

**UNDER SECRETARY OF STATE  
FOR MANAGEMENT  
WASHINGTON**

OCT 10 2012

Ms. Carol N. Lerner  
Special Counsel  
U.S. Office of the Special Counsel  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4501

Dear Ms. Lerner:

Re: OSC File No. DI-12-2455

I am responding to your letter of May 31, 2012, to Secretary Clinton regarding a whistleblower disclosure that employees of the Department of State, Bureau of Administration, Office of General Services Management, Fleet Management and Operations Division (FMO) were engaging in conduct that might have constituted gross mismanagement and a substantial and specific danger to public safety by failing to properly maintain and repair the FMO bus fleet.

Your letter containing the allegations was turned over to our Office of the Inspector General (OIG) who investigated the matter. Attached are the OIG's findings.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

  
Patrick F. Kennedy

Attachment: As stated

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U.S. Department of State  
Office of Inspector General  
Office of Inspections  
Summary of Review Performed in Response to  
U.S. Office of Special Counsel  
OSC File No. DI-12-2455, dated May 31, 2012

**1. Background**

The Department of State (Department) performed this review in response to a letter dated May 31, 2012, from Carolyn N. Lerner, Special Counsel, U.S. Office of Special Counsel (OSC), to Secretary of State (Secretary) Hillary Clinton. Ms. Lerner referred a whistleblower disclosure made by a motor vehicle operator in the Department, who alleged that employees in the Fleet Management and Operations Division (FMO) in the Bureau of Administration, Office of General Services Management (GSM), were engaging in conduct that constituted gross mismanagement and a danger to public safety by failing to maintain and repair the FMO bus fleet. This letter is included in Attachment A. In brief, the whistleblower alleged that FMO management officials and fleet dispatchers were:

1. Failing to have a regular schedule for routine maintenance of the FMO bus fleet;
2. Failing to fix mechanical problems that were regularly brought to management's attention; and
3. Leaving unsafe buses in the active FMO bus fleet and requiring their usage.

**2. Description of the Conduct of the Review**

On June 27, 2012, the Under Secretary for Management referred the matter to the Office of Inspector General (OIG) to review and report on the allegations. OIG performed the field work for the review from June 27 to July 31, 2012, in accordance with the Quality Standards for Inspection and Evaluation, as issued in 2011 by the Council of Inspectors General on Integrity and Efficiency, and the Office of Inspector General, Office of Inspections Inspectors Handbook. An OIG inspector interviewed more than 25 individuals in FMO, including the whistleblower. In addition, the inspector met with officials of the U.S. General Services Administration (GSA), the agency that leases the bus fleet to the Department. Finally, the inspector examined vehicle logbooks, GSA maintenance records and vendor invoices, employee position descriptions, vehicle accident records, and various types of fleet maintenance information relevant to the review.

**3. Summary of Findings**

The review found that:

1. FMO meets GSA requirements for routine maintenance of the bus fleet. The OIG review found that GSA was using the wrong maintenance schedule for some of the FMO bus fleet, but it subsequently updated its Web site to reflect the correct one.
2. FMO does not always expeditiously fix mechanical problems reported by the motor vehicle operators, and FMO sometimes leaves these vehicles in the fleet.
3. FMO records do not show that drivers are required to drive buses that the operators believe are unsafe. Operators told the OIG inspector that if they felt that a bus was unsafe, they did not drive it. In addition, the GSM director specifically instructed the drivers that they were not required to operate a vehicle if they felt it had a legitimate issue that rendered it unsafe.

In addition to this response to the OSC inquiry, OIG prepared a separate report with recommendations designed to improve the process of inspecting and recording problems with the shuttle vehicles, tracking maintenance issues, and designating responsibilities associated with vehicle maintenance.

**4. Finding 1 – Alleged Lack of Routine Maintenance of the Bus Fleet**

OSC advised the Department of allegations that FMO did not have a regular schedule for routine maintenance of the FMO bus fleet. The OIG review found this allegation to be unsubstantiated. However, the OIG review found that GSA was using the wrong maintenance schedule for some of the FMO bus fleet. GSA subsequently corrected this issue.

GSA reports that all of its vehicles have a preventive maintenance (PM) schedule assigned when they are entered into the GSA system. The publication, *GSA Inspection and Safety Procedures for the Department of State's D.C. Area Buses*, notes that the "schedule is determined by the class of vehicle, fuel type, and type of use. All PM schedules require a PM inspection at least every 12 months and upon a varying range of mileages, with shorter time and mileage intervals available for more severe use vehicles. Schedules specific to buses require both tire and brake inspections at each interval, along with a number of required services."

On July 14, 2012, GSA reported that all 14 buses leased to the Department had all been in for a PM inspection within the past year, with an average of 224 days between PM inspections. The 14 buses averaged three visits per year over the past 2 years to maintenance shops for

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work on tires and brakes. GSA stated that these visits allowed for inspection of safety components as well.

The OIG inspector examined vendor invoices pertaining to PM inspections. These invoices included such services as changing the oil and filter, changing the fuel filter, checking/changing the air filter, inspecting lights and fluids, lubricating the chassis and driveline, putting air in the tires, servicing the battery, tightening connections, adjusting brakes, and tightening the exhaust system. Sometimes PM services were performed when the vehicle was brought in for other repairs. In some cases when the vehicle was taken to a vendor for other reasons, the vendor performed PM service before it was technically due.

During the review of preventive maintenance of the shuttle buses, GSA representatives told the OIG inspector that for some of the FMO buses, GSA had been using the maintenance schedule for light trucks, instead of that for buses. At that time, the GSA officials said that the regional office had updated the maintenance requirements on its Web site to represent the appropriate bus schedules.

**5. Finding 2 – Alleged Failure to Fix Shuttle Bus Mechanical Problems and Alleged Use of Unsafe Buses in the FMO Bus Fleet**

OSC also advised the Department of allegations that FMO had failed to fix mechanical problems that were regularly brought to management's attention, and that FMO was leaving unsafe buses in the fleet. The OIG review found that, at least on occasion, driver comments regarding mechanical problems with the buses were not acted upon quickly by FMO managers.

As part of the review process, the OIG inspector looked at the logbooks from January 2012 through June 2012 for three representative vehicles and compared the information to the records of maintenance work performed on those vehicles during the same time period.

- Vehicle 3011. The OIG inspector found a delay of 2 days, May 1 to May 3, 2012, from when an operator wrote "Don't Drive" in the logbook and FMO management took the vehicle out of service. On May 1, 2012, the morning driver noted under the remarks section of the logbook that there was an antifreeze leak. The afternoon driver wrote that the service brakes were grinding and making a loud banging noise, and that the transmission was idling very high because the air conditioning was on. The afternoon driver listed the condition of the vehicle as unsatisfactory and wrote "Don't Drive" in the logbook. The morning driver from May 1, 2012, was again assigned to the vehicle on May 2, 2012, at which time the driver wrote again about the antifreeze leak and said that he/she had added a gallon and a half of antifreeze.

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The morning driver on May 2, 2012, did not mention a brake issue. The afternoon driver on May 2, 2012, (the same afternoon driver as on May 1, 2012) wrote again about the service brakes grinding, the loud banging noise, and the transmission running high. On May 3, 2012, the same morning driver again wrote about the leaking antifreeze. The logbook contains no further entries until May 11, 2012, indicating that FMO took the vehicle out of service on May 3 2012. The GSA repair history shows that by May 11, 2012, the vehicle had received service, including refrigerant and antifreeze, and work on the slack adjuster for the air brake. Mileage figures show that the vehicle was driven 131 miles after the afternoon driver on May 1, 2012, wrote "Don't Drive" in the logbook. In addition, the vehicle's odometer shows an additional accrual of 86 miles before FMO returned the bus to service on May 11, 2012, presumably in driving the vehicle to and from the shop.

- Vehicle 271. The OIG inspector found a delay of about 10 days between the time a driver indicated the vehicle had problems and the time FMO management took the vehicle for service. On April 16, 2012, the morning driver noted that the brakes were squeaking on the left side. He/she wrote "Please Check" under the remarks. The afternoon driver on April 16, 2012, did not list any problems and drove the vehicle for 57 miles. A different driver from the two previous ones picked up the vehicle at 3 p.m. the next day, April 17, 2012. This driver wrote that the brakes needed adjusting and that the parking brake did not hold. FMO kept the vehicle in service. On April 20, 2012, a fourth driver wrote in the logbook that the parking brake did not hold the bus when it was in gear. FMO continued to use the vehicle until April 27, 2012, when GSA records show that it was towed. FMO reported that the vehicle was in the shop from April 27 to May 1, 2012, during which time the vendor serviced and repaired the brakes.
- Vehicle 436. The OIG inspector found that FMO took the vehicle out of service after a driver indicated problems with the brakes, but there was no indication that the vehicle was repaired. The afternoon driver wrote in the logbook on January 31, 2012, that air was escaping when the brakes were applied. FMO took the vehicle out of service from January 31 to February 13, 2012. GSA records show that the vehicle was towed on January 31, 2012. There is no information in the GSA repair history of what services might have been performed by a vendor nor could the OIG inspector locate a vendor invoice for services dated near that time.

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**6. Findings Related to Additional Allegations Cited in the OSC Letter of May 31, 2012**

The OSC letter contained additional allegations by the whistleblower. In this section, OIG describes these allegations and the associated OIG findings.

- A. The whistleblower alleged that on March 20, 2012, she experienced brake problems in one of the buses while driving school children attending a Department program. The OSC letter notes that after the vehicle was taken out of service, FMO required the whistleblower to drive the vehicle from the Department to the yard, and that the quality assurance staff member accompanied the driver. The OIG inspector interviewed both individuals. The whistleblower repeated that she was accompanied by the quality assurance employee. The quality assurance employee said that he was one of the individuals who met the driver at the Department, but that he did not accompany the whistleblower back to the yard. The OIG inspector reviewed the logbook page for March 20, 2012. The morning driver (the whistleblower) wrote "Brakes" in the remarks, and checked the box indicating that the condition of the vehicle was unsatisfactory. The morning driver drove the vehicle for 23 miles. Another operator drove the vehicle an additional 22 miles later in the day. The afternoon driver wrote that the air conditioning was not working, but did not mention a brake problem.

The dispatch office did not have a record (other than the logbook) that the morning driver (the whistleblower) had reported a problem with the braking system, nor did the dispatcher recall talking to the driver on that day. The dispatcher recalled that officials in the Department had been waiting for the school bus in order to start a program, and that the officials were upset about the route that the driver had taken. The dispatcher reported trying to call the driver on the two-way radio, but said that the driver (the whistleblower) often did not respond to the radio when she was driving.

- B. The whistleblower alleged that on April 17, 2012, the brakes in the same vehicle "caught fire" when another operator was driving it. The OIG inspector looked at the logbook for that vehicle but found no indication of a fire on that date. The driver mentioned by the whistleblower in the OSC letter reported that when he was driving the vehicle on April 27, 2012, the right rear brakes began smoking. He contacted the dispatch office and the vehicle was towed to the shop.
- C. The whistleblower alleged that on April 17, 2012, after the brakes began smoking, the dispatcher tried to coerce the operator to drive vehicle 271 to the fleet yard. The brake problem occurred on April 27, 2012. The driver told the OIG inspector that when the dispatcher asked him if he could take the vehicle back to the yard, the driver said no. The dispatcher then called a tow company. The driver believes that the dispatcher did not

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have a clear idea of the problem when the dispatcher asked him to take the vehicle to the yard.

The whistleblower alleged that the dispatcher called a tow truck to retrieve the bus on April 17, 2012. The OIG inspector could find no GSA record that the vehicle was towed on that date. However, the vehicle was towed to a vendor for service on April 27, 2012. The vendor replaced the rear brake shoes and drums and returned the vehicle to FMO on May 1, 2012.<sup>1</sup>

- D. The whistleblower alleged that there had been incidents such as those that occurred on March 20, 2012, dating back to 2009, some of which had resulted in accidents or injuries. She referred to an occasion in mid-2010 when a bus rear-ended a car that stopped suddenly in front of the bus after the bus's brakes failed to engage upon application. The OIG inspector reviewed the accident reports for calendar years 2010, 2011, and to date for 2012. None of the reports indicated brake failure as the cause of an accident.
- E. The whistleblower alleged that FMO management responded to the drivers' concerns by advising them that "in order to keep buses on the road [FMO] sometimes [has] to forego nonessential/nonsafety maintenance until a bus enters the shop for break-down maintenance." The quote is from an email dated August 13, 2009, from the GSM director. FMO reports to GSM. The same email advised the drivers that "if you honestly feel that a bus you are assigned to operate has a legitimate safety issue rendering it unsafe, you ARE NOT required to operate it."
- F. The whistleblower alleged that the FMO fleet supervisors directed the mechanics to forego recommended repairs outside the scope of the initially recognized problems and only to fix the newly identified problems once they became serious defects. The GSM director said that this was true for some cases. He noted that FMO management would not be exercising good stewardship of taxpayer dollars if they allowed the vendors to provide additional services in order to "jack up" the price. The director noted that if FMO needed the bus back in service in order to keep from having to contract out a route, the office might selectively defer nonessential repairs that did not affect safe operation of the bus or would not cause damage to the vehicle with continued operation.
- G. The whistleblower alleged that she had been chastised for seeking higher-level assistance to repair unsafe buses. An email dated May 9, 2012, from the assistant fleet manager

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<sup>1</sup> On May 2, 2012, another driver experienced smoking brakes in the same vehicle. The vendor sent a mechanic to look at the vehicle, and the vehicle was towed again to the same vendor. FMO picked up the bus from the vendor on May 7, 2012. On May 9, 2012, the driver reported a parking brake problem, and FMO returned the vehicle to the shop on May 10, 2012.

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said the following: "You should not call me about a problem you have not discussed with your first-line supervisors." Various personnel told the OIG inspector of possible issues of retaliation and bullying within FMO, but the information was not verifiable or complete enough to draw solid conclusions. The OIG inspector discussed these issues with Department and union officials as well as with the director of GSM and the fleet manager, informing the two latter individuals that it was their responsibility to monitor such matters and correct any behavior involving retaliation and bullying among their staff.

- H. The whistleblower alleged that FMO management disregarded drivers' concerns about improper utilization of International buses for transporting passengers. The whistleblower alleged that upon FMO's 2010 purchase of the International buses, the drivers advised FMO management of issues with the vehicles. She also noted two serious accidents in 2010 and 2012 involving passenger injuries.

The OIG inspector found that of the eight International buses, four have perimeter seating. FMO leased three of these vehicles (numbers 436, 437, and 438) from GSA in 2010. FMO leased the fourth bus (85L) in 2011. These vehicles meet Department of Transportation-approved standards and GSA specifications for passenger vehicles.

The OIG inspector found two accident reports for vehicles with perimeter seating involving injuries to passengers. One incident occurred on August 8, 2010. The driver of vehicle 436 had to apply the brakes suddenly when a car pulled in front of the bus. There was no collision, but the Motor Vehicle Accident Report states that "about six passengers fell on the floor of the bus. One female passenger was injured." The driver told the OIG inspector that paramedics took the female passenger to the hospital. The driver also told the OIG inspector that the braking "was fine."

The second incident occurred on January 31, 2012. The driver applied the brakes suddenly when a taxi pulled in front of the bus and "stopped short." As with the first incident, there was no collision. The Motor Vehicle Accident Report notes that some of the passengers fell to the floor. None of the passengers requested medical assistance or to be taken to a hospital, but several reported scrapes and bruises, along with broken eye glasses. The driver told the OIG inspector that the brakes were functioning as they should.

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Attachment A: Notification from the U.S. Office of Special Counsel dated May 31, 2012



The Special Counsel

U.S. OFFICE OF SPECIAL COUNSEL  
1770 M Street, N.W., Suite 400  
Washington, D.C. 20036-4501

May 31, 2012

The Honorable Hillary Clinton  
Office of the Secretary  
United States Department of State  
2201 C Street NW  
Washington, DC 20520

Re: OSC File No. DI-12-2455

Dear Madam Secretary:

Pursuant to my responsibilities as Special Counsel, I am referring to you a whistleblower disclosure that employees of the Department of State (State), Bureau of Administration, Office of General Services Management, Fleet Management and Operations Division (FMO), Washington, D.C., are engaging in conduct that may constitute gross mismanagement and a substantial and specific danger to public safety by failing to properly maintain and repair the FMO bus fleet. The whistleblower, Nicole Thompson, a Motor Vehicle Operator (MVO), consented to the release of her name to the agency. Accordingly, I am referring this information to you for an investigation of these allegations and a report of your findings.

In brief, the whistleblower alleged that FMO management officials and fleet dispatchers create a substantial and specific danger to public health and safety by:

- Failing to have a regular schedule for routine maintenance of the FMO bus fleet;
- Failing to fix the FMO buses' mechanical problems that are regularly brought to management's attention; and
- Leaving unsafe buses in the active FMO bus fleet and requiring their usage.

The Office of Special Counsel (OSC) is authorized by law to receive disclosures of information from federal employees alleging violations of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. 5 U.S.C. § 1213(a) and (b). If I find, on the basis of the information disclosed, that there is a substantial likelihood that one of these conditions exists, I am required to advise the appropriate agency head of our findings, and the agency head is required to conduct an investigation of the allegations and prepare a report within 60 days of notification of the allegations. 5 U.S.C. § 1213(c). OSC will not ordinarily grant an extension of time to an agency in conducting a whistleblower disclosure investigation.

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However, OSC will consider an extension request where an agency concretely evidences that it is conducting a good faith investigation that will require more time to successfully complete.

Agencies that own or lease motor vehicles must have a scheduled maintenance program, or follow the General Services Administration (GSA) program for vehicles that the agencies lease from GSA, to "ensure the safe and economical operating condition of the motor vehicle through its life..." among other things. 41 CFR § 102-34.275. Ms. Thompson, an FMO MVO since 2006, alleged that FMO does not have a sufficient maintenance program because FMO management officials repeatedly forego necessary bus repairs in an effort to keep costs low and remain competitive with private transportation companies. As a result, Ms. Thompson contends that the safety of FMO bus drivers, State employees and their families who utilize FMO fleet services, and the driving public has been compromised.

Ms. Thompson described an incident that took place on March 20, 2012. Ms. Thompson was driving a large bus full of elementary school students and their chaperones from Minor Elementary School, Washington, D.C., to meet with various State officials. Just after departing the school, Ms. Thompson smelled an odor she recognized as coming from the brake system while applying the brakes at the first stop sign. To minimize her brake usage during the commute, Ms. Thompson opted to take the interstate. While exiting the interstate, she attempted to apply the brakes to stop, but the brakes failed to engage and the bus continued without decelerating. Despite merging onto the exit ramp with approximately five bus-lengths between her and the car in front of her, Ms. Thompson only barely avoided hitting that car because she "fanned"<sup>1</sup> the brakes and ultimately turned onto the gravel shoulder of the road. Because there was no safe pull-off from the exit ramp, Ms. Thompson determined that the safest option was to proceed along the trip's remaining two miles but at a speed of 10-mph so as to eliminate the need for braking until arriving at the group's destination.

Rather than addressing the malfunctioning brakes and safety concerns, Ms. Thompson alleged that the Dispatcher Gleynese Hilton, Assistant Chief Michael Passmore, and Fleet Supervisors Shantay Newman and Riki Sampson immediately attempted to cloud the issues by criticizing Ms. Thompson for her alleged failure to answer their calls over the two-way radio while in-route. She stated that she was then required to drive the bus back to the fleet yard while accompanied by Sean Gordon of Quality Assurance, but she then refused to drive the bus any farther than the yard until it was repaired. Because the bus could still be driven, although unsafely, the dispatchers simply assigned another driver to the bus for use that same day, and no repairs were done as a result of this incident. Ms. Thompson claims this is common practice for management when faced with safety concerns. Because of management's failure to send the bus for repairs, the bus's brakes caught fire on the morning

<sup>1</sup> "Fanning the brakes" refers to a technique of repeatedly applying and releasing the brakes. Such technique is not the standard application of the brake system, and should only be utilized when the brakes fail to engage during normal application.

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of April 17, 2012, during the busiest route for the fleet, with only the driver aboard between drop-offs. Dispatcher Herman Wilder called a tow truck to retrieve the bus that day only after he was unsuccessful at coercing MVO Hartley Fox to return the bus back to the fleet yard.

According to Ms. Thompson, incidents such as the March 20<sup>th</sup> incident have been ongoing since at least 2009, and some have resulted in accidents or injuries. For example, in mid-2010, a MVO rear-ended a car that stopped suddenly in front of the FMO bus after the bus's brakes failed to engage upon application. Despite these incidents, FMO management responds to the MVOs' concerns by advising them that "in order to keep buses on the road [FMO] sometimes [has] to forego non-essential/non-safety maintenance until a bus enters the shop for break-down maintenance...." See Enclosure 1, August 13, 2009 email.

The Guide to Federal Fleet Management (GFM) explains the rationale for requiring agencies to establish a scheduled maintenance program as follows: "Detecting and correcting deficiencies in any of a vehicle's systems in their early states, before they develop into major defects, results in lower maintenance costs... Equipment breakdowns and downtime can be significant costs. Downtime results in decreased efficiency, increased rental costs, loss of productivity and poor customer relations. Safety related defects identified before use can avoid accident, injury and death." See GFM, Section 5, 5.14.4.1 Scheduled Maintenance Programs.

Ms. Thompson alleged that there is no such program for the FMO bus fleet. Specifically, she alleged that the buses are not sent in for routine maintenance, and are only sent to repair shops when the buses develop major defects. She further claimed that it regularly requires numerous MVO reports of the mechanical problems and multiple MVOs refusing to drive a particular bus before FMO fleet supervisors send the bus in for repair. Finally, Ms. Thompson alleged that even while the buses are in the shop, FMO fleet supervisors direct the mechanics to forego recommended repairs outside the scope of the initially recognized problem, and only fix the newly identified problems once they become serious defects.

Ms. Thompson further indicated that she has been chastised for seeking higher level assistance to repair unsafe buses, despite the fleet supervisors' ongoing inattentiveness to the MVOs' safety concerns. On May 9, 2012, Ms. Thompson directly approached FMO Chief James Goodwin and Assistant Chief Michael Passmore seeking to have an unsafe bus removed from the active fleet and repaired immediately. She stated that while she respects the necessity of a chain of command, she only bypassed the FMO fleet supervisors because she was concerned about the severity of the problems, as identified by a mechanic, and she believed that the fleet supervisors would continue to ignore her safety concerns as usual. Although the Chief and Assistant Chief took remedial action on the bus, Assistant Chief Passmore admonished Ms. Thompson for circumventing the chain of command, and ordered her to take all future safety concerns to the FMO fleet supervisors as he believed them to be capable of handling all such concerns. See Enclosure 2, May 9, 2012 e-mail.

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Finally, Ms. Thompson alleged that FMO management has disregarded MVOs' concerns about improper utilization of international buses for transporting passengers. She explained that upon FMO's 2010 purchase of the international buses, the MVOs immediately recognized and advised FMO management that the higher center of gravity and perimeter seating without proper handrails could result in serious passenger injury. Despite the MVOs' concerns, FMO management has required the MVOs to transport numerous passengers on these buses daily. As a result, Ms. Thompson stated that in fall 2010 and January 2012, at least two serious incidents occurred wherein passengers were launched from their seats when the brakes were applied suddenly. During the fall 2010 incident, at least one launched passenger was taken to the hospital by ambulance for treatment of their injuries.

I have concluded that there is a substantial likelihood that the information the whistleblower provided to OSC discloses gross mismanagement and a substantial and specific danger to public health and safety. As previously stated, I am referring this information to you for an investigation of the whistleblower's allegations and a report of your findings within 60 days of your receipt of this letter. By law, this report should be reviewed and signed by you personally. Nevertheless, should you delegate your authority to review and sign the report to the Inspector General, or other agency official, the delegation must be specifically stated and must include the authority to take the actions necessary under 5 U.S.C. § 1213(d)(5). The requirements of the report are set forth at 5 U.S.C. § 1213(c) and (d). A summary of section 1213(d) is enclosed. As you conduct your review of the disclosures and prepare your report pursuant to section 1213(d), OSC requests that you include information reflecting any dollar savings, or projected savings, and any management initiatives related to these cost savings, that may result from your review. Please note that where specific violations of law, rule, or regulation are identified, these specific references are not intended to be exclusive.

Further, in some cases, whistleblowers who make disclosures to OSC that are referred for investigation pursuant to 5 U.S.C. § 1213 or witnesses who are interviewed in connection with disclosures allege retaliation once the agency is on notice of the claims. I urge you to take all appropriate measures to ensure that anyone who reports wrongdoing, including Ms. Thompson, or participates in the investigation is protected from such retaliation and other prohibited personnel practices, including informing those charged with investigating the whistleblower's allegations that retaliation is unlawful and will not be tolerated.

As required by 5 U.S.C. § 1213(e)(3), I will send copies of the report, along with any comments on the report from the whistleblower and any comments or recommendations from me, to the President and the appropriate oversight committees in the Senate and House of Representatives. Unless the report is classified or prohibited from release by law or by Executive Order requiring that information be kept secret in the interest of national defense or the conduct of foreign affairs, OSC will place a copy of the report in a public file in accordance with 5 U.S.C. § 1219(a). To prevent public disclosure of personally identifiable information (PII), OSC requests that you ensure that the report does not contain any sensitive PII, such as Social Security numbers, home addresses and phone numbers, personal e-mail

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addresses, dates and places of birth, and personal financial information. OSC does not consider names and titles to be sensitive PHI requiring redaction. Agencies are requested not to redact such information in reports provided to OSC for the public file.

Please refer to our file number in any correspondence on this matter. If you need further information, please contact Catherine McMullen, Chief of the Disclosure Unit, at (202) 254-3604. I am also available for any questions you may have.

Sincerely,



Carolyn N. Lerner

Enclosures

cc (with enclosure): Harold W. Geisel, Deputy Inspector General

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Enclosure

Requirements of 5 U.S.C. § 1213(d)

Any report required under subsection (c) shall be reviewed and signed by the head of the agency<sup>1</sup> and shall include:

- (1) a summary of the information with respect to which the investigation was initiated;
- (2) a description of the conduct of the investigation;
- (3) a summary of any evidence obtained from the investigation;
- (4) a listing of any violation or apparent violation of law, rule, or regulation; and
- (5) a description of any action taken or planned as a result of the investigation, such as:
  - (A) changes in agency rules, regulations or practices;
  - (B) the restoration of any aggrieved employee;
  - (C) disciplinary action against any employee; and
  - (D) referral to the Attorney General of any evidence of criminal violation.

In addition, we are interested in learning of any dollar savings, or projected savings, and any management initiatives that may result from this review.

To prevent public disclosure of personally identifiable information (PII), OSC requests that you ensure that the report does not contain any sensitive PII, such as Social Security numbers, home addresses and phone numbers, personal e-mail addresses, dates and places of birth, and personal financial information. With the exception of patient names, OSC does not consider names and titles to be sensitive PII requiring redaction. Agencies are requested not to redact such information in reports provided to OSC for inclusion in the public file.

<sup>1</sup> Should you decide to delegate authority to another official to review and sign the report, your delegation must be specifically stated.

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Thompson, Nicole P

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From: Shpil, Barry K  
Sent: Thursday, August 13, 2009 9:23 AM  
To: Agnew, Vernon S; Bartley, Andrew T; Box, Nicholas T; Bratcher, Kenneth L; Britt, Darryl A (BrittDA@state.gov); Clark, Kenny R; Davis, James Orlando; Douglas, Cheri A; Flowers, Marshall; Fox, Hartley O. (FoxHO@state.gov); Fox, James E; Fox, Kofi O; Hawkins, Michael E; Hill, Stanley R; Huff, Paul L; Jeter, James W; Johnson, Cornelius E; Kenny, Clarence X; Martin, Roderick X; Muldoon, Leo J (MuldoonLJ@state.gov); Murphy, John C (MurphyJC2@state.gov); Nash, Darryl L; Paragon, Ed A; Ragland, Antonio A; Smith, David G; Sommers, Joseph G; Thompson, Nicole P (ThompsonNP@state.gov); Warfield, Markus A; Yvonne Wells; Hawkins, Charles H; Jay, Brandon L (JayBL@state.gov); Jordan, Samuel R (JordanSR@state.gov); Kermit C Garner (E-mail); Newman, Chantay A; Sampson, Rickie; Whitlock, James W; Wilder, Herman L  
Cc: Bishop, Anthony  
Subject: CONDITION OF BUSES  
Importance: High

This is addressed primarily to the Vehicle Operations Center Motor Vehicle Operators. On 8/12, I met with Mr. Anthony Bishop (APGE Local 1534) regarding issues raised during his meeting with you on 8/6. I will be looking into a number of issues resulting from my meeting with Mr. Bishop and following up with individual emails on each topic. The first issue, which I consider the most critical, involves the condition of our buses. Please bear with me here, as this is a complicated issue, and I want to provide a detailed response to your concerns. The report was that buses are not being pulled from service when Operators report safety problems, and in some cases the Operator who reported the problem is being pressured to operate the bus anyway, sometimes with a threat that the Operator will be fired if s/he refuses to do so. To put the issue of firings to bed right from the start, regardless of whether such threats have actually been made I personally would have to sign off on such an action and I can assure you that as long as I'm in charge that will not happen based on a legitimate report of an equipment safety problem, period.

The shortage of buses has been caused by several factors, including more break-downs due to the summer heat, return of two new buses to GSA [due to passenger and Operator complaints about their rough ride] and the permanent loss of the bus recently totaled in a rear-end accident. Regardless, we're doing everything possible to hold costs in check while performing as much service as possible using in-house forces before we contract out, which is the only other option availability when buses are taken off-line. The more service we contract, the more money we spend and the further we get from meeting the financial commitments to which we are bound by the A-76 competitive sourcing process; even worse, the more work we contract the less strength there is in my arguments to upper-management that commercial bus companies can't do the work as efficiently or effectively as we can do it in house. In order to keep buses on the road we sometimes have to forego non-essential/non-safety maintenance until a bus enters the shop for break-down maintenance; this is not optimal, but it is in keeping with private industry competitive practices. Making this problem much more difficult to manage is the fact there are only a few vendors in this area that repair buses, and often the repair is not done right the first time; when we do put a bus in the shop, it generally remains for several days, possibly weeks. We've investigated different options for resolving the maintenance problems, including on-site maintenance, and hope these efforts will improve the in-service rate, making it easier to pull buses with reported problems out of service earlier, before a small problem becomes a bigger one. Also, yesterday morning we met with GSA to discuss the condition of our buses, the provision of more/better vendors, and the possibility of adding additional buses to our fleet. In any event, before reporting a problem, please consider the fact that each bus has its own unique operational idiosyncrasies/characteristics which, while they may be annoying or less than optimal, do not necessarily mean the bus is unsafe. The bottom line is that we are working to improve the condition of our bus fleet and while we can't guarantee that we will be able to meet the requirements of all Operators in every situation,

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requirements in-house, which I'm convinced is the most efficient, economical means of providing bus services, and therefore the best value for taxpayers.

As Mr. Jay has notified you during several monthly meetings, you are not required to operate a bus (or any vehicle for that matter) that has a legitimate safety problem, and if the problem is valid, no one can order you to do so; in the end, it's your professional license that's at stake, so you and only you can make the final decision to operate a bus you deem to be unsafe or not in accordance with DOT requirements. On the less tangible side, what's also at stake is your reputation as a professional Operator as well as your credibility with your fellow Operators, so you need to incorporate into each decision the "big picture" that meshes regulatory compliance with customer satisfaction, mission support, and the safety of you, your passengers and the general public. From me to each of you, if you honestly feel that a bus you are assigned to operate has a legitimate safety issue rendering it unsafe, you ARE NOT required to operate it. If you feel you are being pressured to do so after you report the problem, contact me and I will get directly involved. In the long run, it is not in any of our collective interests in any regard (e.g., personal, operational or financial) to place an Operator in a position where that Operator may lose a license or be involved in an accident due to equipment safety.

*Benny H. Sippel*, Chief

A/OPR/GSM/FMO

Fleet Management & Operations Division

U.S. Department of State

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**Thompson, Nicole P**

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**From:** Passmore, Michael K  
**Sent:** Wednesday, May 09, 2012 4:29 PM  
**To:** Thompson, Nicole P  
**Subject:** Chain of Command

Ms Thompson,

Over the past few days, Mr. Goodwin put out a letter instructing everyone on the use of the chain of command. I'm sure you got it and choose to ignore it. You should not call me about a problem you have not discussed with your first-line supervisors. Ms. Newman and Mr. Sampson are more than capable of responding to the concerns you raised over the past few days. Also don't call Mr. Goodwin and leave a message for me. You know my phone number. If you want to talk to me call me, after you have talked to your supervisors.

Mr. Passmore