

OFFICE OF INSPECTOR GENERAL

Washington, D.C. 20554



November 13, 2014

The Honorable Greg Walden
Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Walden:

This is in response to your letter dated October 24, 2014, in which you requested additional information related to my testimony at the hearing entitled "Oversight of FCC Budget and Management."

The Honorable Bob Latta

- 1. In your most recent report to Congress you identify two significant deficiencies related to the FCC's new financial system which was implemented in October 2010. According to the report functionality and integration issues continue to exist and as a result certain activity continues to be processed manually in order to maintain the accuracy of system data. The report also states that there are security deficiencies in these IT systems.**

The report describes these significant deficiencies as functionality and integrations issues.

Describe these issues. Identify the universal service funds impacted. Describe the impact of these issues on the FCC's oversight and management of these funds.

Office of Inspector General (OIG) Response

The two significant deficiencies referenced in our March 2014 report to Congress, Financial System Functionality and Integration, and IT Controls, were from the our Audit of the FCC's FY 2013 Financial Statements, published in the FCC FY 2013 Agency Financial Report (AFR).

In the report, the auditors noted that significant Universal Service Fund accounting transactions for Investments, Accounts Receivables and Budgetary transactions were tracked in spreadsheets and recorded at a summary level in the FCC's general ledger. The audit also found that improvements were needed in the FCC's entity wide security program.

However, the significant deficiency related to financial system functionality and integration is no longer valid. OMB Circular A-127 *Financial Management Systems*, which required financial systems integration, has been rescinded. (See OMB Circular A-123, Appendix D, *Compliance with the Federal Financial Management Improvement Act*, dated September 20, 2013) no longer requires financial systems to be integrated.

We are in the process of completing the FY 2014 financial statement audit and expect to issue our report to OMB no later than November 17, 2014.

The Honorable Anna Eshoo

1. **As discussed during the hearing, the OIG received over \$20 million from the USF in 2008 to fund investigations. That amount is exempt from sequestration cuts and any balance can be carried forward year after year. Given the increase in funding, please provide answers to the following questions:**
 - a. **How much money remains unspent from the \$20 million in the USF fund?**
 - b. **Did the OIG hire any term employees using USF funds? If so, please provide their titles and job descriptions.**
 - c. **What additional work has the OIG conducted with its increased resources? For example, was there a spike in criminal prosecutions during the years immediately following the receipt of the \$20 million?**
 - d. **How have you accounted for expenditures from the \$20 million USF fund in your semi-annual reports to Congress since 2008?**

OIG Response

- a. Of the \$21,480,000 transferred to the OIG in fiscal year 2008, approximately \$5,600,000 remains unspent.

b.

Term Employees Hired with USF Funds	
Number	Position Title
8	Attorney Advisor
7	Auditor
1	Administrative Specialist
1	Mathematician
1	IT Specialist (INFOSEC)
1	Attorney Advisor - Special Counsel
1	Budget Analyst

Brief Job Descriptions

- Attorney Advisor

The Attorney Advisor assists in conducting complex and highly sensitive investigations into alleged violations involving the FCC universal service program. Under direction, the Attorney Advisor develops, evaluates, and implements investigation plans for sensitive, complex, investigations and other special investigative projects. Duties may include reviewing documents and electronic material; interviewing witnesses; collecting, analyzing, and reporting evidence; and drafting and presenting final reports.

The Attorney Advisor insures that all investigation steps are performed competently and timely; case files are updated, complete, and protected; investigative reports are submitted timely, complete, and accurate for distribution to appropriate authorities. Incumbents at higher grade levels work with minimal supervision on cases and legal issues of extreme complexity that can have a major impact on successful resolution of federal civil and/or criminal prosecutions.

- Auditor

The Auditor utilizes a mastery of accounting theories, audit techniques, and program knowledge to plan and conduct audits of the universal service programs. These audits are wide in scope and encompass broad, complex financial systems and operations.

Audits are conducted in accordance with Generally Accepted Government Auditing Standards and in compliance with OIG quality assurance policies and procedures. Standards require that auditors be trained and proficient in audit areas; obtain, utilize, and document sufficient evidence to support findings and conclusions; and maintain their independence in appearance and in fact.

- Administrative Specialist

The Administrative Specialist is responsible for administrative management support for the investigative and audit efforts related to universal service programs. The Administrative Specialist may also be utilized to work on parts of, or whole studies, related to OIG oversight of USF programs.

The Administrative Specialist works independently or on a team, as assigned, performing research, analyses, and evaluations in order to provide information required for studies related to OIG USF program oversight. Duties involve collecting information from within and outside of the FCC as related to USF programs

- Mathematician

The Mathematician analyzes relationships of quantities, magnitudes, and forms through the use of numbers and symbols by applying mathematical theories and techniques to the solution of practical problems. Data analysis is the key to developing and identifying

audit and investigative leads. Researching available universal service program data using mathematical knowledge in traditional areas, such as algebra, geometry, probability, and logic allows OIG to focus limited resources to high impact audits and investigations. Defining, developing and evaluating relationships in universal service program data, using mathematical principles, improves and enhances OIG oversight of the universal service programs.

The primary function of this position is to provide analyses, models and reports to improve management's planning and resource utilization in audits and examinations of universal service programs.

- IT Specialist

The IT Specialist provides information technology support for complex and sensitive audits and investigations relating to the universal service programs. OIG investigations often involve highly complex fraud schemes and require extensive knowledge and skill in forensic computer analysis. The incumbent conducts comprehensive analysis of all types of microcomputer and computer media searches and examinations, including recovering data that has been deleted/erased, fragmented, hidden, or encrypted from data storage devices.

The IT Specialist provides documented chains of custody for material related to investigations of criminal activity and works with law enforcement agencies. Duties include testifying in court as the expert witness; supporting investigations; and organizing, conducting, or coordinating evidentiary support where a computer or other electronic means is used in the commission of a crime. The incumbent creates programs to support legally sufficient forensic data recovery activities, conducts forensic examinations of electronic media and perform traffic analysis of data collected by the OIG in universal service program related investigations.

- Attorney Advisor – Special Counsel

The Attorney Advisor – Special Counsel served as Special Counsel for Universal Service Fund Oversight (Special Counsel) to the OIG, reporting directly to the IG or to another supervisor as directed by the IG. The incumbent provided authoritative legal advice based on research of matters relating to universal service programs, the Universal Service Administrative Company (USAC), the National Exchange Carrier Association (NECA) and its subsidiaries, and FCC rules, policies, regulations, and decisions.

The Special Counsel provided expert legal advice on issues relating to audits, inspections, investigations, and programmatic reviews of universal service programs, USAC and NECA, as well as program beneficiaries and contributors. Issues require consideration of intricacies of criminal, civil, and administrative law, as well as the various universal service programs. In addition, the Special Counsel provided legal guidance and assistance in the conduct of audits and investigations of potential criminal, civil or administrative violations. Support also included assisting in the preparation of subpoenas; issuing written opinions; providing legal interpretations; and training OIG staff on issues relating to the universal service programs.

- Budget Analyst

The Budget Analyst for the OIG Universal Service Fund (USF) utilizes knowledge and skill in the application of related laws, regulations, policies, precedents, methods and techniques of budgeting to support the Assistant Inspector General for Management (AIGM) in all matters related to oversight of universal service programs. The primary function of this position is to monitor use of the budget providing timely and accurate information to help ensure effective, efficient, and appropriate use of this special funding.

The Budget Analyst performs a wide variety of budget functions including the formulation, justification, and/or execution of OIG budgets, provides resource management support for audits and investigations of universal service programs.

- c. The \$21,480,000 enabled the OIG to add significant resources in both the investigative and audit areas.

Attorneys hired with the USF funds provided an opportunity to devote additional resources to on-going investigations as well as initiating new investigations of allegations of fraud in the USF program. Since 2008, E-rate cases have resulted in a total of over 69 years of prison time, over \$28 million in settlements, and over \$200 million in relinquished E-rate funding requests. In addition, we have a number of active criminal E-rate investigations under way, with additional potential cases identified. Lifeline investigations have resulted in \$27 million in forfeitures, with sentencing to be determined. Additional pending indictments allege \$32 million in fraud. Ongoing cases initiated with term employees include High Cost, Lifeline, and E-rate.

A high percentage of the audit staff working on universal service program oversight from 2008 through 2013 consisted of term employees. During this period, OIG issued 25 reports including 10 Lifeline program, four E-rate program, and 11 Contributor compliance audits.

- d. Since 2008, OIG has reported the current status of the number and type of term employees hired with USF funds in each Semiannual Report to Congress. The Office of Audit and the Office of Investigations reported activity during each semi-annual period, including oversight of the universal service programs.

As stated above, OIG hired 20 four-year term employees, including attorneys, auditors, and support personnel. While the IG was able to obtain a one-year extension for the final 12 term employees, all terms have now ended. Our current initiative is to utilize the approximate remaining balance of \$5.6 million to contract for audits of universal service programs.

- 2. **I understand that the OIG routinely uses outside contractors to perform its audits. Given the specialized knowledge that it takes to understand some of the complex issues unique to the agency, have you considered using your increased resources to staff up auditors internally rather than outsourcing the work?**

OIG Response

Given the specialized knowledge and experience required to understand complex issues unique to the FCC, OIG resources would be better utilized for increasing staffing rather than outsourcing work. Currently, the OIG Office of Audit (OA) is staffed with 15 full time employees with plans to hire three additional auditors in FY 2015. This additional staffing will help OA increase its oversight of FCC programs, but not eliminate the necessity to use the independent public accounting (IPA) firms to accomplish our mission.

Because adequate in-house resources are often unavailable, agencies rely on contracted audit services. The Inspector General Act of 1978, as amended, requires OIGs to ensure that the work of non-Federal auditors adhere to generally accepted government auditing standards (GAGAS). GAGAS requires OIG to attest to the work performed by the IPA in those audits where the IPA serves as the principal auditor. Numerous OIG staff hours are expended administering IPA contracts, monitoring the contractor's work and facilitating the audit process to ensure that work performed by the IPA adheres to GAGAS.

OIGs are generally better served when using resources are allocated to staff in-house auditors, rather than outsourcing the work. However, that requires increased permanent funding for the hiring, development, training, and retention of additional staff. Current OIG funding for Salaries and Expenses does not provide for significant increases in permanent full time staffing. Additionally, OIG does not have authority to use USF funds to hire permanent full time employees.

The Honorable Henry Waxman

- 1. In your testimony you raised concerns about the newly established USF Strike Force being duplicative and wasteful. Do you believe that the FCC has the authority to oversee and enforce the operation of USF, including making referral to federal law enforcement agencies when appropriate?**

OIG Response

Yes, the FCC has not only the authority, but the obligation to oversee and enforce the operations of the USF. However, the OIG, pursuant to the Inspector General Act, is responsible for preventing, detecting and ferretting out fraud, waste, mismanagement and abuse in USF programs and operations. OIG should be, according to the IG Act and the FCC's own rules and regulations, the sole organization to investigate fraud and make appropriate referrals to law enforcement agencies. If Congress wants to revise this charge, it should be done via appropriate legislation.

Strike Force managers have declared that they will investigate allegations of both criminal and civil fraud, and with their additional resources in place, will refer cases directly to the DOJ/FBI and then will continue to assist law enforcement in the prosecution of those matters. In this regard, they take on OIG-like responsibilities and unlike OIG, do not have the responsibility to report to Congress.

While we applaud the Commission's decision to take a more aggressive stance in combating fraud, waste and abuse, the Strike Force is not the most efficient tool to do so. The Strike Force asserts that their mission does not impinge on OIG's work, maintaining there is "sufficient fraud to go around."

As I testified, this revelation is because of the work conducted by OIG. To now state that a new entity can come aboard and that it will have zero negative impact on the work conducted by the OIG is an unrealistic assumption. For example, both offices will review the exact same data when looking for evidence of fraud, will review and address whistleblowers' concerns and allegations, and will be developing cases for referral to the appropriate authorities. At some point, one would assume one office would refer the case to law enforcement and continue to assist in the matter, while the other office effectively will have wasted countless months developing evidence, with the attendant risk that the integrity of the investigation may be compromised by the duplication of effort. Moreover, because OIG cannot ignore evidence of waste, fraud and abuse, we will be forced to monitor every investigative matter conducted by the Strike Force that concerns non-OIG directed cases.

The fact that the Strike Force is blurring the previously clear demarcation separating the work done by EB (enforcement of the rules) and that done by OIG (fraud investigations) has not gone unnoticed. This past week, we received an email from an attorney who represents numerous targets of OIG investigations, questioning whether two entities within the Commission should be conducting the same investigation, noting both the excess consumption of tax payer dollars and well as the imposition of greater burdens on the regulated entity.

Once there is an acknowledgement that the two entities cannot be tasked with the same role, I believe it is critical to stress that the overarching reason for the existence of the position of IG is to promote transparency and integrity in government. The role of investigating fraud, waste and abuse and referring these matters to law enforcement should reside exclusively with the OIG, as it does in other agencies, and not with the Strike Force. If Congress, or the agency believes additional resources need be allocated to the detection and prevention of fraud in FCC programs, those resources should be concentrated in the OIG.

- 2. Please describe the process by which the OIG determines the appropriate level of its annual budget request. For example, does your office develop an analysis of the required expenditures and consult with the FCC's Chief Financial Officer?**

OIG Response

The OIG Assistant Inspector General for Management (AIGM), in coordination with the AIG for Audit and AIG for Investigations, prepares the OIG annual budget request for review and approval by the Deputy Inspector General (DIG) and Inspector General (IG). The OIG budget is separate from the FCC budget but included in the FCC annual budget submitted to Congress. We consult with the Chief Financial Officer (CFO) and his staff to ensure all current year data and projected costs is included in our budget considerations.

The OIG budget analysis begins with a review of previous year accomplishments, requirements and expenditures to project follow-on budget year requirements. The analysis is supported by

audit and investigative plans and requirements, training, travel and equipment needs necessary for OIG to complete assigned missions.

The IG, the DIG and/or the AIGM meet with OMB to describe accomplishments and mission essential requirements. This interaction provides an opportunity to discuss budget requirements, agency concerns, and ongoing and new initiatives while providing OMB with up to date information about OIG.

Finally, the AIGM compiles and formats the IG approved budget for submission to the CFO and the agency Budget Officer. The CFO and Budget Officer review the budget and work with the AIGM to finalize the submission for inclusion in the FCC budget submission to OMB and Congress.

3. Your testimony asserts that “FCC management retains a right to approve all OIG hires, a requirement which appears to contravene the IG Act and impugn the independence of the OIG.”

Could you describe all employee requests made to the FCC’s Human Resources office that were turned down, including job description?

OIG Response

The only positions OIG has requested to fill that have been turned down are repeated requests to hire criminal investigators. However, the appearance of an independence issue that is created by being required to ask permission from the FCC to hire staff creates a problem that cannot simply be explained away by “it’s rarely happened.” Every time one of my managers has to request permission from an FCC manager to hire someone, it creates, at a minimum, the appearance of a lack of independence. *Government Auditing Standards*, 2011 Revision, states “Independence in appearance (is) the absence of circumstances that would cause a reasonable and informed third party, having knowledge of the relevant information, to reasonably conclude that the integrity, objectivity, or professional skepticism of an audit organization or member of the audit team had been compromised.”

Management’s ability to influence an OIG’s ability to perform its work by withholding resources, or attempting to influence the use of OIG resources, including the hiring of staff, creates the appearance of a lack of independence regardless of whether independence is compromised in fact. Congress recognized this risk in enacting the Inspector General Reform Act of 2008 (Public Law 110-409) requiring, among other things, that the head of an agency shall separately identify the budget request of the agency’s Inspector General. This requirement was a great step forward in freeing IGs from the appearance of influence from the agency head. Allowing the FCC to hold a potential veto over OIG hiring decisions degrades these benefits.

After working for over a year researching and preparing the necessary documentation, including posting the job announcement and developing a list of qualified candidates after the announcement closed, FCC Human Resources would not allow us to interview and hire criminal investigators. Very shortly after Chairman Wheeler took his office, I was informed that the Chairman did not support the hiring of criminal investigators by OIG.

As discussed in my testimony of September 17, 2014, criminal investigators are critical to both the furtherance and expansion of our investigatory capabilities. Given the widespread acceptance and success of criminal investigators at many OIGs, the FCC's reluctance to support us in this effort is baffling.

As you requested, I have attached the complete GS-1811-13 job description to my response.

I would be happy to discuss these matters further with you at your convenience.



David L. Hunt
Inspector General

cc:
The Honorable Anna Eshoo, Ranking Member
Subcommittee on Communications and Technology

Attachment – GS 1811-13 Criminal Investigator Job Description

Office of Inspector General
Federal Communication Commission
Criminal Investigator
GS-1811-13

Introduction

This position is located in the Federal Communications Commission (“FCC”) Office of the Inspector General (“OIG”). The OIG is responsible for implementing the Inspector General Act of 1978 (Public Law 94-454), as amended. This requires that the OIG conduct audits, inspections, and investigations of agency programs and operations to promote economy and efficiency and to detect and deter waste, fraud, and abuse. The OIG also reviews existing and proposed legislation and regulations relating to the FCC and to the OIG. The OIG is required to keep FCC Commissioners and the Congress fully and currently informed about problems and deficiencies relating to the administration of FCC programs and operations and the necessity for and progress of corrective action. The Inspector General supervises and directs a subordinate staff primarily consisting of auditors, investigators, support staff, and such non-Federal staff as needed to meet these responsibilities.

The Office of Investigation conducts a program of investigations of FCC activities, functions and programs. The Assistant Inspector General for Investigations (“AIGI”) is responsible for directing, planning, organizing and managing the work of the Office of Investigation and for effective and efficient use of OIG resources.

MAJOR DUTIES

The incumbent plans, executes and may lead investigations into violations of Federal laws and regulations and FCC policies relating to FCC operations and programs. Cases assigned to the incumbent include difficult, sensitive or complex OIG or joint OIG and other law enforcement authorities investigations and are so characterized by: the interrelated activities in which the subjects under investigation are involved; the wide number of separate investigative matters that are, or may become outgrowths of the original matter; the exceptional difficulty encountered in establishing the interrelationship of evidence; and the extreme sensitivity of matters involved in assigned cases.

The incumbent interviews witnesses and subjects, executes searches, performs surveillance, and administers oaths. Upon deputation as Special U.S. Marshal, the incumbent apprehends and arrests persons violating U.S. criminal laws and conducts searches and seizures incident to the arrest when appropriate, and pursuant to a warrant. The incumbent collects and preserves physical and documentary evidence of crimes and other violations of law as appropriate.

The incumbent conducts extensive research by reviewing records such as financial statements, bank, payroll and phone records, ledgers, reports and other correspondence such as emails for investigatory leads and evidence. Records review may include review of documents/records in electronic format.

The incumbent develops evidence, analyzes and evaluates investigative findings; organizes findings in a logical and presentable manner; and prepares clear, complete, factual, grammatically correct and concise final written reports of the evidence, findings, and conclusions of investigations for dissemination to U.S. Attorneys, FCC managers and other Federal agencies. Reports may be used for determinations of the whether the case merits prosecution, or other civil or administrative action. Incumbent may also verbally report facts and findings to senior officials within and outside of the Commission and must do so in a concise, logical and objective manner.

Incumbent may direct work of other professional investigators, assign work, provide technical advice and assistance, review completed work, and provide on-the-job training for lower grade investigators.

In those cases selected for prosecution, the incumbent provides ongoing assistance to the Federal investigators and attorneys. Incumbent may provide testimony in civil, criminal, administrative or quasi-legal proceedings and/or grand jury hearings on complex government programs and operations.

Incumbent establishes and maintains relationships with investigators in other Offices of Inspector General and with employees of other Federal, state, and local law enforcement agencies, for the purposes of obtaining and exchanging information relevant to investigations.

Incumbent maintains and applies working knowledge of laws regarding: (1) the rights and warnings of U.S. citizens; (2) government workplace searches; (3) fraud against the U.S.; and (4) the Federal Rules of Discovery, Evidence and Criminal Procedure, and other legal authorities including the Fourth, Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution. Incumbent keeps abreast of significant court decisions and other legal opinions interpreting all the above, as well as statutes and rules and regulations, governing or effecting FCC programs and operations.

Provides regular and periodic data to the AIGI to keep the AIGI fully informed in all investigations and as necessary to make adjustments in short and long range planning.

Incumbent may provide input in developing work plans for the Investigations Group. Incumbent may assist the AIGI in the preparation of the investigative portion of the Semiannual Report, and in the preparation of FOIA responses.

Incumbent performs other tasks as assigned by the AIGI, or as needed.

FES Factors

FACTOR 1: KNOWLEDGE REQUIRED

Level 1-8 1550 points

Expert knowledge of applicable criminal and civil laws and Federal rules of evidence, rules of civil and criminal procedure and relevant constitutional and statutory law, as well as FCC jurisdictional responsibility for major criminal or civil investigations in the numerous geographic locations throughout the United States. Expert knowledge of the theories, principles, practices, and techniques of self-defense; the use of firearms; undercover and surveillance work; and the ability to deal effectively with emergency situations. The incumbent manages all phases of

various categories of investigations and the ability to apply these toward the development and management of individual cases and the OIG's investigative program.

The incumbent also must have sufficient knowledge of, or the ability to quickly learn, the substantive FCC programs. Knowledge is also required in obtaining, working with, and discretely handling complex and sensitive facts, evidence and witnesses; planning, coordinating and conducting investigations; maintaining evidence and investigative records in accord with OIG investigative policy and procedures; and determining the validity of allegations, including the scope of illegal activity or administrative mismanagement of the Commission operations or programs.

Incumbent must possess expert knowledge of specialized investigative techniques, devices and procedures including the ability to conduct and supervise meaningful interrogations by eliciting necessary information and pursuing pertinent investigative leads.

The incumbent must possess skills in developing and supervising innovative approaches to investigations; collecting and assembling facts; bringing the investigation to a logical conclusion; presenting facts to FBI agents or U.S.

The incumbent must have completed, or shortly after employment must successfully complete, the 9-week Federal Law Enforcement Training Center's Basic Criminal Investigator training program at Glynco, GA. (Failure to pass the training program on the first attempt will result in separation from the criminal investigator position and may also result in separation from the agency.)

Extensive current knowledge and skill in forensic accounting or forensic computer analysis is required. The incumbent must have demonstrable experience with specific forensic tools and analysis. The position requires the ability to quantify and summarize forensic investigation elements and present them to other law enforcement agencies and in criminal and civil litigation settings.

The cases assigned to this position are representative of the full performance level of work performed, the incumbent must select the applicable methods, procedures and techniques for each case on the basis of a high degree of judgment, use discretion in the manner that evidence and facts are developed, recorded and protected, and maintain an awareness of potential repercussions.

The incumbent must have the ability to establish the interrelationship of facts and evidence and to present findings in reports that are clear, concise, accurate and timely submitted for appropriate review and action.

The incumbent must have knowledge and experience in the application of criminal, civil and administrative investigative tools and techniques and modern detection methods and equipment. The incumbent must have the ability to utilize the full range of demanding investigative techniques such as electronic monitoring of conversations, interrogation of reluctant witnesses, and querying of database information.

The incumbent must have an ability to determine independently if evidence can meet the various standards for introduction in Federal prosecutions.

The incumbent must have sensitivity to international protocol and an ability to interact effectively with the general public and with other Federal, State and local law enforcement authorities to maximize prevention and detection of Federal violations.

The position requires skills and abilities that enable the incumbent to work effectively with individuals and/or groups at all levels of government, as well as the public and private sectors.

This position requires skills and abilities in oral and written communication, clearly reporting facts, concisely and accurately on investigative matters.

The ability to exercise tact and discretion while dealing with matters of extreme sensitivity.

The incumbent may serve as a Federal Officer. The incumbent may be authorized to carry a firearm and if so, must participate in appropriate training to maintain this authorization.

FACTOR 2: SUPERVISORY CONTROLS

Level 2-5 650 points

The incumbent reports to the Assistant Inspector General (AIGI) who provides overall program, policy and technical guidance. The incumbent is responsible for planning, designing and carrying out the investigations independently. This includes outlining objectives, preparing justifications for any resources needed and then coordinating with any other jurisdictions that are appropriate to the investigation and that may include criminal activities at any of FCC's facilities or in any FCC program. The AIGI provides any information, which significantly impacts the program (i.e. policy, directives and/or procedures, program objectives, and management constraints such as staff, budget, and time factors). Progress is discussed and work is reviewed as scheduled throughout the course of the investigation.

Incumbent develops and/or recommends changes in program investigative objectives and strategy. These changes often set patterns for subsequent investigations in similar areas and often are adopted for use by investigators in lower grades. The incumbent keeps the AIGI informed of the performance of assigned staff, project status, findings and/or conclusions, and coordinated preparations of all reports.

The incumbent is responsible and accountable for all final work products prepared by self or by team members. Completed work is considered technically authoritative and is reviewed in terms of feasibility, compatibility with other work, or effectiveness in meeting objectives and in completing assigned investigative activities, (considering such factors as indictments and convictions secured, and financial recoveries obtained).

FACTOR 3: GUIDELINES

Level 3-5 650 points

Guidelines include FCC and OIG policies and procedures, Federal regulations, and pertinent Executive Orders and Legislative Acts; the Freedom of Information Act and Privacy Act; Federal Personnel Manual; Title 5 and 18 of the United States Code; recent Supreme Court decisions; Counsel of Inspectors General on Integrity and Efficiency (CIGIE) practices and standards related to the conduct and reporting of investigations; the United States Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority; and legal interpretations that effect investigations. The incumbent must use experience,

knowledge, judgment and discretion in applying these guidelines to a variety of specific situations.

FACTOR 4: COMPLEXITY

Level 4-6 450 points

The incumbent is responsible for planning and carrying out investigations of criminal activities and other forms of improper or prohibited conduct directed against FCC programs and operations. The incumbent's assignments will involve major investigations of activities which may have direct and substantial effect on the organization.

The incumbent is subject to potential, substantial program changes, rescheduling of assignments, reestablishing of priorities, and must have the ability to withstand considerable continuing pressure.

The incumbent serves as the leader or coordinator of investigations involving complex, critical, or highly dangerous components. The investigations may take an extended period of time and may involve investigators from other law enforcement agencies.

Investigations conducted, coordinated, and reported by the incumbent are often extremely sensitive due to the prominence of the suspects, victims, and individuals involved. Extreme good judgment and prudence are required to avoid premature leaks to news outlets, or others, that might compromise an ongoing investigation or result in embarrassment to the OIG or the Commission.

The incumbent compiles evidence received from other investigators nationwide and recognizes patterns of behavior in order to anticipate future actions. Assignments may involve investigations of complex organizations that may be connected with or bordering on organized crime.

Incumbent may coordinate with federal, state and local law enforcement personnel to resolve, subject to AIGI approval, potential jurisdictional issues.

FACTOR 5: SCOPE AND EFFECT

Level 5-5 325 points

The purpose of the incumbent's work is to promote economy, efficiency, and integrity in FCC's programs through the conduct of investigations which uncover fraud, waste, abuse, improper activities and other violations of statute and regulations. In addition, the incumbent provides technical leadership for less experienced investigators and professional expertise in the development of policies, practices and standards to be implemented by the staff.

The successful conduct of the investigative program affects a wide range of agency activities. Efforts may result in changes to FCC-wide policies and procedures, improving effectiveness and efficiency, cost savings, etc. Investigations may also result in debarment of contractors, fines and/or imprisonment of the individual violators, or other actions.

Investigations may result in the recovery of funds, property and criminal convictions, and may deter future criminal and civil violations. Investigations may also influence changes to FCC policies and regulations.

FACTOR 6: PERSONAL CONTACTS

Level 6-4 110 points

Contacts include FCC employees and managers, other IG Offices, U.S. Attorneys, grand juries, state and local police, other law enforcement officials, other government officials, and subjects of investigations. When requested, the incumbent represents the OIG in conferences, professional meetings, and with the news media or at other required public appearances. Many contacts developed throughout the course of an investigation are not routine, and cannot be predicted.

FACTOR 7: PURPOSE OF CONTACTS

Level 7-4 220 points

Contacts are for the purpose of securing information and evidence pertaining to investigations, serving legal documents, and communicating results of investigations to interested parties, e.g. FCC officials, other law enforcement officers, U.S. attorneys, grand juries, etc. Contacts may also be for the purpose of promoting the objectives of the OIG; to exchange information; to form professional relationships; or to ensure that the policies, procedures, and operations of the OIG are effective.

FACTOR 8: PHYSICAL DEMANDS

Level 8-2 20 points

The physical demands placed on the incumbent vary. In the office setting, the work will normally be sedentary. However, in the context of direct investigative activities, the work may involve tasks requiring vigorous physical effort, such as frequent and lengthy episodes of travel with long periods of extended work hours, conducting surveillance at any hour, location, or in any weather condition, and performing searches of premises for evidence, which may entail moving, lifting, and carrying heavy or bulky objects. The duties may also involve the use of firearms.

Manual dexterity with comparatively free range of motion of fingers, wrists, elbows, shoulders, hips, and knees is required. Arms, hands, legs, and feet must be intact and functioning in order to perform the duties satisfactorily. Incumbent must possess sufficiently good distance vision, with or without glasses, in each eye, in order to perform the duties satisfactorily. Near vision, with or without glasses must be acute for reading printed material in 8pt font. The ability of the applicant to hear the conversational voice and whispered speech without the use of a hearing aid is required.

The work requires emotional and mental stability. It may require long periods of overtime, intense concentration, and it may involve activities conducted under difficult and dangerous conditions.

FACTOR 9: WORK ENVIRONMENT

Level 9-2 20 points

Some work will be performed in an office setting. Operational investigative work may take place in any setting, where the subjects live or work. Assignments include both scheduled and short notice unscheduled travel to any location within the United States by all modes of transportation. Duties may require the operation of a motor vehicle on expressways and in heavy traffic in metropolitan areas. The work may entails entry into high physical risk areas and it subjects the criminal investigator to extremes of weather, unpleasantness, and potentially dangerous situations.

Total points 3,995

This position is covered by special retirement for law enforcement officers. Extra retirement contributions are withheld and retirement is mandatory on the last day of the month in which the officer becomes 57 years of age or completes 20 years of service if older than 57. Alternate employment opportunities may exist at that time.

To be covered by this special retirement for law enforcement officer annuities, applicants must NOT have reached their 37th birthday by the entrance on duty date for this position OR if over 37 years of age, applicants must have had prior or present Federal service covered under this special retirement for law enforcement officers. (Fax in your latest SF-50 to verify you were covered under this special retirement).