 Investigatory requirements will place a burden on WPP. The believe they will need to prioritize these cases over others due to OSHA's six month deadline to issue citations for adverse actions. Investigators feel that their mission will get lost as these cases will drive their investigations.

By the time I close one case, four more come in

In part, WPP is a victim of its own success, with many complaints coming in every week, every month, every year. The queue is packed with people desperate for that lifeline. But the staffing is not anywhere close to being able to handle the volume it receives. Some Investigators are carrying 60, 70, or 80 cases. Some supervisors hold back assigning cases.

This results in a distorted view of cases loads across the regions. In general, **during the time it takes to close one case more come in**. One Investigator summed it up: "It feels like we are drowning."

The impact of decentralization

All the Regions consistently reported:

- A decentralized view of the program.
- Wide variations in practices.
- Lack of adequate National Office engagement leading to numerous consequences.

The most significant ones are highlighted below.

It is like the Wild Wild West

Case management procedures are in the Manual are vague and often out of date. The program lacks SOPs for case handling. This lack of SOPs has caused inconsistencies in how cases and situations are handled from region to region and even supervisor to supervisor.

- ✚ For example, Investigators handle complaint withdrawals differently in different places. Some write memoranda to the file while others send withdrawal letters. Even when Investigators send letters, their content is not standardized. Additionally, there are no SOPs regarding: the type and amount of information reflected in Reports of Investigation (ROIs), screening memoranda, administrative closure letters, and dismissal findings.

This lack of guidance and consistency, including lack of form letters, increases both the staff's stress level and the amount of time they spend on each of these documents and procedures. It also affects the consistency of the quality and sometimes to different outcomes depending on the region in which it was filed. Moreover, this system, combined with the lack of analytics system (discussed below) contributes to difficulties in oversight.

I hear about other region's pilots through word of mouth

The regions have implemented different innovations, called "pilots," to address various challenges. This includes those caused by the WIM. Although the National Office approves the implementation for pilots, their **implementation is handled strictly in the regions**, which results in:

- Regions do not appear to have a way to determine the effectiveness of their pilots (no pre- or post- benchmark assessments or business cases).
- Lack of a systematic manner to roll out the successful pilots to other regions.
- The creativity and effectiveness of these pilots is geographically limited.

I have to get permission to ask an Investigator in another region for help

This system prevents the strategic development and efficient use of subject matter experts throughout the regions.

The large number of statutes for which Investigators are responsible is a major concern for the Investigators. One of the whistleblower lawyers we interviewed said, "I'm a lawyer and I wouldn't take a SOX case. That's not my expertise." Yet, OSHA expects Investigators to be knowledgeable on 22 statutes.

- ✚ For example, an Investigator (or RSI or ARA) who is particularly knowledgeable about Sarbanes-Oxley or the financial industry, does not have a place to share his or her knowledge. This lack of sharing creates huge inefficiencies. Instead of benefiting from the expert's knowledge, Investigators have to invest time in a learning curve.

More broadly, the sharing of best practices is done, if at all, in a haphazard manner. DWPP and ARAs participates in monthly calls. In theory, the venue to share information at some level exists. But, the current structure is not used to

share best practices. The regions are left to operate in their silos. Regions also differ in the amount of discretion the ARAs have to implement best practices.

We don't communicate with other regions on trends

There is no oversight from the National Office. DWPP does not have a system in place for Regional Supervisors to prevent cases from falling through the cracks or identifying systemic issues from employers or across sectors. The combination of the poor analytics and insufficient oversight from DWPP prevents WPP on tracking patterns or addressing multi-establishment employers in a systemic way, which in turn, prevents the agency from leveraging its resources to confront systemic violators and, by extension, does a disservice to whistleblowers.

Specifically, there are no procedures to address identifying and rooting out systemic sector or employer trends, including:

- **How Investigators are to determine whether an enforcement action is pending** with OSHA – by searching IMIS or contacting the Regional Office where the employer is headquartered
- **Which office takes the lead** on coordinating concurrent investigations by industry, or in instances of two or more separate establishments of a multi-establishment employer.
- The need for contact with the Regional Office that has **jurisdiction where an employer is headquartered**
- The process for **determining whether a local or global settlement** is appropriate
- The need for either the Regional Office or the National Office to maintain a record of the investigative and other pertinent history for a multi-establishment employer and **to monitor for patterns of noncompliance.**

Summary of our recommendations

Like much of the government in general, the Whistleblower Protection Program has faced insufficient resources to fulfill its core mission, especially as that mission has expanded in recent years to new statutory responsibilities and an increasing volume of complaints while budgets have remained flat. The challenges and issues that the program face are not new and have generally remained constant over the past 40 years, including:

- Insufficient resources to consistently yield quality investigations in a timely manner.
- Insufficient tools for accountability and management oversight.
- Insufficient communication between the national office and the regional staff as well as among the regions.
- Inconsistency between regions leading to the possibility of inconsistency in results of investigations based on where a case was filed.
- Inability of OSHA leadership to get an accurate comprehensive view of the program.
- A sense that the whistleblower program was not sufficiently valued as compared to the health and safety enforcement program.

We found:

- ⊕ Investigators carry an unmanageably high inventory of cases.
- ⊕ Cases are distributed unevenly among the regions.
- ⊕ The Whistleblower Protection Program devotes a large amount of its resources to various kinds of unmeritorious complaints.

Over the past several years OSHA has taken strides in devoting resources to building out a robust program, including:

- Establishing a separate budget line item.
- Restructuring regional offices to include Assistant Regional Administrators (ARA).
- Expanding required training.
- Fostering innovation to some extent.
- Elevating the Directorate of WPP to report directly to the Assistant Secretary.

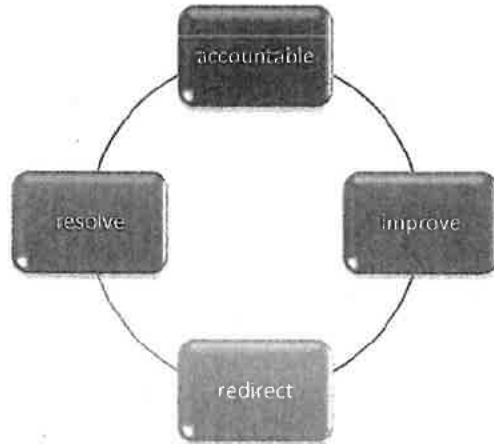
We believe the suite of interventions we propose has the potential to take that progress further.

In general, our recommendations fall into four categories:

1. Redirecting non-jurisdictional complaints
2. Finding and closing "otherwise resolvable" complaints
3. Improving Investigations
4. Enhancing Accountability

Taken together, these recommendations focus the WPP's limited number of Investigators on a smaller universe of whistleblower complaints (represented by the bottom-most triangle). By focusing WPPs resources, OSHA can begin to address the management, oversight, and process improvements of the investigations.

We have assembled these recommendations into a catalog. To the extent that DOL intends to pursue any of these concepts, we recommend partnering with the DOL Innovation Council (the Council), a multi-faceted cross-agency group addressing Department-wide innovation enhancing initiatives. The Council assists in developing solutions to overcome barriers to innovation. We view the Council as a helpful party providing on-going assistance and resources to evaluate pilots and recommendations, including assisting with the design and execution of the recommendations.



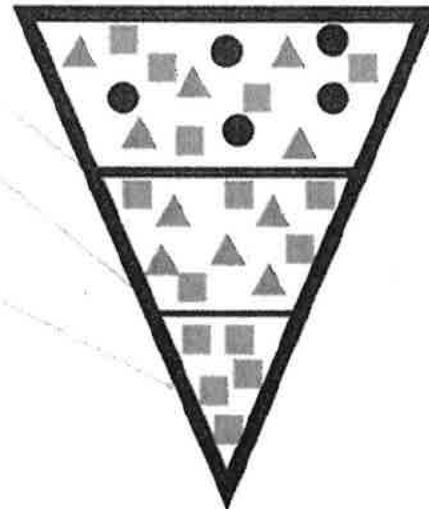
Overview of Recommendations

Group 1: Redirecting Non-jurisdictional Complaints
The Pro-Complaint Filter
Streamline Untimely & Non-Prima Facie Complaints

Group 2: Finding and Closing "Otherwise Resolvable" Complaints
Early ADR Scale Up
The Outcome Chart
The Kick Up

Group 3: Improving Investigations
The Pilot Marketplace
Audio Recorders
Speech Recognition Software
Experience Tracking
The Progress Tracker
The "What to Expect" Info Sheet
The Whistleblower Investigations Manual - Revised
A Focus on Training & On-Boarding
A User-Centered IMIS Overhaul
ARA Engagement in Decision-making
A Different Kind of Closing Conference

Group 4: Enhancing Accountability
Monitoring Performance
Making DWPP an Agency
National Audit Program



- Non-jurisdictional complaints
- ▲ Otherwise resolvable complaints
- Complaints with strong corroboration

1. Redirecting non-jurisdictional complaints

Complainant often come to OSHA when they are looking for help from another agency, like EEOC, NLRB, or DOL WHD. These mis-filed complaints represent up to 15% of all cases filed. This translates to over 1,100 cases for OSHA. A total of more than 50% of cases are closed administratively (i.e. timeliness, wrongfully filed, etc.). This translates to over 4,200 cases for OSHA. Investigators spend critical time reviewing complaints that are wrongfully filed or administratively closed. This is time they could devote to investigating complaints.

We designed this group with two goals in mind: (i) guide whistleblowers to the right place; and, (ii) cut down the number of wrongfully filed complaints.

The Pre-Complaint Filter

The Investigator should obtain information to determine: (i) appropriate coverage requirements; (ii) timeliness of filing; and, (iii) the presence of a *prima facie* allegation. The Filter addresses the first two of these components. A robust intake process addresses the third. In determining the presence of a *prima facie* allegation, the screener should solicit any supporting documents and potential witnesses, if available. **Here, the focus is on quality of the information.** The more comprehensive information obtained during the screening process the more the Investigator can appropriately categorize the complaint.

Model screening after EBSA

EBSA assigns more junior employees to intake and screening on a full-time basis. Modeling this approach will enable Investigators to focus on the complex aspects of the investigation. It will also serve to establish a robust training program to prepare more junior employees for investigative cases.

2. Finding and closing “otherwise resolvable” complaints

We designed this group to pick up where Group 1 left off—*how might we focus Investigators on the subset for which they can have the most impact?* We designed these recommendations to resolve or advance complaints quickly, and in ways that let Investigators concentrate their time on complaints that would benefit from extensive investigation.

Triaging: Enhanced Kick-Out and More ADR

We believe triaging has the potential to have a substantial impact on stakeholders by providing them with early resolution of complaints and on Investigator’s workload by allowing Investigators to work more effectively and efficiently. Accordingly, Investigators will not prioritize docketed complaints for investigation by the order in which they are received. Instead, RSIs will be assign them for investigation in a manner that is consistent with the tier system described below⁵.

Specifically, we gave special emphasis to the Early ADR program. This pilot can be expanded with little or no additional resources. For example, the WPP can partner with local law schools interested in developing their students’ mediation skills.

There may be concern that this recommendation will favor complainants with legal representation. We hope that the materials developed, such as the “What to Expect Fact Sheet” will help complainants prepare. Generally, Investigators contact complainants within one-week of filing for a 4-6 hour intake interview. The Investigator uses this initial interview to gather basic facts of the case. With all pilots, we recommend continuous monitoring to determine the impact and any adverse impacts to the complainant, Investigator, and the Department.

⁵ Each statute has the potential of falling in any one of the three tiers. The prioritization of the complaints has to be based on the plethora of information obtained during the intake process. In addition to the factors listed below, part of the triage process should take into account whether the statute provides the whistleblower with a private right of action. As mentioned elsewhere in this report, there is no private right of action under 11(c), but there is in the ALJ cases. The following decision making process will be used by the ARA and/or RSI to prioritize, assign and or refer accepted complaints for investigation.

Tier 1

- Priority complaints that have **strong corroboration** through **testimonial and/or documentary information**. Agency resources will be focused on these complaints.

Tier 2

- **Not enough information** to make an informed judgment
- ADR, specifically mediation, will be offered to the parties prior to investigation
- If mediation is unsuccessful, charges will be reassessed to determine if early kick out (ALJ pilot), dismissal or further investigation is warranted.

Tier 3

- **Non-jurisdictional, untimely or where the whistleblower has provided self-defeating information.**
- Should be administratively dismissed at Intake.
- Investigators will have the authority to dismiss Tier 3 charges (QA checks can be done on a sample of complaints to ensure proper categorization).

3. Improving Investigations

We envision a Whistleblower Protection Program that highlights and nurtures continuous improvement. One that creates an organic pathway to scaling up the best and most impactful ideas. This Group's focus is to improve and speed and investigation process for complaints that remain.

The Pilot Marketplace

The marketplace is a catalog circulated among all Whistleblower staff on an annual basis. It would include brief write-ups of all on-going pilots. Decision makers and staff in each region will use this to see and adopt impactful pilot programs that: (1) address critical issues in that region; and (2) are within budget. Moreover, by publishing an impact assessment each year, the Pilot Marketplace will prompt Regions and the Directorate to consider which pilots are making a difference, and which should be closed.

Customer tracking experience

The customer experience tracking tools gets at the heart of building a WB program where whistleblowers' core needs are being satisfied by setting expectations and improving the lines of communication. These tools include: (i) auto-bot after Filing Email Notice; (ii) "What to Expect" Fact Sheet; (iii) Experience Tracking; and, (iv) Progress Tracker.

Manual/Guidance Materials

We recommend including SOPs, developed by an inter-region working group at the ARA and RSI level, to capture best practices, set clear standards across the regions, and ultimately, develop a National Whistleblower Protection Program.

Building Centers of Excellence/ Subject Matter Experts

In the third quarter of FY17, WPP plans to have a field/DWPP workgroup that will be developing a pilot for using specialists (designated investigative staff recognized for extensive experience with a particular statute) to conduct SOX and CFPA investigations which tend to be more complex in nature. We strongly support these efforts because they have multiple benefits: improved quality of investigation, improved efficiency and consistency, and increased collaboration, all lead to improved user experience.

A Different Kind of Closing Conference

At the end of every case Investigators must hold a closing conference where the Investigator tells the parties if they have found the complainant's claim meritorious or not. As currently practiced, the conference is not a place where the parties can dispute the findings. This is a major pain point in the process for both the Investigator and the complainant.

Moreover, since Investigators are now allowed to share the discovery of the respondent with the complainant, the closing conference, as it is, no longer makes sense. We recommend moving the closing conference before the issuance of the findings. This will provide the parties one final opportunity to correct any inaccuracies. Following the conference, the Investigator will issue the findings.

Training

The variety and complexity of case workload necessitates a robust training program. We recommend developing a new system that includes not only basic training for newly hired Investigators or recently promoted individuals, but emphasizes on-going professional development, education and career enhancement opportunities to ensure that WPP employees have the requisite knowledge, skills, and capabilities to properly accomplish the program's complex mission – the effective investigation of 22 federal statutory provisions. We recommend building an Investigatory and Leadership Competency Guide and Program that incorporates required training and professional development at various levels of the whistleblower career.

Specifically, the following:

- **Implement Directive Number TED 01-00-020 immediately.** In order for TED 01-00-020 to be fully implemented, OSHA will need to fund and schedule the OTI courses that are referenced in TED 01-00-020, but currently not listed as options on OTI's intranet site (Course #s 1610, 1630, 2710, and 2720).
- **Start a mentoring program for newly hired Investigators and recently promoted RSIs, Technical Subject Matter Experts, Mediators, and ARAs.**
- **Develop a more formal and detailed mandatory program of guided readings, webinars, and on-the-job training for completion prior to attending Course #1420: Whistleblower Investigation Fundamentals.** See *Training Catalog*.
- **The OSHA Training Institute (OTI) should reinstate Course #1460: Basic Whistleblower Investigations Federal Statutes, and WPP should incorporate it into TED 01-00-020 as a required course in lieu of the webinars.** OTI should partner with the agencies that have primary enforcement authority for the federal statutes so that their representatives can teach the portions of these classes that pertain to their area(s) of expertise. The federal statute webinars referenced in TED 01-00-020 should still be developed and used in the pre-class training for Course #1460 and as "refresher training" for Sr. Investigators to view if it has been some time since they attended Course #1460 and/or conducted an investigation under one of the federal statutes.
- **Any Investigator hired within the past five years should be required to attend Course #s 1460, 1610, 1630, 2710, and 2720.** Investigators hired outside of that five-year window should be provided the option of attending these classes.
- **OSHA should reinstate the annual Whistleblower Training Conference.** This conference provided Whistleblower staff at all levels of the program an opportunity to develop their knowledge and to network with their colleagues from other regions. It also encouraged not only career development, but also consistent practices throughout the ten regions.
- **TED 01-00-020 encourages WPP staff to attain professional certification as a way to enhance their knowledge in the technical areas affecting whistleblower investigations.** Funds should be made available for staff to attain the ASIS Professional Certified Investigator (PCI) credential and the NACM mediator certification (if appropriate).

Enhancing Accountability

OSHA has begun a process to improve and update IMIS, the core data collection application used by the Whistleblower Program. This is a critical effort. Sound, strategic, data-driven decision-making requires one foundational ingredient – good data. But building a data analytics culture in the WPP requires more than just a change in IT system, it also requires a change in culture. For example, the WHD also lacks a mature case management and IT system, but has built a strong performance and analytics culture throughout their program.

Make DWPP its own DOL Agency

The initial federal whistleblower program was born out of the OSH Act but the placement of the 21 statutes that followed is not dictated by statute, but rather is an exercise of the Secretary's discretion, as articulated in a series of delegations of authority from the Secretary to OSHA. As such, it is within the Secretary's authority to revoke those delegations and to administer the program out of the Secretary's office or to create a new agency that reports to the Secretary.

Historically, when the possibility of moving WPP out of OSHA and into its own agency, OSHA Leadership (including RAs) raised concerns about moving 11(c) cases out of OSHA. The OSH Act itself does not specify which DOL agency should investigate 11c violations; it simply refers to the Secretary (of Labor) as the person tasked with doing so. Indeed, although 11(c) cases are part of the OSH Act, Investigators and staff in the field historically and to this day do not feel part of OSHA. We will note again that the OSHA Mission does not mention whistleblower activities. Lastly, maintaining the 11(c) cases in OSHA while transferring the others would create redundancies and confusion.

We understand that the current appropriations of WPP within OSHA would not allow for the immediate removal of DWPP as an agency reporting directly to the Secretary/Deputy Secretary of Labor. However, the Department should give due consideration to proposing changing the structure of future FY appropriation bills to support WPP as a standalone agency within DOL. Notably, this long term recommendation has garnered a lot of support from a variety of stakeholders, staff, and union representatives, but will require strong leadership to provide vision and, facilitate coordination and engagement across, between and with the regions.

This is our most ambitious recommendation. Creating a separate Agency and reconstituting the National Office will strengthen the national program by providing greater control over agency resources, decision-making, and program management. It will also aid in enhancing accountability across the regions, and improving investigations and processes by a strengthened leadership role of the National Office with additional responsibility and oversight to the ARAs.

Revisit Structure of the Whistleblower Executive Steering Committee

Members of the WESC include RAs and one DRA. Currently, no one serving on the committee came through WPP. There is also no evidence to suggest that the WESC engages the ARAs to advise and provide necessary insights into the program. To address this deficiency, we recommend adding five ARAs to the WESC. In addition, we recommend OSHA consider adding the DOL Innovation Council as an ex-officio member.

Monitoring Performance

A critical component in monitoring performance is the establishment of performance measures. Not simply for the sake to check-the-box, but to inform actual decision-making on the vision and strategy of the program.

OSHA should establish realistic performance measures for WBIs, with the goal of producing quality investigations that are completed in a timely manner. At a minimum, the Performance Management Plan for WBIs should include:

Quality Measures *Percentage of WBI cases submitted during the rating period free of substantive errors and omissions.*

Definition: Errors and omissions which could adversely affect the outcome of the investigation include a review of the following:

1. Correct application of the law

2. Adherence to policies and procedures set forth in the Whistleblower Investigations Manual and other similar guidance
3. Sufficient documentation of findings
4. Complete and sufficient interviews to support the findings of the investigation
5. Complete and accurate IMIS entries

6. A well-written and succinct narrative. This includes: a comprehensive analysis of pertinent issues raised by the complainant, defenses raised by the respondent, and facts disclosed throughout the investigation, a full explanation of any violations cited, a disposition section that contains a full description of the reasons for non-compliance and any agreements that were reached with the respondent (if applicable), and recommendations for further action.

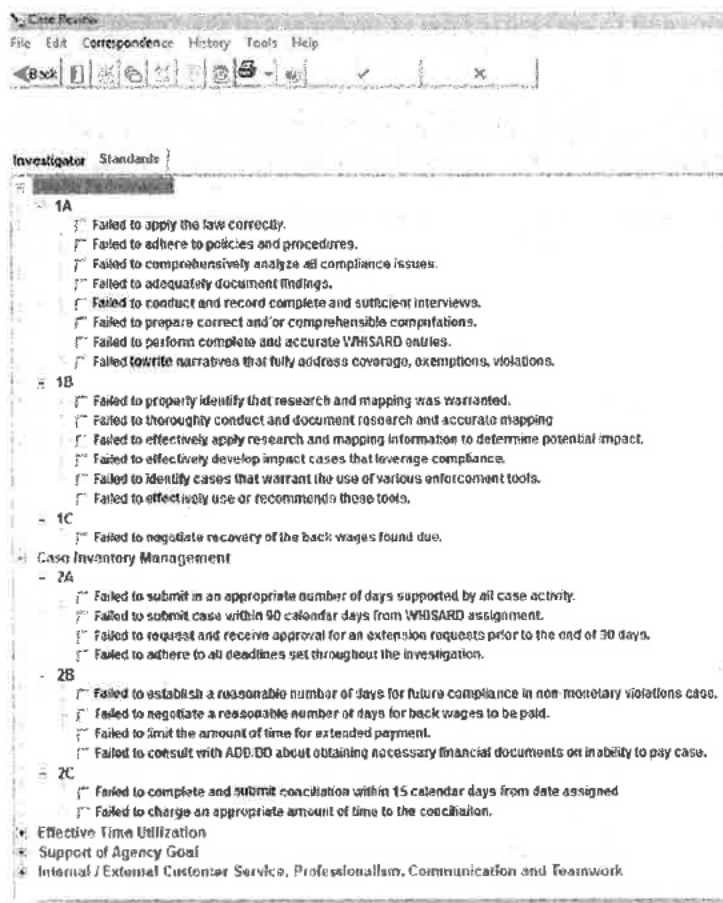
Timeliness Measures *Percentage of WBI's cases submitted during the rating period completed timely.* **Definition:** Timeliness may be dependent on the statute or complexity of the case. Meeting timeliness standards includes a review of the following:

- Submitted and accepted for management review within the time period dictated by the applicable statute (e.g., 90 days for an OSHA Sec. 11(c) case, 60 days for a STAA case, 30 days for a CERCLA case, etc.) or receive a documented exception from the RSI.
- Total time charged is supported by the complexity of the assignment.
- Time charged to the case reflects appropriate continuity (i.e., no unexplained long periods of time with no work completed on the case).

Case File Reviews by RSI As the first-line supervisor, one of the primary responsibilities of the RSI should be case file review. Upon the completion of an investigation and submission of the case file, the RSI should:

1. Review the file for quality and completeness. This review will consider whether the WBI adhered to policies and procedures.
2. Ensure that timeliness standards were met.
3. Any deficiencies should be noted and reflected in the WBI's performance review for the rating period in which the case file was submitted.

A future electronic case management system should include a function to record case file reviews. See the WHD "Case Review" screen shots above and below). This function would also serve as a de facto "checklist" for case file reviews.



Establishing Performance Measures for Regions The DWPP monitors the following metrics related to the efficiency of investigations:

- | | | |
|-----------------------------|-----------------------|---------------------|
| ✚ FY Cases Closed | ✚ Cases over 6 years | ✚ % Admin Closed |
| ✚ FY Average Days to Screen | ✚ Cases over 5 years | ✚ Merit % |
| ✚ Avg. Days Pending | ✚ Closed (determ) | ✚ Appeal % |
| ✚ FY Avg. Days to Close | ✚ Closed per Inv. | ✚ Wthdrl % |
| ✚ Open Docketed Cases | ✚ Incoming Complaints | ✚ Wthdrl <21 day % |
| ✚ QTR End Inv. FTE | ✚ Admin Closed | ✚ Dismissed <21 day |
| ✚ Open Caseload | ✚ Docketed Incoming | |

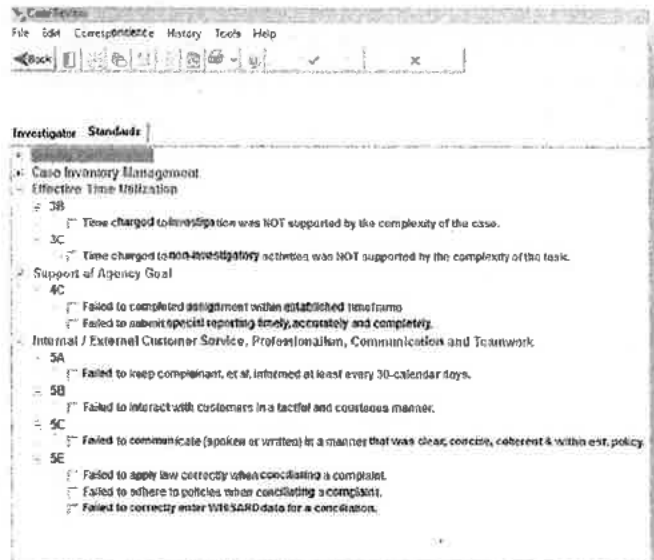
However, retrieving this data through IMIS is very difficult and time consuming. For example, managers at the regional level do not have the ability to track these metrics in real time. Someone in OSHA's National Office takes a "snapshot" of the data at certain times and saves it for future use.

ARAs and RSIs should be able to monitor the metrics for their regions on a daily basis. Any future electronic case management system and database should include this feature. ARAs can then make necessary adjustments to resource allocations. OSHA should establish national standards for these metrics. The regional managers should be held accountable for ensuring that their regions meet or exceed these goals.

DWPP needs to ensure cases don't fall through the cracks and systemic employer violations don't go unnoticed. In addition to building out their performance framework, we recommend: (i) strengthening the role of the ARA, and (ii) model the coordination of inter-regional enforcement actions after WHD.

Specifically, the ARA should be responsible for:

- **Monitoring the enterprise-wide** compliance status of the multi-establishment employers in his or her region (whether they have establishments located outside of the region or not).
- **Recognizing and responding** to the existence of pervasive compliance problems that may exist or arise.
- **Identifying opportunities** to strategically address these compliance problems.
- Where a policy or pattern of substantial violations is recognized in the multi-establishment employer, the ARA should be responsible for **implementing enterprise-wide corrective action** with the multi-establishment employer, or calling the matter to the attention of DWPP so that coordinated corrective action can be taken at higher levels.
- **Maintaining an electronic record** of every enforcement action for multi-establishment employers. This responsibility is determined by the regional location of the employer's headquarters. This record should consist of the following:
 - A spreadsheet listing the basic information for each case.
 - Subfolders for any case with pertinent documents such as settlement agreements, judgments, newspaper articles, private settlements that the ARA becomes aware of, etc.



National Audit Program

OSHA should implement a National Audit Program focusing on accountability and best practices. The Program will be overseen by the DWPP. This Program will help ensure consistency in enforcement throughout the WPP. Ideally, this team would be comprised of:

- One of the Division Chiefs
- Include at least one person from the Division of Field Operations
- One person from the Division of Policy, Planning, & Program Development
- One ARA from a region other than the one being audited
- One RSI from a region other than the one being audited

The audit team would visit each region at least once every three years. They will review a representative sample of the cases completed during the past three years. The team will review regional compliance with policy and procedures. In addition, the team would identify best practices in the regions and provide recommendations to the Director. Attached is a copy of the Wage and Hour Accountability Review Team’s “Master List of Elements.” This provides an idea of what DWPP’s Accountability Review Team could be focusing on during these audits.

Other Considerations

Reevaluate 1904

The impact of the 1904 is yet to be determined. The fear is that these cases will dominate whistleblower caseload due to their statutory findings timeline. This may result in Investigators being unable to complete whistleblower investigations.

We recommend OSHA reconsider its determination that Investigators handle cases filed under 1904. OSHA should explore other approaches including assignments within the enforcement program. We also recommend that OSHA monitor and evaluate the impact on completing whistleblower investigations.

First 100 days

Where to start? No doubt OSHA has been in this place before. A list of “lofty” recommendations from outside parties with no additional resources to make change happen. Another unfunded mandate. To capitalize on the honesty and thirst for improvement that we encountered across the board engagement, we recommend the following timeline:

Timeline	First Step
10 days	Briefings of RAs and WB regional staff on the Findings and Recommendations
15 days	OSHA Leadership identifies Top 5 Recommendation Picks
30 days	Conference call with the Regions (and Unions) to discuss the NO’s “Top Picks”
45 days	Meet with WESC, DOL Innovation Council, and ARAs to map a “Way Forward”
60 days	Unveil “Way Forward” to Investigators (and Union). Solicit volunteers from the regions, including Investigators, on implementation.
75 days	Volunteers meet with WESC and DOL Innovation Council to get down to business. Set expectations, time frame, goals, etc.
90 days	Begin first phase of implementation.



THE RED TEAM

Catalog of Whistleblower Recommendations

January 2017

This catalog is...

A collection of ideas and concepts based on the Red Team's:

- month of interviews with whistleblowers, attorneys for whistleblowers, Whistleblower Protection Program staff, DOL partners, federal agency partners,
- review of program documents, and
- experiences within DOL and other federal agencies.

This is not a prescriptive set of interventions meant to be adopted as written. Given the limited depth and scope of our engagement, we cannot offer that level of certainty.

Instead, we designed each card to start a conversation. One centered around the large and small ways that the Whistleblower Protection Program could better serve the public.

Re-Directing Non-Jurisdictional Complaints

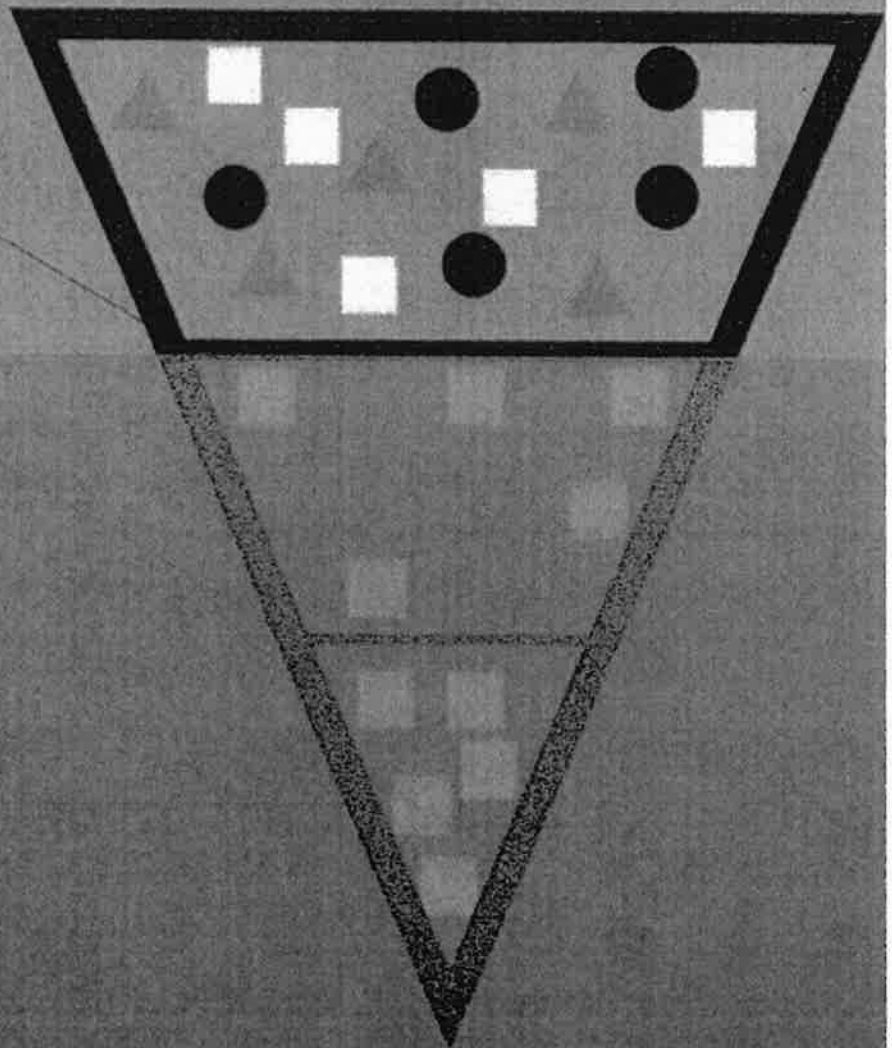
Group 1

Group 2

Group 3

Group 4

Enhancing
Accountability



Group 1

A whistleblower faces a daunting task. When s/he looks for help, what will s/he find? A maze of dozens of federal and state agencies, all protecting whistleblower rights in some way.

For example:

If s/he visits "Whistleblowers.gov," she will reach OSHA's program. Type in "Whistleblower.gov" and s/he arrives at the U.S. Commodity Futures Trading Commission. This is frustrating.

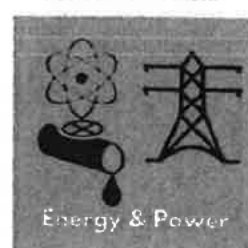
Complainants filing with the wrong agency can have a big impact on OSHA's ability to investigate. **Our data suggests that over 15% of OSHA's complaints should have gone to a different agency. This translates to over 2,000 complaints a year.**

Investigators spend critical time reviewing these complaints. This is time they could use to make a bigger impact.

We designed our Group 1 recommendation with two goals in mind.

- Guide whistleblowers to the right place, whether or not it is at the Department of Labor.
- Cut down the number of mis-filed complaints our investigators handle, so they can better focus limited time and resources.

What Best Describes Your Line of Work?



None of the Above

The Pre-Complaint Filter

A way to focus investigator resources and improve the whistleblower experience

Low Difficulty

The Pre-Complaint Filter is a small update to OSHA's Whistleblower website that can have a big impact. Before whistleblowers begin filling out their online complaint, they answer a small set of basic questions. The Filter will use these responses to re-direct complainants who are in the wrong place. In such "non-jurisdictional" cases, the Filter will help the complainant find a resource that can help. This includes, for example, other federal/state agencies, local bar associations, etc.

The Details

WHY DOL SHOULD DO THIS:

The Pre-Complaint Filter could have a big impact on faster and/or more thorough investigations. When OSHA surveyed Region 6, it found over 15% of its complainants should have gone to either EEOC, NLRB, or OSHA's Wage & Hour Division. What would this mean across the entire Whistleblower program? Over 2000 complaints a year that we could keep from investigator staff through technology. That time could go into investigating jurisdictional complaints.

By adding more filters, we could reduce investigator caseload even further. This means even more time to commit to handling remaining complaints faster and/or more thoroughly.

HOW DOL CAN DO THIS:

DOL could, in theory, do this with no added resources. It will take a robust partnership between OSHA's web team and legal experts to create a filter to redirect complainants who, for example:

- Have come to the wrong agency;
- Have **no** employment relationship;
- Are Federal (non-USPS) employees - who have non-OSHA whistleblower protections;
- Did not engage in activity protected by any of OSHA's 22 statutes;
- Did not suffer an "adverse action,"
- Did not file within the statute of limitations.

KEY FACTS:

- In FY16, the Whistleblower Program had 84 investigators & took 8,064 complaints.
- Over 15% of these complaints - more than 1200 in FY16 - should have gone to EEOC, NLRB, or Wage & Hour.
- 5 percent of total complaints - over 400 in FY16 - are filed more than 180 days after the most recent adverse action. 180 days is the longest statute of limitation among any of the Whistleblower Program's 22 statutes.
- ~ 30% of all complaints - according to our interviews with investigators - are untimely.
- The Whistleblower Investigations Manual currently requires investigators to docket and issue written determinations for untimely and non-prima facie complaints under 17 statutes.

**TRY AN INTERACTIVE PROTOTYPE OF THE PRE-COMPLAINT FILTER
(ATTACHED TO THIS REPORT)**



Streamline Untimely & Non-Prima Facie Complaints

A way to focus investigator time on potentially meritorious complaints.

Low Difficulty

Every minute spent on a complaint that is untimely and/or fails to make a *prima facie* case is time that could be spent investigating a meritorious complaint.

Suppose that investigators could screen and close these cases with a minimum of time and effort? This is the idea behind streamlining how OSHA handles untimely and "non-*prima facie*" complaints.

The Details

WHY DOL SHOULD DO THIS:

Under several statutes (STAA, CAA, CERCLA, FWPCA, SDWA, SWDA, TSCA, ERA, AIR21, SOX, PSIA, NTSSA, FRSA, CPSIA, ACA, CFPS, FSMA), OSHA does not currently screen or administratively close complaints that are untimely or fail to make a *prima facie* case. Instead, investigators need to docket and issue a written determination, which can consume limited resources.

OSHA should find a way to make this process as fast as possible, with as small a burden as possible. By doing this, they can unlock more staff time and resources. OSHA can then use the extra time and resources to speed investigations of meritorious cases.

HOW DOL CAN DO THIS:

This is a classic process improvement/optimization challenge, with a legal component. By looking at every step of how it handles untimely or non-*prima facie* cases, OSHA should ask how it can help investigators resolve these faster, and with less burden. It should ask whether the step is absolutely necessary for agency goals.

KEY FACTS:

- ~30% of all complaints are untimely, according to an informal survey of investigators.
- the Whistleblower Investigations Manual currently requires investigators to docket and issue written determinations for untimely and non-*prima facie* complaints under 17 statutes.

Finding and Closing "Otherwise Resolvable" Complaints

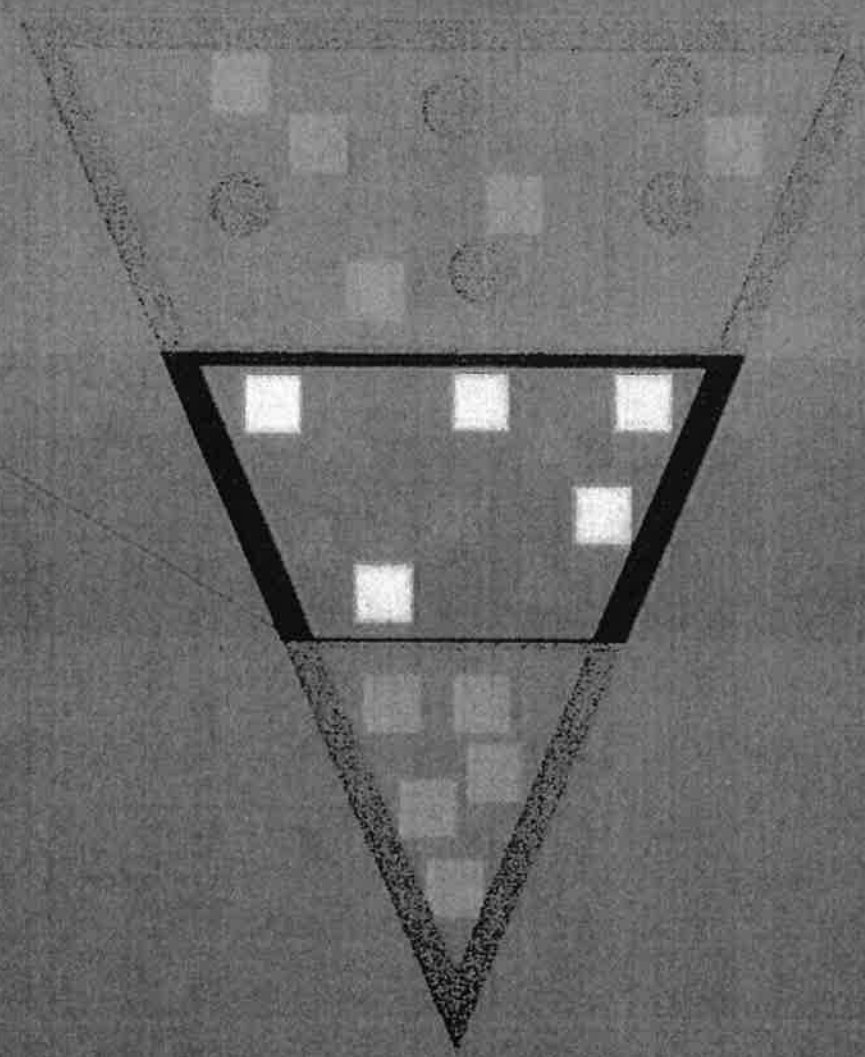
Group 1

Group 2

Group 3

Group 4

Enhancing
Accountability



Group 2

Group 1 focused on reducing the total number of complaints filed. We designed Group 2 recommendations to pick up where Group 1 leaves off. Group 2 asks: now that a whistleblower has filed his/her complaint, how might we focus investigators on the subset for which they can make the most impact?

In answering this question, we proceeded based on a simple observation. Not all complaints are the same. Some complaints are based on misunderstandings. Others have ample middle ground on which parties can resolve their differences. Others would not benefit from a lengthy OSHA investigation.

These recommendations all create pathways to resolve or advance such whistleblower complaints:

- Quickly, and
- In ways that let investigators concentrate their time on complaints that would benefit from extensive investigation.



Early ADR Scale Up

A way to focus investigator resources and speed resolution for parties



Medium Difficulty

OSHA's existing Early ADR Program is intended to give whistleblowers and their employers a chance to avoid a lengthy investigation. The only problem: the WPP does not have enough mediation resources to make a significant dent in the caseload of investigators.

We envision a scale up, fueled by a nationwide cadre of volunteer law students interested in developing their mediation skills. These students would engage in a rapid-fire early mediation, soon after the whistleblower files the complaint.

The goal: find common ground wherever possible, as soon as possible. Use alternative dispute resolution as a major tool to shrink the universe of complaints handled by investigator staff.

The Details

WHY DOL SHOULD DO THIS:

DOL already has created policies that allow all regions to engage in ADR. However, there has not yet been a concerted effort to scale up a robust early stage ADR function on a scale that would bring investigator caseload to a manageable level.

A law school partnership program can dramatically upscale the quantity of ADR services. Moreover, by deploying ADR as soon as possible, we can keep these matters off the dockets of the small cadre of existing investigators.

HOW DOL CAN DO THIS:

DOL can, in theory, do this with no added resources. At minimum, DOL should analyze the existing early ADR functions. DOL should refine and scale the most impactful of these efforts, where impact is assessed based on ability to avoid investment of investigator time/resources.

KEY FACTS:

- In FY2016, 817 (out of 8064 total complaints, 3344 total docketed complaints) settled.
- In a 1990's Region 3 ADR pilot, 22 of 27 mediated cases (81%) settled.
- On Sept. 20, 2010, RSIs from three regions wrote a white paper titled "**Implementing ADR/Mediation for OSHA's Whistleblower Protection Program.**"
- In Aug. 2015, OSHA announced that they were expanding ADR to all regions.
- The whistleblower bar responded enthusiastically to OSHA's Oct. 2012 expansion of ADR to two regions, and OSHA's Aug. 2015 announcement that it was expanding this to all regions.

CASE	STATUTE	YEAR	KEY FACTS
Johnson v. Welding Co.	WPC	2016	A brief description here, including key
Smith v. Shipping Co.	STAA	2016	A brief description here, including key
Jones v. Airline Inc.	AIR21	2015	A brief description here, including key
Williams v. Trucking Co.	STAA	2015	A brief description here, including key
Taylor v. Finance Inc.	SOX	2014	A brief description here, including key

The Outcome Chart

A way to focus investigator resources and speed resolution for parties

Low Difficulty

Anchoring is a powerful force in negotiations. Once a party sets an expected value or outcome in their mind, it is difficult to dislodge.

What if we could create a common anchor for both the complainant and respondent from the start? A number based on actual data, rather than speculation? A shared starting point that drives parties to a fair outcome?

This is the idea behind the Outcome Chart. This is a collection of every ALJ whistleblower judgment, along with critical details about each case (statute, key facts, etc.). The chart serves as the start of a shared and honest conversation between parties.

The Details

WHY DOL SHOULD DO THIS:

This is a no-cost way to drive parties towards a data-driven, common understanding of value.

HOW DOL CAN DO THIS:

DOL can do this with no added resources.

DOL would need to compile and index existing ALJ decisions in a single user-friendly format, and making this document readily available to parties as early as possible in the investigation process.

KEY FACTS:

- In FY2016, 817 (out of 8064 total complaints, 3344 total docketed complaints) settled.
- DOL's Office of Administrative Law Judges makes its orders granting relief available on its website.



The Kick-Up

A way to focus resources on a smaller universe of investigations.

High Difficulty

In an ideal world, the Whistleblower Protection Program would tackle every single investigation that it receives quickly and thoroughly. In the real world, there are too many complaints for the current WPP staff to handle all in a timely manner.

What if the WPP could narrow its universe of investigations to a number where it can deliver great service to parties? And also speed resolution for those it cannot help?

That is the idea behind the Kick-Up program. Under Kick-Up, the WPP gains the ability to immediately "kick-up" any complaint that is subject to de novo review, when it is a complaint where the WPP can't add value through investigation.

The Details

WHY DOL SHOULD DO THIS:

OSHA already offers a "kick-out" option to parties under several statutes. Under "kick-out," parties have the option of filing for de novo district court proceedings if a complaint has lingered for 180-365 days (depending on statute). We understand that OSHA has also been piloting voluntary "kick-outs" to the ALJ level in certain regions.

"Kick-Up" scales this idea for bigger impact. It gives OSHA offices the ability to speed resolution for all parties by controlling its docket.

"Kick-Up" applies to cases where (1) parties have de novo review after the OSHA determination, and (2) where WPP finds that it is unlikely to add value through further investigation. In these instances, the WPP would have the option of sending the party straight past the investigation stage.

HOW DOL CAN DO THIS:

This would require a significant amount of exploration. There are policy and legal considerations. Moreover, OSHA would have to consider how to determine which subset of de novo cases are those where it is unlikely to add value through further investigation.

KEY FACTS:

- In FY2016, 25.87% of the WPP's investigations led to a merit finding.

Improving Investigations

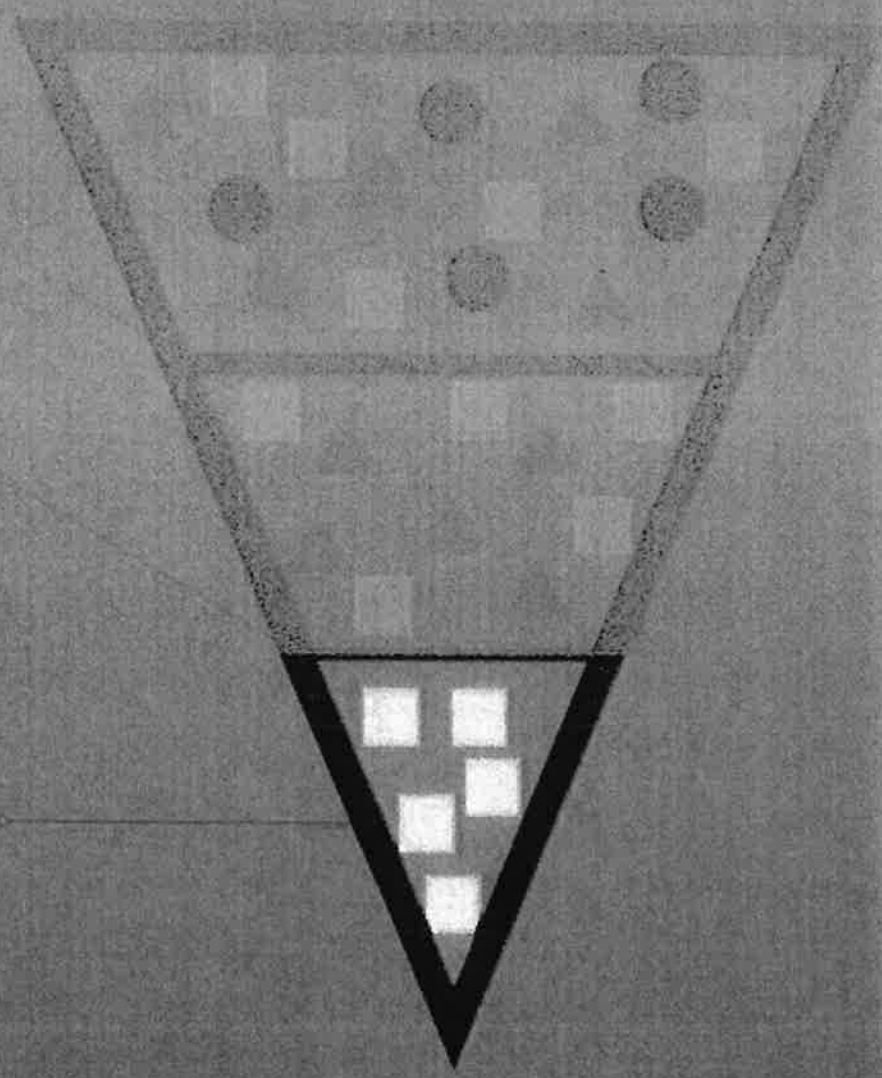


Group 1

Group 2

Group 3

Group 4



Enhancing
Accountability

Group 3

In Group 3, we shift the focus to improving and speeding the investigation process for complaints that still remain after Group 1 and 2 interventions.

When we spoke with whistleblowers, three major themes emerged. Whistleblowers were:

- surprised at how long investigation took to complete;
- disappointed if investigators seemed to discount, downplay, or spend short amounts of time on favorable interviews;
- confused about the status and course of their pending investigation.

Likewise, when we interviewed investigators, many described feeling:

- pressure from the constant volume of complaints;
- frustration with the cumbersome mechanics involved in conducting an investigation;
- an emotional toll from disappointing either a complainant or respondent.

We designed these recommendations with these insights in mind.

The Pilot Marketplace

2016

A catalog of all ongoing OSHA, whistleblower pilot

Audio Recorded Interviews

What Does This Do?
Investigators use audio recording devices to capture multiple perspectives of complainants, witnesses, and respondents. Investigators later refer to these recordings when preparing findings letters.

Who is Doing This?

POC: John Smith
POC: Samantha Tripp
POC: Carole Smith

How Can This Help?

- Decreases time to create reports
- Decreases time to complete investigations
- Increases quality of interviews
- Increases accuracy of findings

Impact (so far)

Created their day
out by 15% after
recordings.

\$80

Cost?

per investigator
for a USB digital
recorder

The Pilot Marketplace

*A way to scale up great ideas and
nurture a culture of continuous improvement*

Low Difficulty

Continuous improvement is happening in the WPP. Each region is empowered to design and propose "pilot programs." For example, we have seen regions launch pilot programs to:

- make interviews easier using technology,
- expand the use of ADR and "kick-outs,"
- rethink the closing conference, and more.

These pilots are great for idea exploration. But the key is to take the best ideas from local experiments to standard operating procedures.

That is where the Pilot Marketplace comes in. This document features every single active pilot. It includes everything a region needs to decide whether to adopt an idea: cost, evidence of impact, adopters so far, and more. And it would go out to every person - from top to bottom - in the WPP. It will be the start of a shared conversation around continuous improvement.

The Details

WHY DOL SHOULD DO THIS:

This is a no-cost way to:

- improve communications across regions,
- scale up successful process improvements organically,
- create an atmosphere of transparency,
- build relationships between regional offices.

HOW DOL CAN DO THIS:

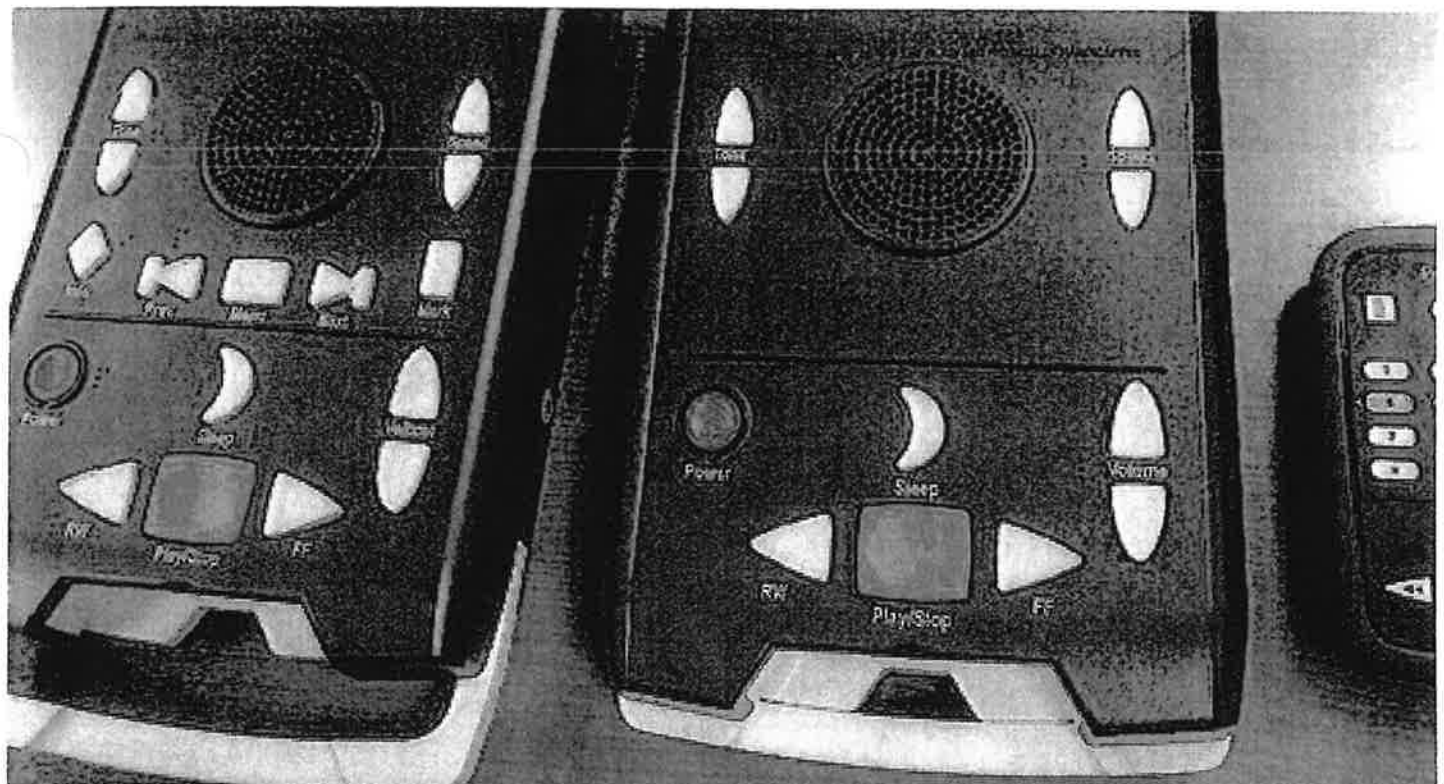
DOL can do this with no added resources.

The Directorate already reviews, approves, and maintains materials on all regional pilots. It could translate this material into a digestible format, while also adding key elements needed to make a business case. The DOL Innovation Council could be a potential partner for impact assessment.

KEY FACTS:

- Our interviews found a culture of testing and continuous improvements at the regional level, but no systemic method for sharing knowledge about various pilots. Rather, people generally found out about them through "word of mouth."

TRY THE PROTOTYPE OF THE PILOT MARKETPLACE (ATTACHED TO THIS REPORT)



Audio Recorders

A way to speed and improve the accuracy of investigatory interviews

Medium Difficulty

Imagine you are a whistleblower investigator. You are sitting down for a two hour interview with a key witness in your case. You want to digest every word the witness is saying. You want to follow up on emerging threads. You want to pay attention to subtle cues that signal credibility. Instead, you are focused on typing a transcript-like recap into your laptop. Why? Because you need an accurate record of what the witness said, and there is no extra staff to take notes for you.

Audio recorders - which at least one region is already testing - allow an investigator to stay focused on the interview. A simple digital recording device can remove a major pain point during the interview process.

The Details

WHY DOL SHOULD DO THIS:

Audio recorders:

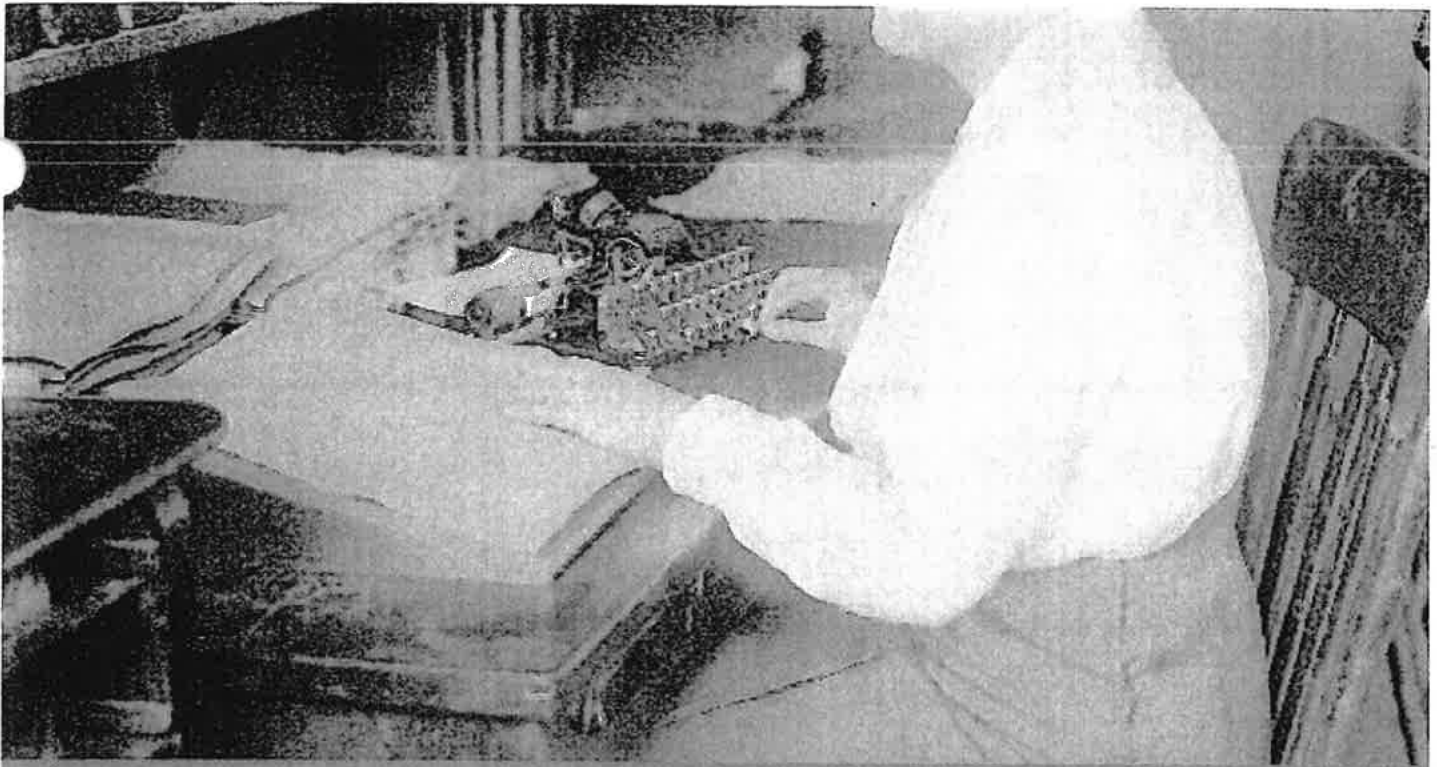
- allow investigators to focus on the interview, not on transcribing;
- create a complete and accurate record of the interview,
- allows ARAs to conduct quality control after the fact.

HOW DOL CAN DO THIS:

DOL can purchase evidence-grade digital audio recorders for less than \$100 each - under \$10K for the entire program. DOL would also need to develop clear protocols for when it will use the recorders. It will also need to design ways to handle, maintain, and process the audio files.

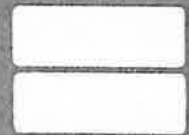
KEY FACTS:

- Some regions are already testing the use of audio recorders (see Region 3).



Speech Recognition Software

A way to speed and improve the accuracy of investigatory interviews



Medium Difficulty

Audio recording can make interviews more effective. But they create a new challenge. If investigators type large parts of audio recordings after the fact, recorders will not save much time. If Regions contract for transcription services, the costs will rise. One manager recounted that an office spent thousands of dollars in court reporter fees on one investigation alone.

Speech recognition software can provide another alternative. This software creates rough transcripts of audio recorded interviews, when we actually need transcriptions. Investigators spend a fraction of the time cleaning up auto-generated transcripts.

The Details

WHY DOL SHOULD DO THIS:

Audio recorders could potentially save investigator time and improve the quality of interviews. When we spoke with investigators in Region 3, however, we learned that audio recording created a new hassle factor: post-interview transcription. Investigators had to type up transcripts of their audio recordings.

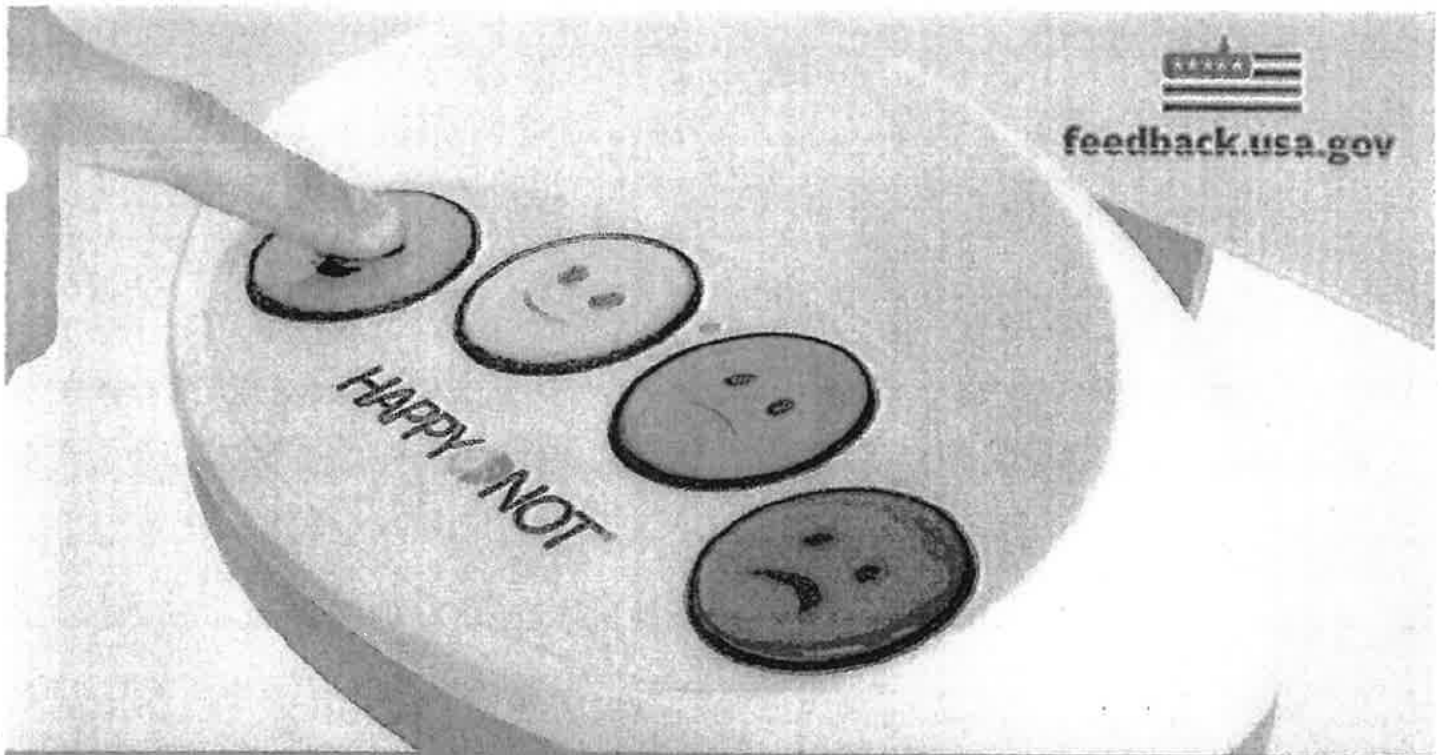
Speech recognition software can reduce the use of investigator time, and save on the cost of transcription services.

HOW DOL CAN DO THIS:

There are several commercial products available for this purpose. Licenses would run around \$300 to \$500 per investigator. DOL would need to study whether the cost is worth time savings that investigators can re-focus on processing complaints.

KEY FACTS:

- Some regions are already testing the use of audio recorders (see Region 3).



Experience Tracking

A way to spark ideas for continuous improvement and recognize what is working...and what isn't

High Difficulty

Great ideas start with a clear understanding of your end users and their needs. What parts of the whistleblower process are working for those you are trying to help? What parts are painful and frustrating?

Imagine if we could track the parties' experience at every touchpoint. After complaint filing. After an interview. After each email update. After the closing conference. After the findings letter.

We could use this data to find chances for future improvement. We could also use this to measure the impact of any future process change.

The Details

WHY DOL SHOULD DO THIS:

Experience tracking provides an on-going source for end user research. DOL can use this data to find opportunities to improve. Moreover, experience tracking lets DOL understand whether complainants and respondents are responding to changes in the investigatory process.

HOW DOL CAN DO THIS:

Integrating experience tracking is hard. DOL must navigate a host of issues related to capturing, processing, analyzing, and acting on feedback data. However, it can be a robust source for on-going improvement of the program.

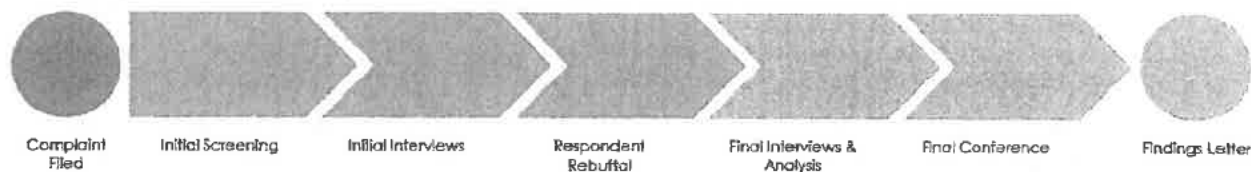
KEY FACTS:

- Five agencies (SSA, GSA, VA, State, and USCIS) participated in the feedback.usa.gov pilot in 2015.

TRACKING NUMBER: 23X56Y-178FGT

CASE NAME: Johnson / Acme Trucking

COMPLAINT FILED: 2/22/2017



CURRENT STATUS: Final Interviews & Analysis

OFFICE	DATE	NOTES
Region 5 OSHA Office	2/22/2017	Received Complaint (via online)
Region 5 OSHA Office	2/28/2017	Completed Initial Screening
Region 5 OSHA Office	3/25/2017	Completed Initial Interviews

The Progress Tracker

A way to create a sense of momentum and progress for parties while focusing investigator time on advancing investigations

Medium Difficulty

We spoke with whistleblowers who said they called OSHA's regional office every month. Why? To hear what was happening with their complaint.

This is a major pain point for investigators. When these calls come in, investigators delay working on cases so they can review the file and talk to the caller. Each call takes investigators out of the flow of their work.

Imagine if parties could watch the progress of their whistleblower complaint in real-time. For every milestone, parties could see their complaint advance towards the finish line. That is the idea behind the Progress Tracker. Using a unique case ID number, parties can see exactly where their investigation is, and how far it still has to go.

The Details

WHY DOL SHOULD DO THIS:

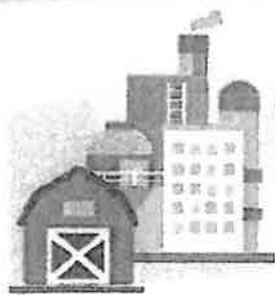
Whistleblowers reported feeling frustration when their complaint seemed to drag on. Why? Because there are very few clear touchpoints and milestone moments for parties between filing and the closing conference. The Progress Tracker creates a sense of momentum by giving parties more frequent touchpoints and moments of feedback. At every milestone event, parties can see progress as it happens.

HOW DOL CAN DO THIS:

DOL can test this concept with no added resources by sending emails to all parties after every milestone event in an investigation. DOL can then measure impact on party satisfaction and total call volume.

DOL could then scale up the concept with a fully automated interface, integrated into the Whistleblower case management system.

**TRY THE INTERACTIVE PROTOTYPE OF THE PROGRESS TRACKER
(ATTACHED TO THIS REPORT)**



1 Food produced at company A's factory gets contaminated and is distributed to grocery stores nationwide.



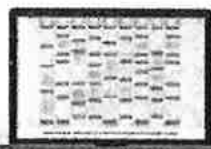
2 John buys the food and uses his store loyalty card when he checks out.



3 A few days after eating the food, John gets diarrhea, fever and stomach cramps.



7 CDC's PulseNet finds people in other states who got sick from *Salmonella* with the same DNA fingerprint.

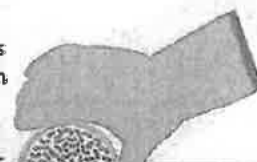


6 The state public health lab identifies the DNA fingerprint of the *Salmonella* germ from John and enters the results into CDC's PulseNet database.



4 John goes to his doctor, who collects a stool sample to test for germs.

5 The clinical lab finds the *Salmonella* germ and sends a sample of it to the state public health lab for



"What to Expect" Info Sheet

A way to create clear expectations for parties from the start and reduce call volume to investigators

Low Difficulty

Referring to filing a whistleblower complaint, one whistleblower said "I thought I could hang on for 90 days. I had no idea it would take 3 years."

The Whistleblower Protection Program should work to decrease wait times. But imagine if every party knew exactly what to expect and when to expect it, in every investigation. Without having to read through a 290-page Whistleblower Investigations Manual.

A "What to Expect" info sheet does that. It is a simple timeline with investigation milestones, available at filing. A roadmap so all parties know what they can expect.

The Details

WHY DOL SHOULD DO THIS:

It can be confusing to go through an investigation for the first time. While the Whistleblower Investigation Manual sets out the stages of an investigation, parties need to tackle a 290-page document to find it.

HOW DOL CAN DO THIS:

DOL can accomplish this without any added resources. This would require translating the steps from Whistleblower Investigation Manual into a timeline format, edited by a graphic designer to be usable/useful to the parties.

Whistleblower Investigations Manual

OSHA

Whistleblower Investigations Manual - Revised

A way to create procedures that respond to the investigation



The public-facing manual that governs whistleblower investigations is a double-edged sword. At its best, it promotes a transparent and accountable program. At its worst, it creates unnecessary bureaucracy and a pressure to "over-investigate."

When the Whistleblower Investigation Manual is out of date and reflects practices that are unsustainable under the existing complaint/investigator ratio, it becomes a barrier to an effective program. Revising the manual creates a chance to 1) address "over-investigation" and 2) build in flexibility to focus investigator resources where they are most impactful.

The Details

WHY DOL SHOULD DO THIS:

The Whistleblower Investigation Manual is out of date and does not reflect current operational realities. This creates inefficiencies that increase the timeliness and reduce the thoroughness of investigations.

These issues include:

- 1) Unnecessary and/or redundant bureaucratic steps, even to close out non-meritorious and untimely cases;
- 2) High barrier to revising the manual to reflect emerging practices - instead, the Whistleblower Protection Program relies on numerous pilots programs to address issues with the manual.

HOW DOL CAN DO THIS:

DOL should consider which parts of the manual to publish, and which parts should be internal documents. Revising the procedures in the manual should be a process of co-creation, involving stakeholders ranging from investigators, whistleblowers, and employers who come together to create and/or test new ideas.

KEY FACTS:

- Our interviews with investigators suggest that the manual does not reflect day-to-day activity. Rather than a "how to" guide, it is largely viewed as out-dated and cumbersome barrier to effective investigations.



A Focus on Training & On-Boarding

A way to develop a team that have the knowledge, skills, and abilities to handle the mission



Medium Difficulty

Develop skills and knowledge through a robust training program for both on boarding and ongoing professional development to ensure that WPP employees have the requisite knowledge, skills, and capabilities to properly accomplish the program's complex mission – the effective investigation of 22 federal statutory provisions.

Developmental activities available to staff should focus on the core skill competencies needed to be a WPP Investigator – interviewing, critical thinking, communication (active listening), research and writing, dealing with difficult people, crisis management, analysis and presentations to provide tech assistance to stakeholders.

The Details

WHY DOL SHOULD DO THIS:

For the WPP to accomplish its mission of promoting workplaces free from retaliation due to whistleblowing activities, it is essential for OSHA to ensure that it has in place a comprehensive training and mentoring program for Investigators, Regional Supervisory Investigators, Technical Subject Matter Experts, and Mediators. This entails not just basic training for newly hired Investigators or recently promoted individuals, but on-going continuing education and career enhancement opportunities that will ensure that WPP's staff have the requisite knowledge, skills, and capabilities to ensure that the rights of America's workers to report potential violations of twenty-two federal statutes are protected.

HOW DOL CAN DO THIS:

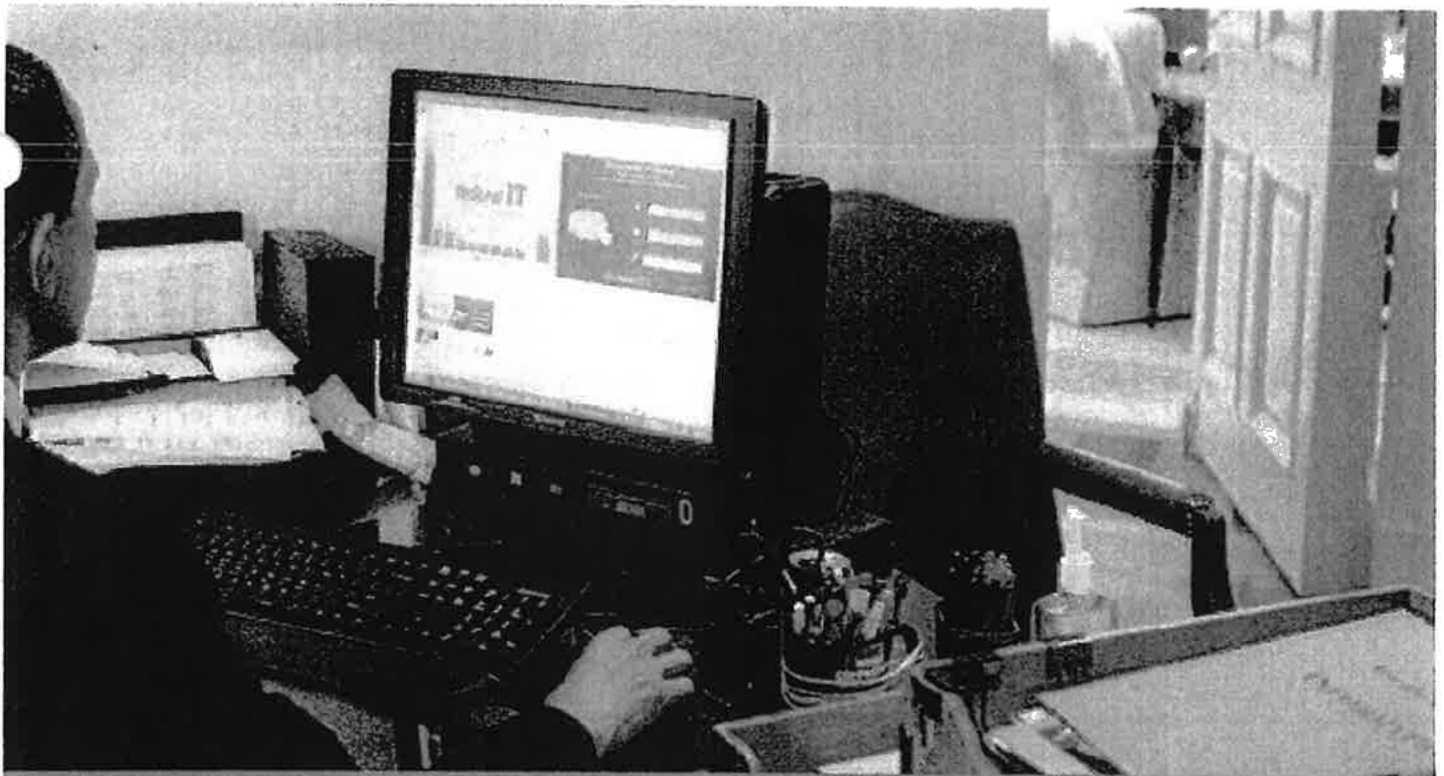
DOL can provide training agency facilities, other government facilities, non-government facilities, coaching, mentoring, and self-study. At the heart of this effort is a Leadership and Investigatory Competency Training Guide. This Guide:

- (1) Develops, defines, and gives examples for WPP-specific competencies for each level of investigator, which can link to IDPs.
- (2) Launches a mentoring program for newly hired WBIs, newly promoted RSIs, and newly promoted ARAs.
- (3) Develops a formal and detailed program of guided readings, webinars, and on-the-job training prior to attending Course #1420: Whistleblower Investigation, and implements TED 01-00-020 nationwide.
- (4) Utilizes FLETC training, as recommended by DOL Enforcement Working Group
- (5) Reinstates the annual Whistleblower Training Conference.

DOL can also partner with Federal Agencies through non-reimbursable details to build training program. For example, SME training and development (i.e. someone from CFPB details to DOL to help develop SMEs and give general training to all employees).

KEY FACTS:

- Although OSHA issued a Directive in 2015 for mandatory training, the WPP training program lags behind other DOL investigative programs, such as WHD or EBSA. For example, WPP is taking action to train new staff; however discussions with staff with several years of tenure revealed that there were limited training opportunities for them to hone and reinforce their skills.
- Training and education can be provided through agency facilities, other government facilities, and non-government facilities, coaching and mentoring and self-study. DWPP can coordinate trainings with other enforcement agencies at Labor to achieve cost savings, through the FLETC. Expand on training from partner agencies, for example CFPB is currently working with OSHA to provide subject matter training.



A User-Center IMIS Overhaul

A way to allow data-driven decision-making and less hassle for investigators.

High Difficulty

IMIS came up repeatedly when we spoke to staff in the Whistleblower Protection Program. Two major themes emerged:

- Investigators thought IMIS was cumbersome to use ("why do I have to cut and paste so much?"), unreliable to access, and generally a barrier to doing their job.
- Decisionmakers thought IMIS either didn't capture the data they needed to make decisions, or made the data hard to assemble and analyze.

OSHA is exploring an IMIS overhaul. DOL should support this effort. It should also make sure that any new system (1) has a user interface that is designed for the investigator, and (2) reflects the business needs and practices of the program.

The Details

WHY DOL SHOULD DO THIS:

IMIS complicates the investigative process, because it is not integrated with the online charge system, and it does not allow staff to track and manage their workload or to recognize systemic trends. Because IMIS is not able to be matured to a case management system there is an inability to obtain key data for decision making and lack of monitoring. There are no alternative IT programs available to staff to meet these basic case management needs.

HOW DOL CAN DO THIS:

As the OSHA team works to improve the data management of the Whistleblower Program, DOL should encourage them to:

- Invest time to gain a deep understanding of the goals for the Whistleblower Program. For example, the team should work to understand the kinds of data and analytics that stakeholders — from agency leadership to investigators — need to know in order to access performance from their respective roles. This understanding should drive how OSHA determines what kinds of data that the Whistleblower program should capture.
- Work closely with front-line staff to test and refine a user interface works within the practices and habits of investigators.
- Explore ways to make it easy for all stakeholders to access and digest the data that is critical to their roles. Find ways to integrate this data-driven feedback into the day-to-day

KEY FACTS:

- OSHA has begun a process to improve and update IMIS, the core data collection application used by the Whistleblower Program. This is a critical effort. Sound, strategic, data-driven decision-making requires one foundational ingredient — good data. Therefore, we strongly urge that the changes address the issues discussed here and that they are robust enough to anticipate future needs.



ARA Engagement in Decision-making

A way to drive better organizational decision-making and staff ownership

Low Difficulty

OSHA should engage ARAs with subject matter expertise to help with long-term policy and resource decision-making.

This approach links to the overall leadership professional development and training recommendations. It is important that whistleblower staff feel they have and have actual growth opportunities and career advancement.

The Details

WHY DOL SHOULD DO THIS:

Most OSHA RAs and DRAs have little direct experience with the Whistleblower Protection Program. However, they represent key decisionmakers in the day-to-day operation of the program.

Whistleblower ARAs serve as program experts for OSHA and WESC. However, based on our research, they are not always actively engaged by OSHA to provide feedback or insights on program management. DOL should expect ARAs to be at the table and be engaged with larger policy, resource, and leadership discussions.

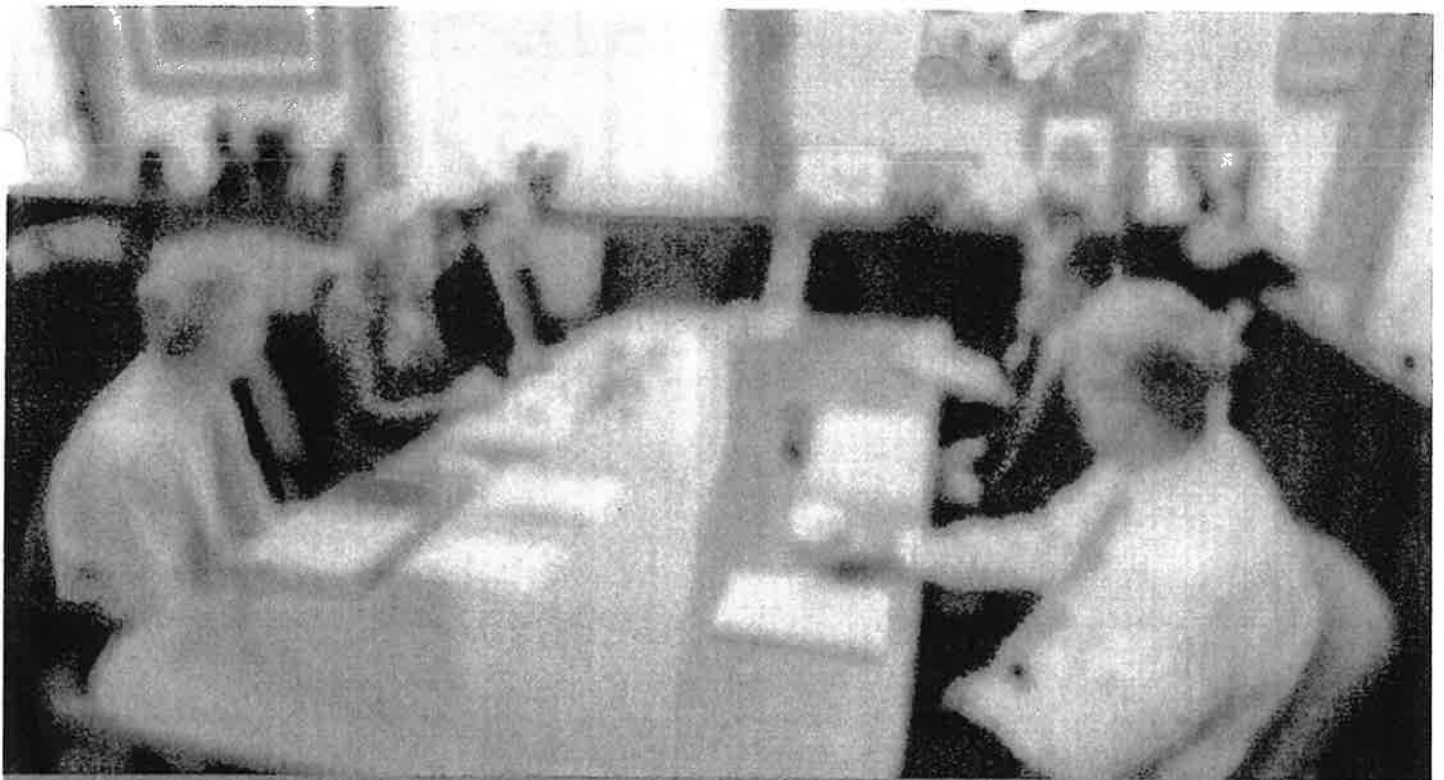
HOW DOL CAN DO THIS:

Options:

- ARAs agree on methodology for determining resource allocation among the regions
- ARAs play a more pivotal role in the day-to-day operations of monitoring cross-regions with weekly calls and coordination, breaking down the barriers to cross-regional communication
- ARAs report directly to National Office.
- Mentoring program for ARAs.
- The ARA in each region take responsibility for monitoring enterprise-wide trends and cases

KEY FACTS:

- Although the WESC is composed of OSHA leadership, few (if any) current RAs/DRAs in OSHA came through the Whistleblower Protection Program.
- Regions also differ in the amount of discretion the ARAs have to implement best practices/ policy decisions.



A Different Kind of Closing Conference

A way to promote better decision-making and reduce emotional strain on investigators

Low Difficulty

At the end of every case, investigators must hold a closing conference with all parties. This is the moment when the investigator tells a complainant that OSHA is deciding against them. In interview after interview, investigators pointed to this as a major stressor. One investigator compared it to "ripping off a band-aid." Others described the toll of feeling the distress of the "losing" party. One asked, "why do we hold these in-person, when there isn't anything we can do [about the outcome]?"

Borrowing from the judicial system, what if the closing conference took the form of oral argument. Instead of revealing OSHA's finding for the first time, this would be a chance for the investigator to lay out the facts as s/he knows them, and to give parties a final chance to correct any inaccuracies. Following the conference, OSHA would then issue its decision.

The Details

WHY DOL SHOULD DO THIS:

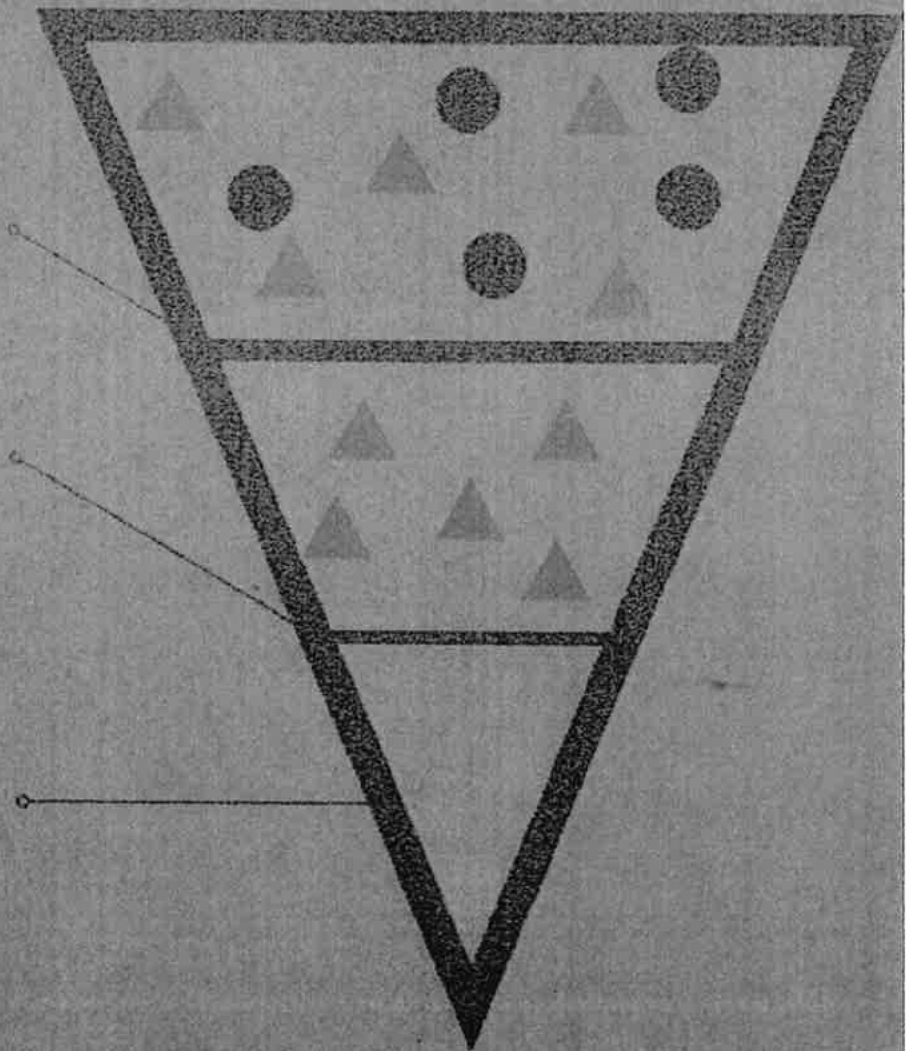
This would reduce the emotional toll on parties and investigators alike. It would also increase the thoroughness and accuracy of investigations.

HOW DOL CAN DO THIS:

DOL could do this with no additional resources. It would, however, require DOL to modify the Whistleblower Investigations Manual so that investigators would use these conferences solely as a final chance to confirm or contest critical information.

Note: The Manual currently envisions the Closing Conference as an opportunity for complainants to raise new evidence. In our interviews, however, we did not find that this was common practice.

Enhancing Accountability



Group 4

**Enhancing
Accountability**

Group 4

This section focuses on how the WPP can enhance accountability inside and outside its program.

Under more than 20 statutes, the WPP is the federal government's first touchpoint for whistleblowers. That gives the WPP an immense responsibility, challenge, and opportunity. The WPP is positioned to spot emerging trends across different industries. It can take a lead role in identifying bad actors.

We designed these concepts to maximize WPP's unique position.



Monitoring Performance

A way to spot emerging trends and improve decision-making

High Difficulty

How can we ensure cases don't fall through the cracks? How can we identify systemic industry violations? How can we root out repeated employer violations? How can we track and drive program performance?

Imagine a mature performance and data analytics unit, driving policy and decision-making.

OSHA can achieve this by building a performance and data unit after WHD's model. In addition, OSHA should expand the responsibilities of ARAs to include the coordination and tracking of employers. This coordination engages ARAs nationwide, take advantage of their years of experience and inter-agency relationships.

The Details

WHY DOL SHOULD DO THIS:

Oversight by National Office is insufficient and Regional Supervisors lack systems to prevent cases from falling through the cracks or to identify systemic issues in particular employers or sectors.

HOW DOL CAN DO THIS:

DOL can, in theory, do this with little to no added resources. OSHA should work with the Performance Management Center (PMC) to create robust Regional metrics and report on them in the quarterly discussion guide. OSHA should also consult with other enforcement/investigation agencies at DOL. Specific measures for OSHA to consider include:

- Average number of days between receipt of complaint and docketing of case
- Average number of days between docketing of case and assignment to an investigator
- Average number of days between assignment to an investigator and submission of case for review by the supervisor
- Average number of days between milestones in investigations:
- Average number of days between assignment to an investigator and interview with complainant
- Average number of days between interview with complainant and receipt of respondent's position statement
- Average number of days between receipt of respondent's Position Statement and receipt of rebuttal from complainant
- Average number of days between receipt of rebuttal from complainant and submission of case for review by the supervisor

To the extent possible, the above recommendations should be incorporated into any electronic case management system and database. For example, there should be a way to create an electronic record to quickly and proactively associate future cases with a common employer.

KEY FACTS:

- There is not enough oversight from the National Office. Nor are system in place for Regional Supervisors to prevent cases from falling through the cracks or to identify systemic issues from particular employers/ across sectors.
- OSHA lacks a process for determining if it should jointly pursue investigations and enforcement actions against common employers.
- OSHA does not target employer training using repeated offending employer or industry data

THE WHISTLEBLOWER Protection Programs

Making DWPP an Agency

A way to create ownership by putting decision-making ability in the hands of the DWPP

High Difficulty

Creating a separate agency and reconstituting the National Office will strengthen the national program by providing greater control over agency resources, decision-making, and program management.

The Details

WHY DOL SHOULD DO THIS:

DOL should do this in order to build out a robust national whistleblower program. It will also aid in enhancing accountability across the regions, and improving investigations and processes by a strengthened leadership role of the National Office with additional responsibility and oversight to the ARAs.

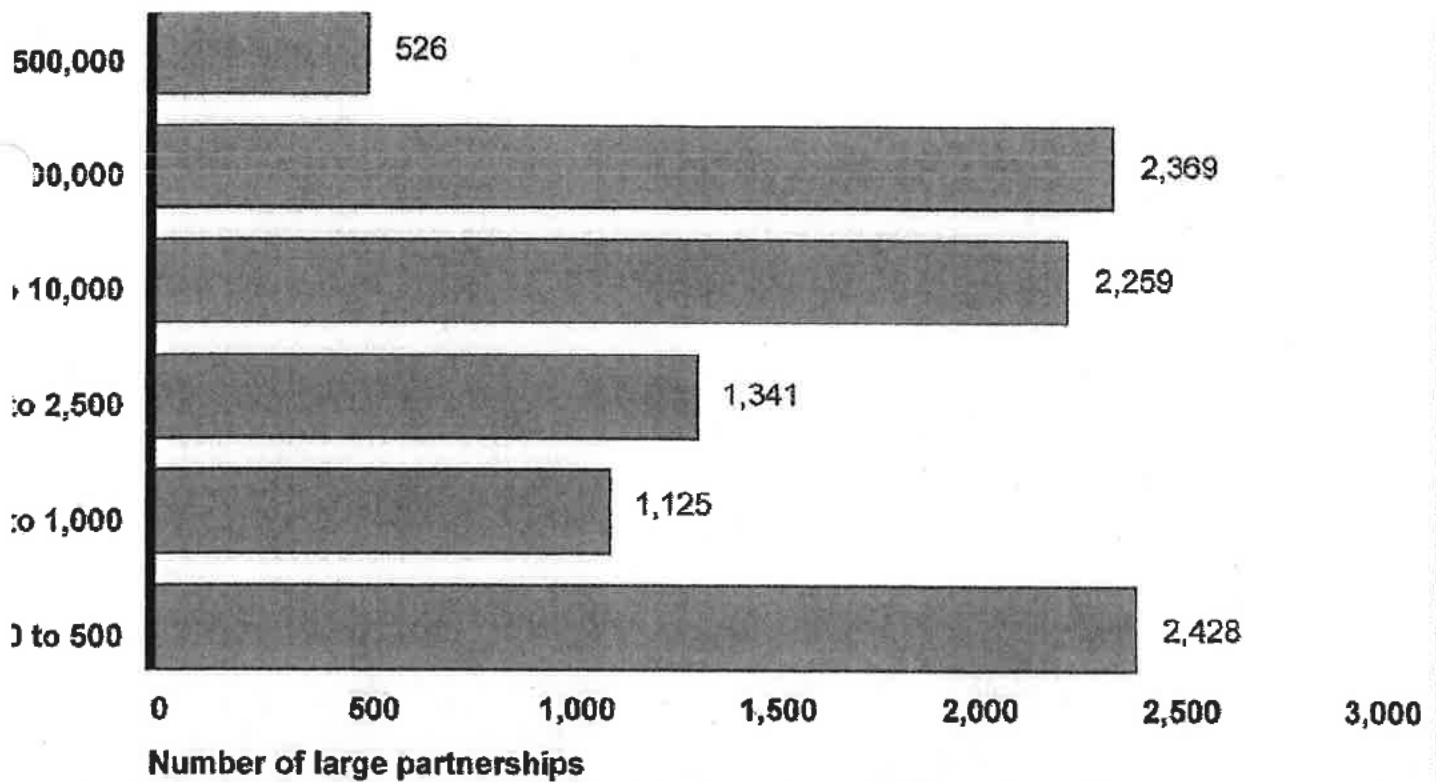
HOW DOL CAN DO THIS:

First, remove the program from the regional structure. Currently, the regions operate as 10 different whistleblower programs. Removing the program from the regional structure has the potential for developing a true national program that facilitates coordination, engagement across regions and the sharing of resources across regions.

Second, work with OMB to incorporate this request into the FY2018 Budget Request.

KEY FACTS:

- The initial federal Whistleblower Protection Program came from the OSHA Act. The WPP's jurisdiction over 21 subsequent statutes, however, came as an exercise of the Secretary's discretion, as articulated in a series of delegations of authority from the Secretary to OSHA. As such, it is within the Secretary's authority to revoke those delegations and to administer the program out of the Secretary's office or to create a new agency that reports to the Secretary.
- This idea came up frequently when we spoke to a range of stakeholders (including staff, and union representatives).



National Audit Program

A way to formalize accountability and drive continuous improvement.



In order to ensure consistency in enforcement throughout the Whistleblower Protection Program, OSHA should implement an Accountability/Best Practices Audit process. Ideally, this team would be overseen by:

- One of the Division Chiefs
- Include at least one person from the Division of Field Operation
- One person from the Division of Policy, Planning, & Program Development
- One ARA from a region other than the one being audited
- One RSI from a region other than the one being audited

The Details

WHY DOL SHOULD DO THIS:

Sound, strategic, data-driven decision-making requires one foundational ingredient – good data. The DOL IG and GAO have made similar recommendations.

HOW DOL CAN DO THIS:

DOL can, in theory, do this with minimally added resources (for travel every three years). DWPP would build a team who would:

- Visit each region at least once every three years and review a representative sample of the cases completed during the past three years;
- Check to ensure that the region is complying with the policies and procedures set forth in the Whistleblower Investigations Manual and other directives, memorandums, etc. issued by DWPP;
- Identify best practices being utilized in the regions and recommend to the Director implementing such practices nationally.

KEY FACTS:

- See the Wage and Hour Accountability Review Team's "Master List of Elements." This gives a sense for what DWPP's Accountability Review Team could be focusing on during these audits.

Department of Labor

Whistleblower Protection Program

Investigator and Leadership Competencies 2016

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Investigator Leadership Vision

DWPP expects all employees to act with integrity and demonstrate leadership that is consistent with the Department's core values and leadership values. DWPP investigators should foster strong relationships, demonstrate openness to new ideas, and apply a strategic approach to making decisions that advance the whistleblower mission. Investigators are leaders at all levels:

- **Open and honest.** Our actions match our words and we are open to challenges to our assumptions;
- **Team players.** We engage different perspectives, listen with curiosity, collaborate across lines of business, and develop leadership in others;
- **Curious and agile learners.** We anticipate trends and are willing and able to adapt to and lead change that enhances the Department's effectiveness; and,
- **Bold decision-makers.** We leverage the Department and WPP's wealth of technical knowledge, experience, and data to make well-informed and timely decisions that align with the Department's mission, values, and strategic goals.

Investigator Leadership Values

Integrity *approach investigations, relationships and work with integrity:*

- Speaking honestly and giving consistent messages regardless of audience;
- Ensuring their actions comport with their words; and,
- Engaging multiple perspectives to ensure sound decisions.

Teamwork *develop and maintain relationships:*

- Listening & displaying empathy, and fostering an open dialogue;
- Mentoring, empowering, and developing the next generations of leaders;
- Leveraging expertise of colleagues across the Department to break down organizational silos; and,
- Working collaboratively to further the Department's mission.

Curiosity *seek knowledge of themselves, others, the Department and the industry in which we operate:*

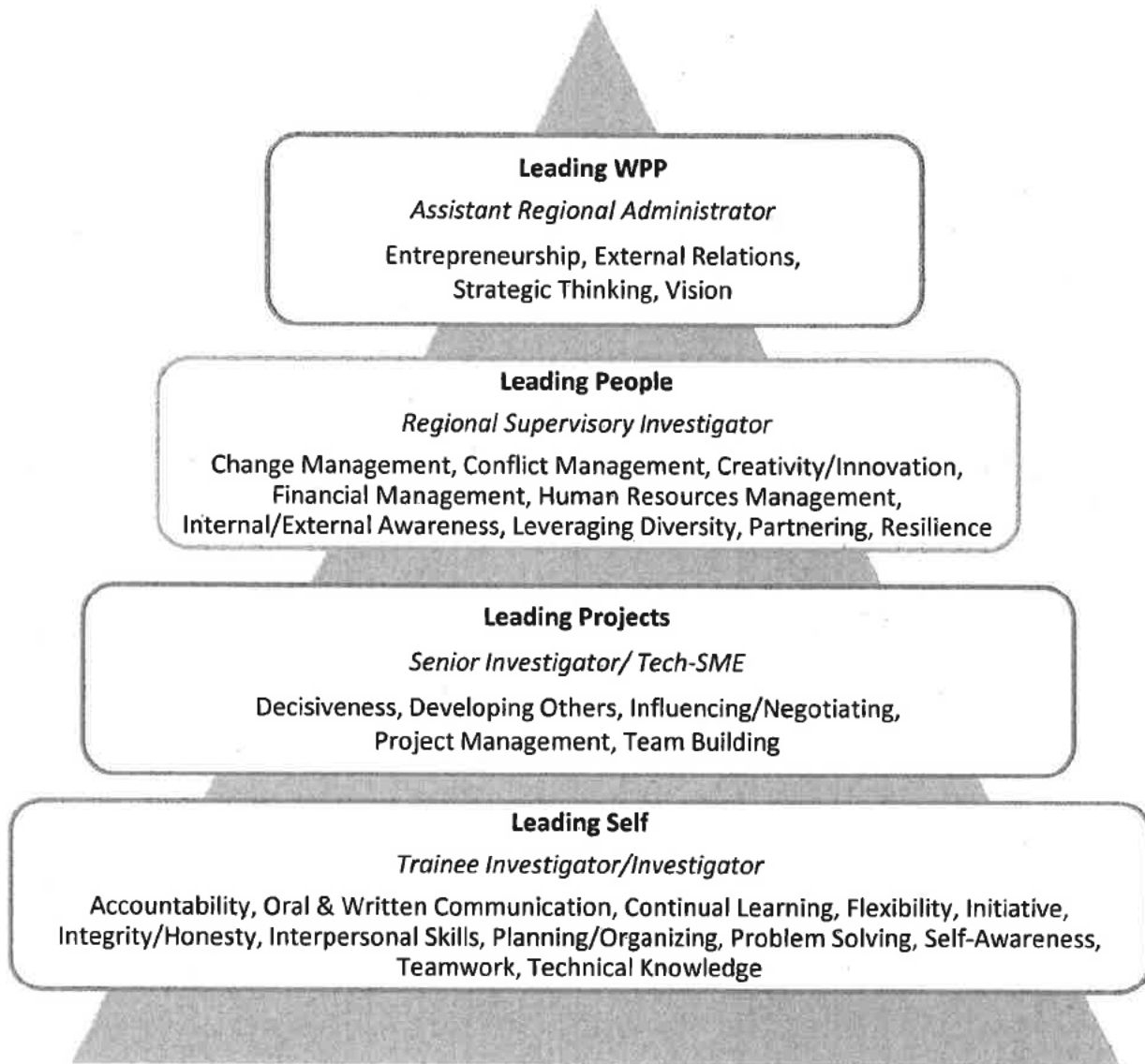
- Being curious and innovative, and taking calculated risks;
- Identifying broad dependencies and connections;
- Seeking diverse experiences inside and outside the Department;
- Thinking through how individual and office actions affect stakeholders; and,
- Anticipating changes (e.g. regulatory, industry, technology, or workforce) and being agile and resilient as they occur.

Decisiveness *use sound judgement in decision-making:*

- Engaging colleagues and using technical knowledge, experience, and data to efficiently evaluate and decide the appropriate course of action;
- Making decisions and the decision-making process transparent through communication to stakeholders; and,
- Taking strategic actions that align with the Department's vision & values to advance the Department's mission

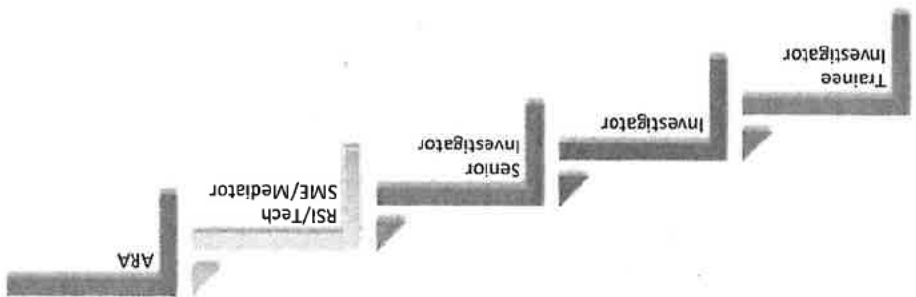
Building Blocks of Leadership

These are the OPM Executive Core Qualifications, mapped to four phases: (1) Leading Self (Investigator); (2) Leading Projects (Senior Investigator/Tech SME); (3) Leading People (ARA, RSI); and (4) Leading Organizations (RA, DRA) based of DWPP's current organizational structure.



Training & Professional Development

This consolidated, one-stop source of training options may assist employees and supervisors in developing individual training plans to broaden employees' knowledge base and achieve higher levels of performance. Knowledge obtained in these trainings, supplemented or combined with on-the-job experience, increases staff potential and enables employees to effectively perform their duties and excel in their profession. It may serve as a roadmap for employees as they progress through the various phases of their careers, from entry level to Team Lead and Supervisor roles. The Training Continuum does not replace the employee performance plan or evaluation nor does it guarantee that employees will be promoted or rewarded for taking courses.



The training courses are identified by their level of difficulty ranging from introductory to intermediate to advanced levels. Introductory training is structured to provide a foundation for new and less experienced budget analysts by familiarizing students with basic budget terminology and processes. Intermediate and advanced courses are better suited for more experience technical employees who are interested in refresher training or more challenging courses on complex topics.

The course categories (Investigatory analysis, analytical, technical, leadership, and management) are color coded to coincide with an employee's career phase as modeled by the Building Blocks of Leadership.

- The **technical category** includes courses that can be considered investigatory building blocks towards a subject matter expert.
- The **analytical category** covers courses that build the capacity for analyzing, comparing, and interpreting data. Like the technical courses, the analytical courses are appropriate for all levels of staff.
- **Leadership courses** focus on enhancing communication, coaching, and leadership skills, and may be taken by team leads and Supervisors as well as those interested in pursuing leadership positions.
- **Management training** is more specific to developing skills for new and prospective managers or those interested in supervisory roles.

These course descriptions should help employees decide what courses are best suited for their professional goals and level of general or technical experience as an investigator. Intermediate and advanced courses may have suggested pre-requisites or working knowledge of certain technical areas and processes.

Process

To request training, submit a completed SF-182 Authorization, Agreement, and Certification of Training Form via Learning Link to the employee's direct Supervisor. Training approval will depend on individual supervisory approval as well as office training budgets. Opportunities to apply knowledge obtained in the classroom to actual job duties will depend on multiple factors including needs of the office and/or management, employee initiative and pro-active approach to job responsibilities, as well as job scope as identified in the employee's position description. After completing a course, employees are encouraged to fill out the Evaluation Form to provide feedback on the training. Honest feedback from those who have taken these trainings will be valuable in improving the training continuum and ensuring it offers only the most useful, relevant education for employees. Level of Difficulty: (B) = Basic; (I) = Intermediate; (A) = Advanced

Mentoring

When a new Investigator is hired, he or she should be assigned a mentor who will be available to provide guidance, answer questions, allow the trainee to shadow him or her while doing investigative work, and coordinate opportunities for the trainee to shadow other Sr. Investigators. Likewise, when someone is promoted to the position of RSI, Technical Subject Matter Expert, Mediator, or ARA, he or she should be assigned a mentor who works in the same position in another region. This will provide the newly promoted individual someone with whom he or she feels "safe" (i.e., outside of his or her chain-of-command) asking questions, discussing areas of concern, and obtaining career guidance.

IDPs

It should be broken into weekly segments with required readings and online instruction in conjunction with clearly defined on-the-job training experiences to be completed with the mentor or another Sr. Investigator. A checklist should be developed so that each week, the mentor can initial when the trainee has completed all of the activities designated for that week, and the RSI can initial after speaking with the trainee and verifying that he or she has a full understanding of the subjects assigned for that week. Upon completion of the pre-class training, the Assistant Regional Administrator should sign the checklist, verifying that the trainee has completed all requirements, and forward it to the Directorate of Training and Education so that the trainee can be approved to attend Course #1420. The pre-class training program should be designed to last for a definite period of time (e.g., 12 weeks).

	Trainee Investigator (Year One)	Investigator (Years Two and Three)	Senior Investigator	Regional Supervisory Investigator/Tech SME/Mediator
Day-to-day	<ul style="list-style-type: none"> Gains on the job training by conducting intake interviews and shadowing Senior Investigators on OSH Act Sec. 11(c) investigations. Conducts initial OSH Act Sec. 11(c) investigation upon completion of "Whistleblower Investigation Fundamentals" course. 	<ul style="list-style-type: none"> Conducts progressively more difficult OSH Act Sec. 11(c) investigations. Gains on the job training by conducting intake interviews and shadowing Senior Investigators on whistleblower investigations conducted under the "other" statutes. 	<ul style="list-style-type: none"> Conducts whistleblower investigations under OSH Act Sec. 11(c) and all "other" statutes, regardless of level of difficulty. Assists the Tech SME in providing guidance to other WBIs in the region for one or more of the "other" statutes that s/he has gained expertise in. 	<ul style="list-style-type: none"> Regional Supervisory Investigator: Performs day-to-day supervision of WBIs; monitors the training program for investigators-in-training. Tech SME: Serves as an in-house Subject Matter Expert (SME) providing guidance to other WBIs in the region for the "other" statutes; if located in one of the "Centers of Excellence", serves as an SME providing guidance to WBIs in other regions for the "other" statute(s) that his/her region has responsibility for. Mediator: Oversees the implementation of OSHA's ADR Program for the region; serves as a mediator when this option is elected by the parties to a whistleblower claim.
On-The-Job Training	<ul style="list-style-type: none"> Participates in Mentor program as a Mentee to Senior Investigators Completes formal and detailed mandatory program of guided readings, webinars, and on-the-job training in preparation for Course #1420. 	<ul style="list-style-type: none"> Participates in Mentor program as a Mentee to Senior Investigators Completes formal and detailed mandatory program of guided readings, webinars, and on-the-job training in preparation for Course #1460. 	<ul style="list-style-type: none"> Gains leadership and management training by acting as a mentor to investigators-in-training. Participates in Mentor program as a Mentee to an RSI in another region (optional). 	<ul style="list-style-type: none"> Participates in Mentor program as a Mentee to an RSI, SME, or Mediator in another region. Once s/he is at full performance potential, participates in Mentor program as a Mentee to an ARA in another region (optional).
Classroom Training	<ul style="list-style-type: none"> Course #1420: Whistleblower Investigation Fundamentals 	<ul style="list-style-type: none"> Course #1460: Basic Whistleblower Investigations Federal Statutes (to be reinstated) Course #1610: Interviewing Techniques for Whistleblower Investigators Course #1630: Written Communication and Report Writing for Whistleblower Investigators Course #2710: Legal Concepts for Whistleblower Investigators Course #2720: Whistleblower Complaint Resolution and Settlement Negotiations 	<ul style="list-style-type: none"> As needed, completes refresher webinars on the "other" whistleblower statutes. Attends other OTI courses (http://intranet.osha.gov/dte/LAP/dte/courses.html) with RSI's and ARA's approval. Contingent upon availability of funds, attends the Professional Certified Investigator (PCI) credential (https://www.asisonline.org/Certification/Board-Certifications/PC/PC/Pages/default.aspx). 	<ul style="list-style-type: none"> Essential HR Competencies for the New DOL Manager and Supervisor (RSI) Leading@Labor one- and four-day courses (RSI) Leading@Labor Emerging Leaders course (Tech SME/Mediator) Contingent upon availability of funds, completes the 40-hour mediator certification course offered by the National Association of Certified Mediators (NACM) (http://www.mediatorcertification.org) (Mediator). Modern Government Management

	Whistle Investigator (Year One)	Investigator (Years Two and Three)	Senior Investigator	Regional Supervisory Investigator/Tech SME/Mediator
Professional Competencies¹	<ul style="list-style-type: none"> Accountability Oral & Written Communication (<i>active listening</i>) Continual Learning Flexibility Initiative Integrity/Honesty Interpersonal Skills Planning/Organizing Problem Solving Self-Awareness Teamwork Technical Knowledge 	<ul style="list-style-type: none"> Accountability Oral & Written Communication (<i>active listening</i>) Continual Learning Flexibility Initiative Integrity/Honesty Interpersonal Skills Planning/Organizing Problem Solving Self-Awareness Teamwork Technical Knowledge <i>Critical Thinking</i> <i>Interviewing</i> 	<ul style="list-style-type: none"> Decisiveness Developing Others Influencing/Negotiating, Project Management Team Building <i>Dealing with difficult people</i> <i>Crisis Management</i> 	<ul style="list-style-type: none"> Change Management Conflict Management Creativity/Innovation Financial Management Human Resources Management Internal/External Awareness Leveraging Diversity Partnering Resilience <i>Research and Writing</i> <i>Analysis and presentations to provide tech assistance to stakeholders</i>
Professional Development	Annual Whistleblower Training Conference			

¹ Competencies marked by *italics* are WPP-specific investigator (i.e. in addition to OPM's ECCOs)

Leadership Competency Definitions & Proficiency Levels

Expected Behaviors

	Employee/Individual Contributor Leading Self	Group Leader Leading Projects
Accountability	Communicate the importance of accomplishing objectives and delivering results on time. Fulfill commitments made to peers, supervisors, and stakeholders, providing plenty of notice if unable to meet obligations so that alternative plans can be made. Track progress of work and respond to obstacles that threaten established goals and objectives.	Establish expectations for self or work unit so that objectives are prioritized and achievable. Monitor and hold others responsible for complying with established policies and procedures. Take responsibility for work unit or project outcomes, regardless of results.
Oral & Written Communication	Orally communicate information clearly and concisely to avoid miscommunication. Prepare written communications that are accurate, clear, concise, and well organized. Answer routine or basic questions appropriately (e.g., tone, detail) and in a timely manner.	Make oral presentations to or conduct meetings with a variety of audiences of varying size, conveying main ideas and supporting points clearly and concisely. Adapt communication style to audience in accordance with its level of understanding. Engage with others by inviting dialogue, requesting input, and responding accordingly. Review and edit written communications prepared by others for grammar, punctuation, spelling, and conformance to style and format guidelines.
Continual Learning	Recognize areas needing self-improvement and take technical and proficiency training to increase skills. Seek and participate in appropriate professional development activities in order to expand subject matter knowledge and expertise, and share with others. Apply what is learned through training, feedback, mentoring, and other opportunities to produce a positive impact. Complete prerequisites (e.g., coursework, internship) and obtain non-required but relevant certification or license.	Enhance personal competencies by pursuing both internal and external opportunities for professional development and on challenging assignments and institutional roles. Participate in mentoring relationships as a mentor to others. Complete a course or longer-term training program that meets personal developmental goals and aligns with the DWPP's strategic objectives.
Flexibility	Anticipate apparent obstacles that could affect work and bring issues to the attention of one's supervisor when necessary. Shift focus in response to changing priorities, strategies, or demands; become knowledgeable about new areas. Balance multiple competing work demands to achieve required outcomes.	Same as previous level
Initiative	Seek out new responsibilities, assignments, and opportunities. Ask questions to coworkers, peers, and supervisors to better understand work requirements and needs of stakeholders.	Seek out challenging opportunities for professional growth. Volunteer to take on additional responsibilities or tasks to meet need within the work unit (e.g., the lead on team efforts). Proactively develop methods to improve operations, processes, and approaches (e.g., developing standard operating procedures for a specific area).
Integrity/Honesty	Demonstrate DWPP values and display ethical conduct in performing duties, regardless of internal and external pressures. Advise others on the DWPP's ethical and professional conduct standards and policies. Fairly and objectively report inappropriate business practices or conduct to proper authorities.	Serve as a role model for ethical, personal, and professional behavior. Take necessary and timely action to resolve inappropriate business practices or conduct.

	Manager Leading People	Executive Leading WPP
	Provide guidance and communicate methods for prioritizing and achieving DWPP objectives. Create a culture of accountability among others by defining roles and responsibilities. Create and institute policies, procedures, systems, or processes that align with DWPP objectives.	Same as previous levels
f is	Make presentations that are effective, professional, and tailored to the intended audience. When appropriate, use charts, graphs, figures, and illustrations to deliver the intended message. Communicate orally and in writing substantive issues effectively so that they are accurate, factual, and supported. Write clear, concise documents on complex topics for establishing business unit guidance or guidelines.	Effectively articulate highly complex or sensitive information when meeting with key executives or public officials, including issues with high visibility. Use communication to foster an atmosphere of open exchange, trust, and support. Prepare highly complex written communications that have significant implications for the DWPP. Communicate effectively with others under stressful conditions, demonstrating notable tact, persuasiveness, or negotiation skills.
i-	Take initiative to share knowledge and expertise through formal and informal learning opportunities. Apply learning and expertise to develop innovative solutions to achieve the DWPP's goals and mission.	Same as previous levels
	Shift goals and activities to align with or respond to line of business initiatives, external conditions, or Congressional priorities. Listen to and understand concerns of staff and coworkers during times of change.	Same as previous levels
s	Identify and propose solutions for improving the efficiency and effectiveness of established work processes. Volunteer for a challenging assignment that is outside the normal scope of duties. Volunteer/offer to serve as a member of a special committee that has DWPP-wide impact.	Identify and approve solutions that have the potential to significantly impact and improve the DWPP. Establish or implement a culture that enables employees to contribute to DWPP objectives.
	Demonstrate the highest level of ethical, personal, and professional behavior. Display the highest level of corporate responsibility while working towards organizational goals. Establish or implement a culture of ethical and professional conduct.	Same as previous levels

	Employee/Individual Contributor Leading Self	Group Leader Leading Projects
Interpersonal Skills	Observe and identify different individuals' work styles and tailor actions accordingly to achieve goals and outcomes. Acknowledge others' points of view to come to a common understanding and seek mutual purpose. Collaborate with geographically distributed employees to leverage their opinion, expertise, and skills.	Build, maintain, and leverage a network of professional relationships. Promote an atmosphere of approachability resulting in individuals seeking information or advice. Reinterpret others' behavior during interactions and use this to make necessary adjustments at the moment of the interaction.
Planning/Organizing	Plan, coordinate, and effectively discharge routine functions and responsibilities with minimal guidance. Prioritize routine tasks to ensure timely delivery of information, products, and services.	Prepare plans for projects to provide deliverables within established parameters independently. Consider the DWPP priorities and costs when planning work assignments. Balance and prioritize multiple projects or assignments simultaneously. Implement a new project, including identifying stakeholder needs, determining roles and responsibilities, and establishing timelines.
Problem Solving	Leverage available resources and information to identify issues. Reconcile conflicting or incomplete information to develop solutions. Analyze and draw supportable conclusions, considering the implications of actions. Anticipate potential problems, and take or propose corrective actions.	Same as previous levels
Self-Awareness	Accept feedback from others and opportunities for personal development; do not be surprised by or defensive to others' feedback. Have an accurate assessment of own performance level. Recognize causes of own feelings and mood. Understand and recognize own strengths and weaknesses (e.g., biases, hot buttons).	Seek feedback from others and opportunities for personal development. Be sensitive to impact on others. Know causes of your own feelings and moods and moderate behaviors accordingly.
Teamwork	Work collaboratively with others, offering assistance to accomplish shared goals. Adjust to different working styles, approaches, and perspectives. Share relevant skills and knowledge with others. Encourage others to contribute ideas and share skills and knowledge.	Identify team needs and provide support to achieve goals and objectives. Acknowledge others' contributions and recommend DWPP awards.
Technical Knowledge	Identify and resolve technical issues promptly. Serve as a resource to team members. Maintain working knowledge of industry trends and other internal and external factors in relevant technical area(s).	Same as previous levels
Decisiveness	<i>To prepare for the next level: Utilize decision-making methods that have been shown to work in the past. Consider alternative courses of action when making decisions. Make sound and timely decisions in a variety of situations affecting your own work. Recognize when information is lacking and seek out additional information to assist in decision-making.</i>	Make sound and timely recommendations or decisions in a variety of situations, including those that affect others' work. Provide justifications for decisions and transparency in the decision-making process through communication with stakeholders. Consider alternative courses of action when making decisions and choose an option that takes consequences into consideration. Utilize decision-making tools (e.g., Gantt charts, decision trees, matrices).
Developing Others	<i>To prepare for the next level: Aid others in identifying developmental opportunities. Encourage others to achieve high standards and perform beyond set expectations. Recognize and encourage others to further develop their strengths.</i>	Provide formal or informal training or mentoring to other team members, for example regarding high performance standards for the unit. Encourage employees to participate in mentoring programs and other self-developmental opportunities. Provide constructive feedback to others when appropriate.

	Manager Leading People	Executive Leading WPP
it	Maintain a calm, open demeanor that fosters a work environment that is conducive to resolving highly sensitive or controversial issues. Foster a climate that respects individual differences and diversity. Form effective working relationships with problem/controversial employees.	Same as previous levels
	Prepare plans for complex or controversial projects and identify resources to deliver projects within established parameters. Lead in setting or establishing short-term organizational goals and objectives that result in increased efficiency or effectiveness. Review project plans of others, critiquing and recommending changes when needed. Monitor and control the implementation of programs by setting specific and identifiable checkpoints.	Lead the formulation of long-term organizational objectives and strategies, establishing priorities, and allocating resources. Develop and implement innovative programs, policies, and procedures that improve efficiency or effectiveness in achieving organizational goals and objectives. Achieve results that support the DWPP's goals and strategic direction by coordinating work with multiple internal or external parties.
	Identify connections between seemingly unrelated pieces of information to resolve difficult or ambiguous problems. Identify and leverage resources and expertise, internal or external to the work unit, to address complex problems. Synthesize information from internal and external sources to address complex issues.	Consider and resolve problems within the broad context of the DWPP and external stakeholder priorities. Develop and implement multi-tier solutions to address highly complex, sensitive problems of strategic importance. Anticipate issues and trends across organizational groups.
	Solicit feedback to validate perception of self and act on it when appropriate. Foster an environment that promotes self-awareness.	Same as previous levels
	Promote a positive atmosphere that fosters knowledge sharing and skill development within and across work units and organizations. Address any issues impacting team cohesion and performance. Motivate by soliciting others' contributions and opinions, understanding different perspectives, and integrating ideas into decisions and plans, as appropriate.	Engage and inspire others, and ensure work activities are well integrated across teams, business units, or agencies. Assemble high performing teams consisting of members from different agencies, areas of expertise, and opinions to address complex issues. Promote open, direct, and regular exchanges of information within and outside of the organizational unit. Solicit ideas to gain an understanding of the priorities, needs, and concerns of stakeholders internal and external to the DWPP.
	Same as previous levels	Same as previous levels
s	Consider and adjust course of action when current strategy is unsuccessful, even when the current strategy was fully supported. Consider the costs, risks, and benefits when making decisions and choose courses of action in which the benefits outweigh the risks. Follow through with well-informed decisions even when faced with resistance or opposition. Make timely decisions regarding complex technical, administrative, or policy issues.	Make sound and timely decisions or recommendations in highly sensitive situations that have significant organizational impact. Take an industry-wide, strategic view when making decisions.
	Identify or create opportunities (e.g., formal training, stretch assignments, on-the-job training, and detail assignments) for employees to pursue self-development activities. Contribute to the development of systems and processes to develop employees to meet current and emerging skill needs.	Identify creative developmental strategies to address skill needs of workforce. Promote a culture that encourages others to maximize their potential. Encourage and support active mentoring programs across the DWPP.

	Employee/Individual Contributor Leading Self	Group Leader Leading Projects
Influence/Negotiating	<i>To prepare for the next level: Anticipate and prepare for possible criticisms when formatting and communicating ideas. Strive to achieve consensus on routine issues within your own work unit or team. Voice ideas and opinions confidently while acknowledging alternate opinions or perspectives.</i>	Persuade internal or external audiences to adopt an approach to achieve an optimal solution. Negotiate with others to reach agreements, settlements, or solutions, even when faced with opposition or open confrontation. Facilitate group sessions to achieve consensus or desired outcomes. Obtain understanding of the interests and concerns of multiple stakeholders, using this information to improve negotiating tactics.
Project Management	<i>To prepare for the next level: Understand project objectives. Complete deliverables on time and as assigned. Seek advice from your supervisor and/or mentor when developing project plan.</i>	Coordinate and monitor performance on tasks to meet objectives. Effectively assign work by matching skills, employee interests, availability, and experience based on unit needs. Follow up with employees to ensure work remains on schedule.
Team Building	<i>To prepare for the next level: Independently offer assistance and provide support to advance goals. Clearly articulate team goals and objectives to foster collaboration.</i>	Identify team needs and provide support to achieve goals and objectives. Acknowledge others' contributions and recommend DWPP awards.
Critical Thinking	<i>To prepare for the next level: [insert specific to WPP]</i>	[insert specific to WPP]
Interviewing	<i>To prepare for the next level: [insert specific to WPP]</i>	[insert specific to WPP]
Change Management	<i>To prepare for the next level: Justify work group technical decisions or explain policies in plain language.</i>	<i>To prepare for the next level: Serve as resource to facilitate implementation and guide others through the change processes.</i>
Conflict Management	<i>To prepare for the next level: Respect others' perspectives and seek additional information or guidance when necessary. Explore options to resolve disagreements or conflicts before they require elevation. Maintain composure and objectivity in difficulty situations.</i>	<i>To prepare for the next level: Foster a collaborative environment where all constructive perspectives are respected and valued. Anticipate situations that have the potential for conflict and take steps to address concerns. Resolve challenging disagreements and conflicts and elevate to higher authorities where appropriate.</i>
Creativity/Innovation	<i>To prepare for the next level: Explore, identify, and recommend new ideas and approaches for performing routine work.</i>	<i>To prepare for the next level: Evaluate current procedures and suggest improvements to promote effective, streamlined processes. Identify innovating methods to improve performance and enhance programs and processes. Solicit feedback and implement for improvements.</i>
Financial Management	<i>To prepare for the next level: Safeguard the DWPP's financial resources to prevent fraud, waste, and abuse. Implement the DWPP's basic financial processes and policies. Exercise sound judgment when utilizing the DWPP's resources (e.g., travel expenses, office supplies).</i>	<i>To prepare for the next level: Develop plans to ensure effective and efficient use of DWPP financial resources. Adhere to financial plans and policies.</i>

<p style="text-align: center;">Manager Leading People</p>	<p style="text-align: center;">Executive Leading WPP</p>
<p>Convince internal and external audiences to support recommendations involving substantive resources and changes in established practice. Persuade internal or external executive decision-makers to adopt substantive goals. Serve as a key resource for mediating particularly difficult, sensitive, or complex situations where groups or individuals have competing interests.</p>	<p>Same as previous levels</p>
<p>Provide oversight and prioritization of full span of project by coordinating tasks and monitoring performance on those tasks. Participate in setting or establishing organizational goals and objectives that may result in increased efficiency. Allocate resources within plan and budget requirements, establish priorities, and meet priorities on time and within budget.</p>	<p>Provide oversight of multi-faceted, complex projects spanning across work units. Evaluate project effectiveness and implement innovative actions linked to unit objectives and the DWPP's mission.</p>
<p>Promote a positive atmosphere that fosters knowledge sharing and skill development within and across work units and organizations. Address any issues impacting team cohesion and performance. Motivate by soliciting others' contributions and opinions, understanding different perspectives, and integrating ideas into decisions and plans, as appropriate.</p>	<p>Engage and inspire others, and ensure work activities are well-integrated across teams, business units, or agencies. Assemble high performing teams consisting of members from different agencies, areas of expertise, and opinions to address complex issues. Promote open, direct, and regular exchange of information within and outside of the organizational unit. Solicit ideas to gain an understanding of the priorities, needs, and concerns of stakeholders internal and external to the DWPP.</p>
<p>[insert specific to WPP]</p>	<p>[insert specific to WPP]</p>
<p>[insert specific to WPP]</p>	<p>[insert specific to WPP]</p>
<p>Evaluate alternative solutions and approaches to support implementation of changes. Lead implementation and support the communication of new policies and processes.</p>	<p>Communicate and champion new policies and processes to encourage stakeholder understanding and buy-in. Develop and execute approaches for implementing organizational change.</p>
<p>Recognize team dynamics and challenges to minimize adverse conflict. Diffuse complex conflicts using conflict resolution resources (e.g., HR, EEO), knowledge, and proven techniques.</p>	<p>Resolve conflicts arising at multiple organizational levels. Develop consensus among multiple stakeholders with opposing viewpoints on critical/complex issues. Promote effective conflict management across the DWPP through the development of programs and training.</p>
<p>Encourage the development of innovative or creative solutions in response to new and emerging issues. Engage with internal and external stakeholders from diverse backgrounds and perspectives to generate new and different ideas.</p>	<p>Promote the DWPP-wide vision of flexibility and innovation to advance the DWPP mission. Consider the ramifications of new approaches and their impact on internal and external stakeholders.</p>
<p>Manage and operate projects/programs within budget. Prepare and monitor business unit's annual operating budget.</p>	<p>Promote sound fiscal management across the DWPP, safeguarding ongoing viability and solvency. Develop or execute appropriate financial plans (e.g., budget, contracting, procurement) while meeting DWPP objectives. Utilize systems to track, prioritize, and monitor the DWPP's expenditures; ensure financial goals are met.</p>

	Employee/Individual Contributor Leading Self	Group Leader Leading Projects
Human Capital Management	<i>To prepare for the next level: Develop/create own performance plan within required timeline. Maintain a basic understanding and follow all Policy and Procedure Manuals (PPMs).</i>	<i>To prepare for the next level: Monitor work unit needs to recruit, select, develop, retain, and reward individuals. Follow Policy and Procedures Manuals (PPMs) and communicate to employees. Adhere to the Collective Bargaining Agreement (CBA). Identify performance and conduct issues and discuss with supervisor/manager. Provide input and feedback on staff performance. Identify HR issues and seek appropriate guidance from HR professionals.</i>
Internal/External Awareness	<i>To prepare for the next level: Respond to changes required by environmental, budgetary, political, or other events. Develop an awareness of local, national, or international policies when instructed by supervisor. Talk to stakeholders to understand their needs and issues.</i>	<i>To prepare for the next level: Consider the DWPP or external factors such as policies and trends that may affect the unit and use this knowledge in accomplishing work. Synthesize and disseminate complex information gathered from a variety of external sources. Anticipate how individual and DWPP actions may impact stakeholders. Provide policy advice to officials consistent with local, national, and international policies and trends. Seek diverse experiences inside and outside the DWPP to gain a world-view perspective.</i>
Leveraging Diversity	<i>To prepare for the next level: Adhere to EEO and diversity policies, goals, objectives, and philosophies by dealing with everyone in a fair and equitable manner. Respect individual differences and diverse opinions. Recognize the importance of the DWPP's mission to attract, develop and retain a highly competitive and diverse workforce.</i>	<i>Support diversity-related programs and initiatives. Monitor the work environment to identify situations which potentially lead to allegations of harassment or discrimination.</i>
Partnering	<i>To prepare for the next level: Work with individuals across work units to address mutual issues and concerns. Work across federal, state, and local agencies/authorities to coordinate examination efforts, if applicable. Build a network within the DWPP by proactively communicating with employees outside of own work unit on a regular basis.</i>	<i>To prepare for the next level: Coordinate with internal and external partners to accomplish the DWPP mission. Solicit input to build consensus and achieve common goals. Develop and manage relationships with staff to gain endorsement for initiatives and achieve common goals. Identify and build relationships with the DWPP and external partners to achieve DWPP vision and mission.</i>
Resilience	<i>To prepare for the next level: Maintain composure under deadlines. Seek guidance to achieve clarity and obtain direction under stressful circumstances. Demonstrate willingness to work to overcome obstacles or setbacks.</i>	<i>To prepare for the next level: Respond to setbacks by developing alternative approaches to accomplish objectives. Assist and advise others in handling stressful situations.</i>
Dealing with difficult ppl	<i>To prepare for the next level: [insert specific to WPP]</i>	<i>To prepare for the next level: [insert specific to WPP]</i>
Crisis Management	<i>To prepare for the next level: [insert specific to WPP]</i>	<i>To prepare for the next level: [insert specific to WPP]</i>

	Manager Leading People	Executive Leading WPP
s	Appropriately align people and functions. Lead the development and implementation of a staffing plan. Assess current and emerging priorities, performance information, and employee goals to identify both immediate and long-term organizational needs. Resolve performance and conduct issues in accordance with the Policy and Procedures Manual (PPM) or Collective Bargaining Agreement (CBA). Evaluate staff performance and provide feedback within required timelines, including an annual written performance appraisal. Identify performance and conduct issues and addresses in accordance with the PPMs.	Establish and implement a succession plan. Understand global and strategic implications of human capital decisions. Anticipate skill needs that are consistent with organizational trends and changing priorities; identify creative recruitment strategies to address these needs.
k	Contribute to the development of long-term goals by recommending effective strategies based on external factors that may possibly impact the DWPP. Refocus efforts, redistribute resources, or otherwise overcome roadblocks in consideration of external factors (e.g., changes in administration) to achieve the DWPP's objectives. Anticipate how work processes may be affected by changes in the DWPP or external environment and develop alternatives.	Establish an in-depth understanding of external factors that may affect the DWPP's ability to accomplish its work. Promote world-view of the financial services industry. Identify dependencies and anticipate changes and connections within broader regulatory, industry, technology, and global financial systems.
d	Foster an environment that is supportive of EEO principles to effectively leverage diverse thoughts, opinions, experiences, and backgrounds to achieve the vision and mission of the DWPP.	Foster an environment that is supportive of EEO principles to effectively leverage diverse thoughts, opinions, experiences, and backgrounds to achieve the vision and mission of the DWPP.
e	Build a shared vision with others; understand the big picture and articulate that vision in an understandable way. Champion programs and policies by partnering with stakeholders to achieve the DWPP mission and objectives. Establish and maintain relationships with external partners to achieve the DWPP vision and mission. Foster collaboration across DWPP working groups to break down barriers and improve agency efficiency and communication.	Same as previous levels
	Remain calm and resourceful under stressful circumstances. Develop contingency plans to address potentially stressful, challenging situations, and setbacks (e.g., budget cuts, organizational change). Monitor work environment to identify stressful and strained conditions and make adjustments as appropriate.	Act as a calming and settling influence for others even in tense or highly stressful situations (e.g., emergencies, RIFs), refocusing efforts, energizing others, and providing direction on how to proceed. Take immediate and appropriate action in stressful situations; quickly assess the situation and implement solutions to solve or lessen the impact.
	[insert specific to WPP]	[insert specific to WPP]
	[insert specific to WPP]	[insert specific to WPP]

	Employee/Individual Contributor Leading Self	Group Leader Leading Projects
Entrepreneurship	<i>To prepare for the next level: Seek clarification regarding DWPP's history and rationale for methods and processes. Identify the need for new or revised methods and processes.</i>	<i>To prepare for the next level: Create new or revise existing methods and processes based on environmental changes. Conduct research and develop business proposals designed to enhance the DWPP's objectives.</i>
External Relations	<i>To prepare for the next level: Develop knowledge of relevant policies, rules, and procedures for representing the DWPP (e.g., standards of conduct) and follow them accordingly. Act appropriately and consistently with the DWPP's goals when interacting with stakeholders. Maintain professional attitude and actions in all business situations.</i>	<i>To prepare for the next level: Establish relationships with organizations to achieve the DWPP's mission. Represent the DWPP in small group presentations or meetings with stakeholders. Effectively address confrontational situations with stakeholders or refer/redirect them appropriately. Participate in the DWPP's outreach activities (e.g., vendor outreach, job</i>
Strategic Thinking	<i>To prepare for the next level: Maintain awareness of and operate in accordance with current DWPP strategic plan. Understand connections between project team's goals and the DWPP strategic objectives.</i>	<i>To prepare for the next level: Exhibit competencies identified in the previous level.</i>
Vision	<i>To prepare for the next level: Develop knowledge of the DWPP mission and vision. Understand the DWPP's long-term goals and objectives.</i>	<i>To prepare for the next level: Articulate relationship between employees' work and the DWPP mission and objectives. Communicate the importance of group's vision to DWPP staff. Gather input from staff to develop work group vision.</i>
Research and Writing	<i>To prepare for the next level: [insert specific to WPP]</i>	<i>To prepare for the next level: [insert specific to WPP]</i>
Technical Assistance to Stakeholders	<i>To prepare for the next level: [insert specific to WPP]</i>	<i>To prepare for the next level: [insert specific to WPP]</i>

<p style="text-align: center;">Manager Leading People</p>	<p style="text-align: center;">Executive Leading WPP</p>
<p><i>To prepare for the next level: Serve as a role model and advise others on presenting a professional image of the DWPP to enhance trust and credibility. Engage with stakeholders in a manner that earns their respect and advances the goals and objectives of the DWPP. Serve as an DWPP representative on interagency teams and projects. Represent the DWPP's interests to a variety of parties (e.g., at technical group meetings, universities, etc.).</i></p>	<p>Establish relationships with diverse organizations (e.g., national and international agencies/groups) to effectively communicate priorities, build organizational credibility, and generate external support. Meet with elected or appointed officials to provide DWPP and program information to assist in making educated decisions. Promote and justify the DWPP's programs and actions in contentious situations.</p>
<p><i>To prepare for the next level: Convey importance of the DWPP's mission and vision to staff and stakeholders. Establish and communicate organizational and business unit direction. Contribute to the development of long-term line of business goals. Involve staff in setting annual goals, objectives, and measures to ensure buy-in.</i></p>	<p>Consider various viewpoints from internal and external sources when developing and revising organizational vision and mission. Communicate the impact of the DWPP's vision across the DWPP's lines of business.</p>
<p><i>To prepare for the next level: Assist with the development and implementation of the strategic plan by determining appropriate stakeholders and gaining concurrence. Assist with development of metrics to assess attainment of work unit goals. Develop implementation plans and execute accordingly.</i></p>	<p>Anticipate changes (e.g., demographic change, policy change) and develop a strategic plan to address the future needs of the DWPP. Align policies and resources with the DWPP's strategic plan. Lead a diverse strategic planning team to address and outline the future direction of the DWPP.</p>
<p><i>To prepare for the next level: Analyze investment recommendations (e.g., personnel, technology) to determine the optimal solution for the DWPP. Foster a creative environment to facilitate new or alternative solutions that improve the DWPP's efficiency and effectiveness. Encourage an environment of calculated risk-taking within the work unit.</i></p>	<p>Direct the development and implementation of new or alternative solutions to improve the DWPP's efficiency and effectiveness. Encourage an environment of calculated risk-taking across the DWPP.</p>
<p><i>To prepare for the next level:</i> [insert specific to WPP]</p>	<p>[insert specific to WPP]</p>
<p><i>To prepare for the next level:</i> [insert specific to WPP]</p>	<p>[insert specific to WPP]</p>



INVESTIGATION TRACKER

Welcome to the Whistleblower Program's Investigation Tracker.
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investigation.

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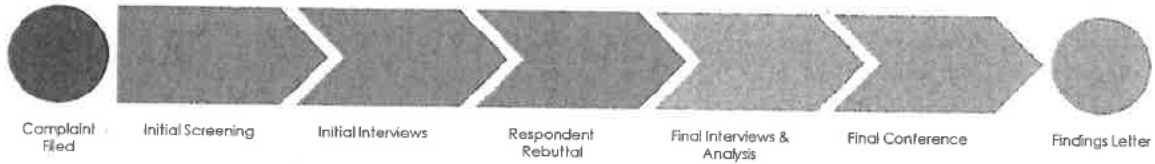
TRACK

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TRACKING NUMBER: 23X56Y-178FGT

CASE NAME: Johnson / Acme Trucking

COMPLAINT FILED: 2/22/2017



CURRENT STATUS: Final Interviews & Analysis

OFFICE	DATE	NOTES
Region 5 OSHA Office	2/22/2017	Received Complaint (via online)
Region 5 OSHA Office	2/28/2017	Completed Initial Screening
Region 5 OSHA Office	3/25/2017	Completed Initial Interviews

INSTRUCTIONS ON HOW TO RETRIEVE A TRACKING NUMBER GOES HERE