

The OIG Wants To Talk To You

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Imagine you are approached by a pair of individuals who identify themselves as agents from the Office of the Inspector General (OIG) who wish to speak with you. Who are they, what do they want, and how should you respond?

The USPS OIG was created by Congress in September 1996 by amending the Inspector General Act of 1978 and the Postal Reorganization Act of 1970. The Inspector General Act as amended provides that the OIG may conduct audits and investigations in the Postal Service as it considers appropriate. Special Agents of the OIG investigate, among other things, allegations of employee embezzlement, record falsification by employees, workers' compensation (OWCP) fraud by employees, on-duty employee narcotics violations, medical provider fraud, and miscellaneous employee misconduct, including but not limited to mail theft (internal), employment application falsification and theft of properties or services. One can discern from this list that the OIG investigates allegations of offenses that could lead to termination of employment and/or criminal prosecution.

It is safe to say that when approached by agents from the OIG you are not only part of an investigation, you may very well be (probably are) the subject of the investigation. If approached by agents from the OIG, stay calm. Note that the reference to OIG agents is plural. They work as a team, in pairs, which means there are two of them but only one of you. Good cop, bad cop. The first thing you should do is take action to even up the sides, level the playing field somewhat, by making it two-on-two rather than two-on-one. As a postal employee you have the right to have a steward or Union representative present during the course of an interrogation by the OIG agents so, request a steward and until one is provided, say no more. Normally, investigations do not start with the individual employee (you), so more

likely than not the agents already believe you are guilty of some wrongdoing and now need, and hope, you give them the rest of the rope necessary to hang you. If you work in a small office, chances are a steward is not going to be immediately available and the OIG agents may pressure you to continue the interview (interrogation) without one. Do not. It cannot be stressed enough — ask for a steward and then shut-up until you are provided a steward or Union representative. The OIG agents know you have this right and they also know you must affirmatively invoke this right. Do not ask if you need a steward (they will tell you no), demand one be provided before you continue. If that means the interview (interrogation) must be delayed, so be it. When a steward is provided, you have the right to speak privately with the steward before meeting with the OIG agents.

If you are advised of your Miranda rights, i.e., you have the right to remain silent, anything you say can and will be used against you in court, you have the right counsel prior to questioning, during questioning or at any time, and asked if you understand these rights, you don't need a steward, you need an attorney before you continue. Don't be fooled if the OIG agents tell you not to worry, they won't prosecute you and its okay to talk to them. The OIG never prosecutes. They put together the Report of Investigation (ROI) and turn the information over to the US Attorney for possible prosecution; if the US attorney declines they will go to the county prosecutor. The OIG agents earn 'points' for the outcome of their investigations so keep that in mind.

If you are not Mirandized and continue with the interrogation, the OIG agents may ask permission to record the interview and may only do so if you agree. Nothing good will come from that so the answer is 'NO.' The OIG agents may ask if you are willing to take a polygraph (lie-detector) test. Polygraph tests are voluntary so the response to this request is also 'NO.'

The OIG agents will ask you to write a statement for them; again the answer is 'NO.' Hell no! Unless you want the piece of paper containing your written statement to be used to slice you into a thousand ribbons, then do it and have a nice life. A ROI without a written statement from you may not save your job but, what does not exist cannot be used against you down the road.

The OIG does not (at least is not supposed to) propose discipline be issued, nor does the OIG issue discipline. The OIG ROI is supplied to management. Management then must conduct their own independent investigation to determine whether or not to issue discipline. Part of management's investigation should include an interview with the employee (you) so when called to answer questions about the information contained in the ROI, once again demand your steward before proceeding.

Being the subject of an investigation conducted by the OIG is not ever a good thing. Even if you are completely innocent (while rare, sometimes the OIG are completely wrong in their conclusions), be prepared for the long haul. Regardless of the eventual outcome, do yourself a favor from the beginning by not speaking to the OIG agents without a steward.

