

# INVESTIGATIVE ENTITIES: WHAT'S THE DIFFERENCE?

This chart is a summary for informational purposes only and does not constitute legal advice or guidance. For more information, please contact the respective organizations and/or visit their websites.

Last updated on April 14, 2020	<b>OSC</b> U.S. Office of Special Counsel <a href="http://www.osc.gov">www.osc.gov</a>	<b>OAWP</b> VA Office of Accountability & Whistleblower Protection <a href="http://www.va.gov/accountability">www.va.gov/accountability</a>	<b>OIG</b> VA Office of Inspector General <a href="http://www.va.gov/oig">www.va.gov/oig</a>	<b>ORM</b> VA Office of Resolution Management <a href="http://www.va.gov/orm">www.va.gov/orm</a>
<b>What does it investigate?</b>	<ul style="list-style-type: none"> <li>Prohibited personnel practices (PPP) listed under 5 U.S.C. § 2302(b), including retaliation for whistleblowing and for engaging in protected activity.</li> <li>Hatch Act/USERRA violations.</li> <li>Receives and, if appropriate, refers to agencies for investigation: whistleblower disclosures about violation of law, rule or regulation; gross mismanagement; gross waste of funds; abuse of authority; substantial and specific danger to public health or safety; or censorship related to scientific research or analysis.</li> </ul>	<ul style="list-style-type: none"> <li>VA senior leader misconduct, poor performance, and whistleblower retaliation.</li> <li>Whistleblower retaliation by any VA supervisor.</li> <li>Receives and, if appropriate, refers to investigative entities within VA (e.g., OIG, VA's Office of the Medical Inspector, or VA administrations and staff offices): whistleblower disclosures about violation of law, rule or regulation; gross mismanagement; gross waste of funds; abuse of authority; substantial and specific danger to public health or safety.</li> </ul>	<ul style="list-style-type: none"> <li>VA employees must refer serious criminal wrongdoing to the OIG. (38 CFR § 1.204.)</li> <li>Fraud and other serious problems, abuses, and deficiencies relating to the administration of VA programs and operations.</li> <li>Receives and investigates, or if appropriate, refers to investigative entities within VA to investigate (e.g., VA administrations and staff offices): whistleblower disclosures about: violation of law, rule or regulation; gross mismanagement; gross waste of funds; abuse of authority; substantial and specific danger to public health or safety.</li> </ul>	<ul style="list-style-type: none"> <li>Complaints of discrimination based on sex, race, color, age, ethnicity, national origin, religion, and disability.</li> <li>Reprisal for protected equal employment opportunity (EEO) activity.</li> </ul>
<b>Individuals who may make disclosures or file complaints:</b>	<ul style="list-style-type: none"> <li>Current federal employees (including probationary employees).</li> <li>Former federal employees.</li> <li>Applicants for federal employment.</li> </ul>	<ul style="list-style-type: none"> <li>Current VA employees.</li> <li>Applicants for VA employment.</li> <li>Anyone can file a complaint regarding whistleblower retaliation by a VA supervisor or senior leader misconduct, poor performance, or whistleblower retaliation.</li> </ul>	Anyone may report wrongdoing to OIG.	<ul style="list-style-type: none"> <li>Current VA employees.</li> <li>Former VA employees.</li> <li>Applicants for employment.</li> <li>Contractors in limited situations.</li> </ul>
<b>Actions regarding whistleblower retaliation:</b>	<ul style="list-style-type: none"> <li>Disciplinary actions proposed against VA employees under 38 U.S.C. § 714 may be held in abeyance pending OSC's review, if the employee has filed a complaint with OSC.</li> <li>Can request a stay of all personnel actions with the agency or file a formal stay request with the Merit Systems Protection Board (MSPB).</li> <li>Can facilitate settlement which may include corrective action for the employee and/or disciplinary action against the accused management official.</li> <li>May file complaints for corrective and/or disciplinary action at the MSPB.</li> </ul>	<ul style="list-style-type: none"> <li>Disciplinary actions proposed against VA employees under 38 U.S.C. § 714 who have made a whistleblower disclosure to OAWP are held until a final decision has been made by the entity revising it or OAWP has determined not to refer the disclosure for investigation.</li> <li>If appropriate, makes recommendations for disciplinary and corrective action.</li> </ul>	Informs individuals alleging whistleblower retaliation about options (e.g. OSC and OAWP).	ORM does not address allegations of whistleblower retaliation. If an individual is alleging reprisal for engaging in protected EEO activity, ORM can investigate.