

# NOTICE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

**N 1100.337**

National Policy

Effective Date:  
01/13/12

Cancellation Date:  
01/13/13

**SUBJ:** Realignment of the Office of Audit and Evaluation (AAE)

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- 1. Purpose of this notice.** This notice realigns the Office of Audit and Evaluation as an independent organization reporting directly to the Federal Aviation Administration (FAA) Administrator.
- 2. Who this affects.** This notice affects everyone who does business with the Office of Audit and Evaluation.
- 3. Where you can get a copy of this notice.** You can find this Notice on the MyFAA Employee Web site: [https://employees.faa.gov/tools\\_resources/orders\\_notices/](https://employees.faa.gov/tools_resources/orders_notices/). This Notice is available to the public at [http://www.faa.gov/regulations\\_policies/orders\\_notices/](http://www.faa.gov/regulations_policies/orders_notices/)
- 4. Background.** As a result of past recommendations from the Department of Transportation Inspector General concerning the need to establish an independent organization, reporting to the head of the FAA, the FAA has decided to realign the Office of Audit and Evaluation as an independent organization. This realignment will augment visibility of the Office of Audit and Evaluation for both employees and external stakeholders, enhance agency accountability for internally identified safety concerns, and revalidate the agency's commitment to providing an independent, vital and effective mechanism for addressing and resolving safety-related employee disclosures, whistleblower contributions and employee workplace conflicts.
- 5. Structure.** The AAE Office is managed by a Director and organized into three branches to correspond with the Office's primary functions.
  - a. Audit and Analysis Branch, AAE-100.** AAE-100 performs the audit and investigative review functions and is the primary focal point for the investigation of safety disclosures, including the FAA Whistleblower Protection Program. It also serves as the focal point for the coordination and evaluation of FAA responses to DOT-OIG, GAO, and OSC audits and investigations. AAE-100 also tracks the implementation of corrective actions identified in the course of both internal and external audits and investigations of FAA programs and organizations.
  - b. Intervention and Evaluation Branch, AAE-200.** AAE-200 provides conflict mitigation services and training for FAA employees and managers. AAE-200 works closely with AGC,

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Distribution: A-W-XZY-2; A-FOF-O(LTD)

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ACR, and AHR to ensure that workplace conflicts are resolved in a manner most beneficial to the organization and affected employees. AAE-200 is available to managers and employees for informal mediation services.

**c. Reporting and Data Analysis Branch, AAE-300.** AAE-300 operates the consolidated FAA Hotlines. AAE-300 analyzes hotline submissions, coordinates their investigation with other AAE staff offices, and ensures that they are properly investigated by the appropriate FAA organization(s). AAE-300 also analyzes hotline data for safety trends, which are provided to the appropriate FAA lines of business.

**6. Supervision and Oversight.** The Director for Audit and Evaluation reports directly to the FAA Administrator.

**7. Functions of the AAE Office.** The AAE Office operates the agency's hotline system and other programs that offer employees and other persons avenues to report safety-related and other concerns and make safety contributions. The AAE Office coordinates and provides independent quality control evaluations of certain investigations<sup>1</sup> conducted by the lines of business and analyzes data from a broad range of sources. During its evaluation of such investigations, the AAE Office will not determine the technical merits of safety-related issues or make recommendations for resolution of particular safety-related cases. These determinations will remain the ultimate responsibility of the appropriate safety office. The AAE Office may initiate independent investigations, using investigative resources from other lines of business and staff offices, of whistleblower contributions and may inquire into and resolve hotline or SIRS disclosures. The AAE Office also will provide intervention assistance to managers and employees. Among its responsibilities, the AAE Office performs the following functions:

**a.** Responsible for interfacing and maintaining a continuous liaison with GAO, OSC, and the DOT OIG investigations/audit staffs concerning safety-related investigations.<sup>2</sup>

**b.** Record, track, review, and confirm implementation of FAA responses to DOT OIG, OSC, and GAO audits and investigations that are under the purview of AAE.

**c.** Respond to the Safety Hotline, the Administrator's Hotline, the Public Inquiry Hotline, and the Safety Issues Reporting System (SIRS).

**d.** Manage the Whistleblower Protection Program established under 49 U.S.C. § 42121 to record, review, and track the investigation of information identifying an alleged violation of any order, regulation, or standard of the FAA or an alleged violation of any other federal law related

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<sup>1</sup> Excluding investigations involving FAA employee conduct and discipline and/or airmen/aircraft regulatory investigations that fall under the purview of the FAA Office of Security and Hazardous Materials as defined in FAA Order 1600.38.

<sup>2</sup> ASH remains the primary interface with the DOT OIG investigations staff for matters involving FAA employee conduct and discipline and/or airmen/aircraft regulatory investigations as outlined in FAA Order 1600.38.

to air carrier safety associated with complaints of discrimination filed with the Secretary of Labor. Be the primary interface and maintain a continuous liaison with OSHA on these matters.

**e.** Analyze data from the Safety Hotline, the Administrator's Hotline, the Public Inquiry Hotline, the SIRS, whistleblower contributions to identify trends and issue reports to the Administrator, the Chief Counsel, and appropriate lines of business based on this analysis.

**f.** Serve as an alternative point of contact for receipt of safety-related contributions or allegations of retaliation against whistleblowers in general.

**g.** Provide intervention assistance for managers and their employees to help resolve workplace conflicts, consistent with labor management obligations, if applicable.

**h.** Conduct an initial review of contributions and investigations received, including an immediate assessment (in consultation with appropriate parties), and review responses for accuracy, thoroughness and internal consistency of handling.

**i.** Task appropriate organizations for investigation and resolution of issues within a specified time that are raised to the Safety Hotline, the AAE Whistleblower Hotline, the Administrator's Hotline, the Public Inquiry Hotline, or the SIRS.

**j.** Maintain a liaison with the Director of the Accountability Board. The AAE Director will report all matters that are reported to the AAE Office that come under the scope of the Accountability Board to the Executive Director of the Accountability Board Within 2 work days of the incident becoming known to the AAE organization.

**k.** Maintain a liaison with the Director of the Air Traffic Oversight Service.

**l.** Maintain a liaison with the Director of the Office of Emergency Operations, Communications, and Investigations.

**m.** Provide guidance to lines of business and staff offices on how to conduct investigations to determine if a retaliatory action was taken as a result of a Whistleblower contribution, thoroughly and impartially. Lines of business and staff offices will be referred to ASH for general guidance on how to conduct investigations.

**n.** Assess whether investigations and resolutions, of matters that come under its purview, are fair, impartial, and in conformance with established processes.

**o.** Review for accuracy and completeness reports prepared by Flight Standards Service (AFS) Internal Assessment Capability (IAC) teams and evaluate whether the IAC review was fair and followed established AFS procedures.

p. AAE-100 works closely with AGC and AHR in coordinating whistleblower issues at the initial stages to ensure the best possible outcome in the event of a subsequent appeal to the MSPB.

## 8. AAE Whistleblower Protection.

a. **Applicability.** The AAE Office will serve as a new venue to receive disclosures from FAA employees or former employees, certificate holders, or employees of certificate holders, concerning:

(1) Actions relating to a possible violation of the FAA's statute (49 U.S.C. subtitle VII) or an FAA regulation or order,

(2) Acts or omissions that pose a high level of risk to aviation safety, or

(3) Gross misconduct of agency employees involving a matter of aviation safety.

b. **Investigative Responsibility.** The AAE Office will evaluate the protected disclosure, including any supporting documentation, to determine whether a substantial likelihood exists that conduct within a category described in subparagraph 8.a. occurred. If the AAE Office determines there is a substantial likelihood that a violation within subparagraph 8.a. occurred, it will either refer the contribution to the appropriate FAA office for further investigation (with continuous AAE oversight) or request assistance from the line of business or staff office to conduct an inquiry under the auspices of AAE.

c. **Limitations on Review.** The AAE Office will not investigate, or refer for investigation, the substantive matters that:

(1) Are the subject of an on-going enforcement investigation by an FAA office, unless such investigations involve allegations of retaliation for safety contributions;<sup>3</sup>

(2) Are the subject of an administrative appeal process or within the jurisdiction of an administrative forum, such as the National Transportation Safety Board or the Merit Systems Protection Board, or under review before, or within the jurisdiction of, Federal or state courts;

(3) Were previously submitted to the Department of Transportation Office of Inspector General as a discrimination complaint, grievance, or complaint; or

(4) Fall under the purview of FAA Order 1600.38.

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<sup>3</sup> This does not preclude AAE from reviewing the allegations to determine if whistleblower status exists. In such instances, AAE will initiate, or refer, the whistleblower matter for investigation to determine if a protected contribution was made and retaliatory action was taken as a result.

**9. Prohibition on Retaliation.** All persons are entitled to contact the Office for Audit and Evaluation without fear of reprisal. Retaliation against persons who do so is prohibited and will become a separate matter for investigation by AAE.

**10. Authority to Change this Order.** The Director of the Office of Audit and Evaluation is authorized to make changes as appropriate to this order through the directives management process.

**11. Organization Chart.** Attached as Appendix A is the Office of Audit and Evaluation Organizational Chart.

**12. Distribution.** This order is distributed to the division level in the Washington headquarters, regions and centers with distribution to each field office and facility.

A handwritten signature in black ink, appearing to read 'Michael P. Huerta', with a circled number '3' to the right.

Michael P. Huerta  
Acting Administrator

Appendix A. Office of Audit and Evaluation Organizational Chart

