

OVERVIEW AND UPDATES

Office of Accountability & Whistleblower Protection (OAWP)

VA



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Background

- OAWP was statutorily established by the VA Accountability and Whistleblower Protection Act of 2017. OAWP's functions are codified under 38 U.S.C. 323.
- OAWP's mission is to promote and improve accountability within VA.
- OAWP is led by an Assistant Secretary for Accountability and Whistleblower Protection.



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Office Functions



Advise the Secretary on all VA accountability matters.



Receive whistleblower disclosures and allegations of wrongdoing.



Investigate allegations of senior leader (including political appointee) misconduct and poor performance and whistleblower retaliation by VA supervisors. Make **recommendations** for disciplinary and corrective action.



Refer whistleblower disclosures for investigation to VA administrations and staff offices.



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Office Functions



Track and confirm the implementation of recommendations from OAWP, the U.S. Office of Special Counsel (OSC), the U.S. Government Accountability Office (GAO), VA's Office of Inspector General (OIG), and VA's Office of the Medical Inspector (OMI).



Identify trends and issue reports based on those trends.



Educate and train VA employees on whistleblower rights and protections as required under 38 U.S.C. 733. Establish and maintain VA's certification under OSC's 2302(c) program.



Improve whistleblower rights and protections and accountability at VA by collaborating with OSC, OIG, GAO, and OMI. Coordinate the 38 U.S.C. 714 (whistleblower disclosure) disciplinary action hold process.



Priorities

Improve Personnel Accountability

- Conducting thorough and unbiased investigations into senior leader misconduct and poor performance and whistleblower retaliation in a timely fashion.
- Protecting whistleblower identities while ensuring that whistleblower disclosures are properly investigated.
- Educating employees and stakeholders on whistleblower rights and protections.

Improve Organizational Accountability

- Tracking and confirming recommendations made by internal and external investigative entities so that deficiencies do not reoccur.
- Identifying trends so that VA can proactively address areas of concern.
- Educating employees, Veterans, and stakeholders on OAWP functions.



By the Numbers

Data as of April 28, 2021



Approximately **40,000** VA supervisors fall under OAWP's investigative scope for whistleblower retaliation.



Over **1,000** VA senior leaders fall under OAWP's investigation scope for senior leader misconduct and poor performance.



Within the last year, OAWP investigated more than **350** cases.



Within the last year, OAWP referred and maintained oversight of more than **440** cases for investigation to VA Administrations and Staff Offices.

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By the Numbers

Data as of April 28, 2021



- Since April 2020, OAWP issued **99** recommendations:
- **40** disciplinary recommendations for senior leader misconduct
 - **29** disciplinary recommendations for whistleblower retaliation
 - **30** non-disciplinary recommendations (e.g., corrective action for whistleblowers).



OAWP trained more than **352K** employees and nearly **34K** supervisors on whistleblower rights and protections.

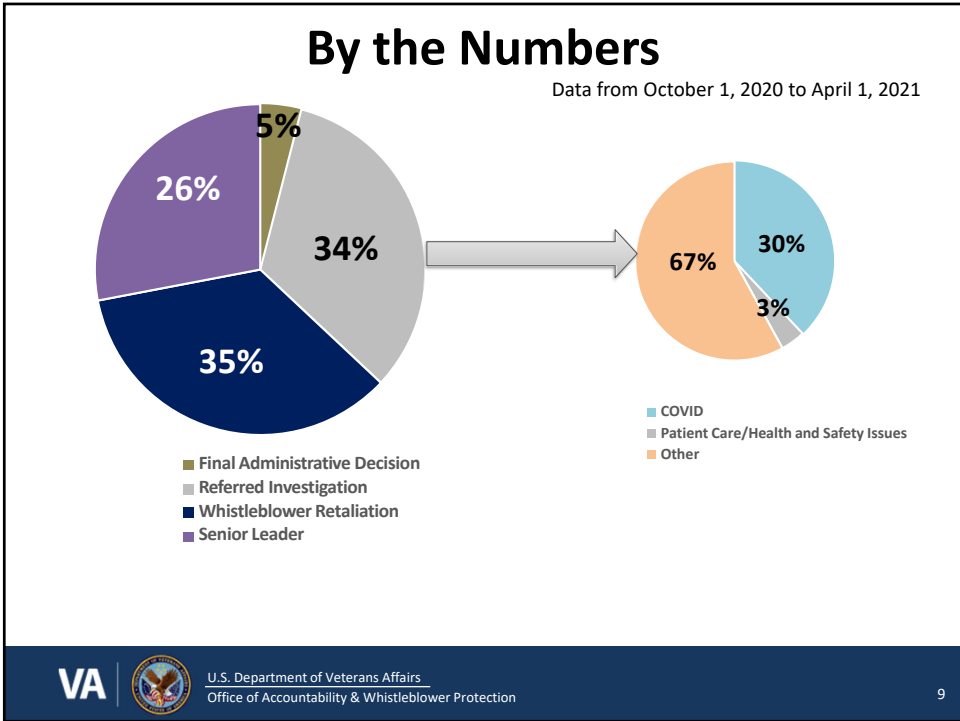
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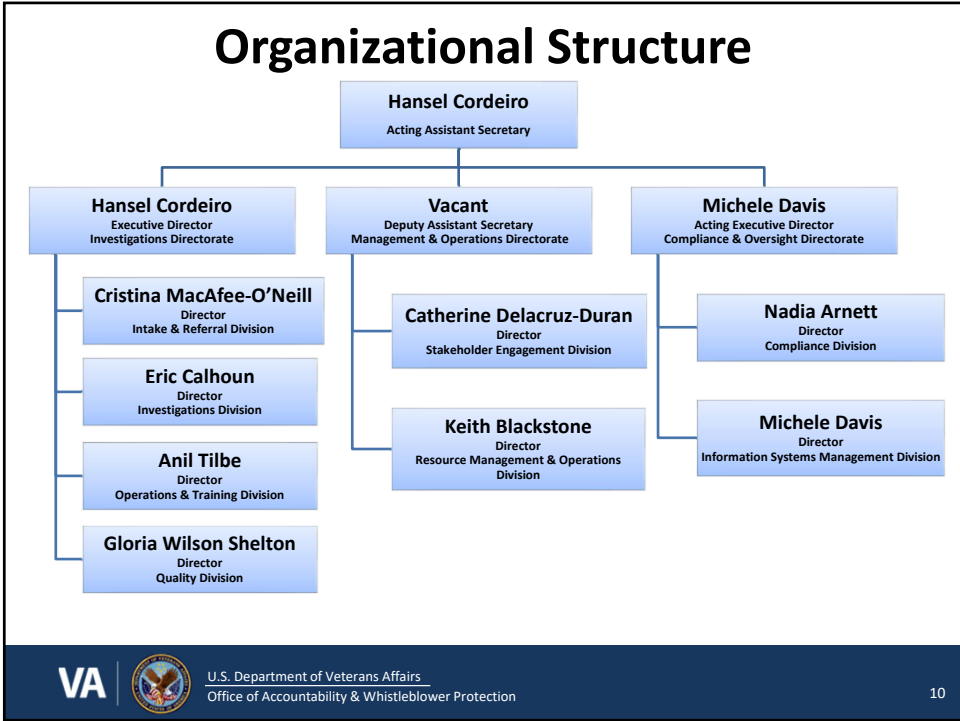
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Intake & Referral Division

WHAT DO WE DO?

- Receive whistleblower disclosures from VA employees and applicants for employment. Receive allegations of wrongdoing from Veterans and other individuals.
- Review allegations. Allegations that involve senior leaders and whistleblower retaliation are sent to the Investigations Division.
- Refer whistleblower disclosures for investigation to VA administrations and staff offices.
- Issue 38 U.S.C. 714 (whistleblower disclosure) disciplinary action holds and coordinate the process with OSC.
- Educate VA administrations and staff offices about conducting referral investigations.

OVERVIEW OF REFERRAL INVESTIGATIVE PROCESS



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Investigations Division

WHAT DO WE DO?

- Review and investigate allegations of senior leader (including political appointee) misconduct and/or poor performance.
- Review and investigate allegations of whistleblower retaliation by VA supervisors.
- Make recommendations for disciplinary action.
- Make recommendations for corrective action (e.g., restoring a whistleblower back to his or her position).

OVERVIEW OF OAWP INVESTIGATIVE PROCESS



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Operations & Training Division

WHAT DO WE DO?

- Educate and train VA employees on whistleblower rights and protections as required under 38 U.S.C. 733.
- Establish and maintain VA's certification under OSC's 5 U.S.C. 2302(c) certification program.
- Educate individuals about OAWP's investigative processes.
- Develop customized training programs for VA facilities and department staff based on OAWP data.
- Implement products, services, and processes for the Investigations Directorate; manage the Investigations Directorate's back-office functions.



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Quality Division

WHAT DO WE DO?

- Perform quality assurance audits of OAWP's investigative processes, from the intake of new cases to investigations conducted by OAWP.
- Review Intake & Referral Division and Investigations Division closed cases to assess conformity with processes, standard operating procedures, policy compliance, and the law.
- Quality assurance audits enables the organization to identify and correct system wide deficiencies and maintain quality and compliance with applicable legal requirements.



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Compliance Division

WHAT DO WE DO?

- Track and confirm the implementation of OAWP recommendations.
- Coordinate Congressional notification when an OAWP disciplinary recommendation is not taken.
- Track over 2,133 recommendations issued by OSC, GAO, OIG, and OMI about VA.
- Confirm the implementation of a select number of closed recommendations issued by OSC, GAO, OIG, and OMI about VA.
- Identify trends and issue reports based on those trends.



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Questions & Discussion

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