

**OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY
AND
GOVERNMENT OVERSIGHT COMMITTEE**

Requests for OPEGA Reviews

Policy

All requests for OPEGA reviews to be considered by the Government Oversight Committee must be:

- initiated or sponsored by a legislator; and
- submitted in writing on the OPEGA Audit Request Form, or in a letter that contains substantially the same information as required on the Form.

Generally, OPEGA will not present requests based on individualized complaints or allegations stemming from personal situations to the GOC for consideration unless:

- they involve an alleged action that may violate the law, is economically wasteful, or suggests gross misconduct, incompetency or inefficiency; or
- there is some evidence that the complaint could be the result of a systemic issue with a government program or activity.

All requests for reviews, or other complaints, received by OPEGA that are not presented for the GOC's consideration will be, with the permission of the requestor, referred to an appropriate agency or legislative committee for consideration. OPEGA will also catalog them and make the GOC aware of any emerging themes suggesting that review of a particular subject may be warranted.

Process and Procedure

For Requests from Legislators and Legislative Committees

1. The legislator(s) or legislative committee submits the request to the OPEGA Director in writing using the OPEGA Audit Request Form or via a letter addressed to the Government Oversight Committee or OPEGA. OPEGA will assist legislators in defining their requests and completing the Form if necessary. Legislators submitting requests should **not** expect that their request or identity will remain confidential.
2. OPEGA will acknowledge receipt of the Review Request and will advise the requestor(s) of the process that will be followed.
3. OPEGA will determine whether the subject matter fits within the GOC's mission, OPEGA's statutory authority, and the established policy for Requests for OPEGA Reviews. OPEGA will also determine whether another party would be more appropriate, or has jurisdiction by law, to handle the concerns expressed in the request. If so, OPEGA will forward those concerns to the appropriate party. Receipt of the request and actions taken, or decisions made, by OPEGA will be documented. The requestor(s) will be notified of OPEGA's determinations and actions.
4. If OPEGA has determined the subject matter meets the criteria expressed in Step 3, and has not forwarded the request to another party, OPEGA will prepare the Request for the

GOC's consideration. OPEGA may seek additional information from the requestor(s) if needed to properly capture the topic and related concerns. The Director will also consult the GOC Chairs as necessary in determining whether the Request meets the criteria for GOC consideration.

5. Requests submitted by legislative committees or groups of legislators will be put before the GOC at its next scheduled meeting. OPEGA will generally present other requests it has received to the GOC on a quarterly basis.
6. Requests that are time sensitive or involve alleged illegal acts; misuse and abuse of state resources; or gross misconduct, incompetence or inefficiency will be brought to the attention of the GOC Chairs and Leads immediately. The Chairs will decide whether the request should be taken up at the next scheduled meeting or whether to call an emergency meeting of the GOC to deal with it.
7. All requestors will be notified of the GOC meeting where their requests will be considered. Agency heads and liaisons will be notified, as appropriate, of topics to be considered by the GOC that relate to them. Similarly, legislative committees of jurisdiction related to the topic will receive advance notification of the GOC meeting.
8. OPEGA may perform limited research to gather relevant information on the request topics for input to the GOC's decision-making. This research will generally be focused on the information required for the GOC to assess the potential value of an OPEGA review. A checklist is available for the GOC to use in considering these requests. (See Tab K).
9. At the public meeting where the GOC will consider requests, OPEGA will provide the GOC with a summary of the requests and any additional information OPEGA has gathered on the topics. Any themes that emerge from the received requests will also be brought to the GOC's attention. OPEGA will also make the GOC aware of requests received that OPEGA determined did not meet the criteria for GOC consideration or that OPEGA forwarded to another party.
10. The GOC will consider the information provided by OPEGA utilizing the checklist for considering and selecting Review Topics if appropriate. The GOC will then vote on how to respond to the requests. The potential outcomes are:
 - a. No Further Action At This Time – If the GOC believes that the requested review does not meet the Committee's criteria for placing it in one of the categories below, they will give no further consideration to the request at this time.
 - b. Refer Request to the JSC of Jurisdiction or Other Appropriate Oversight Body - If the GOC finds that the nature of the request is such that it should first be reviewed by another body, it will refer the concerns to that body with a request that the entity report back on actions taken by the body and any related findings and recommendations.
 - c. Preliminary Inquiry Only At This Time – The GOC may want additional background information on the topic before making a determination on what to do with the request. The GOC will specify what additional information it wants. The GOC will also specify whether it wants OPEGA to obtain and provide that information or whether it wants a direct response from the appropriate agency.
 - d. Authorize OPEGA to Conduct Limited Research and Respond to Requestor – This option is for topics where minimal research or analysis may be sufficient to answer a

limited question for a legislator or legislative committee. OPEGA would communicate the results of its research or analysis in a memo to the requestor(s) with a copy to the GOC. Where appropriate, OPEGA may also prepare an Information Brief to distribute to the Legislature.

- e. Place Request Topic “On Deck” – The “On Deck” category is for requests that the GOC believes would be a potentially valuable use of OPEGA resources. Topics are placed in the “On Deck” category by majority vote of the GOC. Topics “On Deck” will be considered for inclusion in OPEGA’s future biennial work plans.
 - f. Place Request on OPEGA’s Current Work Plan – Topics that the GOC wants OPEGA to review within the current biennium, but do not need to begin immediately, will be placed on OPEGA’s active work plan and scheduled as appropriate.
 - g. Initiate Rapid Response Review – Rapid Response is for topics where credible information suggests that a situation meeting the Committee’s criteria for an immediate review exists (see GOC’s Review Selection Process and Criteria). These reviews begin directly, and receive priority in OPEGA’s current work plan.
11. OPEGA will notify the requestor(s) of the final outcome of their request. OPEGA will also notify the management of the responsible agency, and the applicable Joint Standing Committee(s) of jurisdiction of any topics that the GOC places “On Deck”, or on OPEGA’s current work plan. Parties will also be notified as appropriate if the GOC directs OPEGA to begin an immediate review.
 12. All documents related to review requests are considered “working papers” under the OPEGA statute and will be treated as confidential.

For Requests from Citizens and State Employees

1. OPEGA will advise any individuals or groups of the established policy for requests including that the Request needs to come from, or be sponsored by, one or more legislators in order for it to be considered by the GOC. OPEGA will assist the requestor(s) as necessary in identifying legislators they might contact including their local Senators and Representatives, members of relevant policy committees or members of the GOC.
2. Citizens and State employees should be aware that any written documents they provide to legislators, or written notes that legislators take during conversations, could potentially be disclosed to the public in accordance with the State’s Freedom of Access laws. This includes any letters or emails sent to legislators. OPEGA will advise requestors of steps that can be taken in communicating with legislators if it is important to maintain the confidentiality of their identity, their request or any related documentation.
3. The legislator(s) willing to sponsor a citizen or employee request must contact OPEGA to discuss the request and indicate their willingness to sponsor it. The citizen or employee will submit a written request, reflecting what the legislator is willing to sponsor, directly to the OPEGA Director using the OPEGA Audit Request Form or via a letter addressed to OPEGA. OPEGA may assist in defining requests and completing Forms if necessary.

4. Requests received from citizens or employees that are sponsored by legislators will then follow the same process as defined above for Requests from Legislators and Legislative Committees.
5. If the requestor(s) is unsuccessful in getting a legislator to submit a request for an OPEGA review, or if the requestor(s) wants to keep his/her identity completely confidential, the individual may submit a written request using the OPEGA Audit Request Form or via a letter addressed to the OPEGA Director to be discussed with the GOC Chairs for possible sponsorship.
6. The OPEGA Director will review the request with the GOC Chairs. The Chairs will determine whether one or both of them are willing to sponsor the request so that it will be brought to the GOC for consideration.
7. If the Chairs are willing to sponsor the request, it will be processed in the same manner as described above for Requests from Legislators and Legislative Committees.
8. The requestor(s) and/or sponsoring legislator(s) may ask for his/her identity to be kept confidential and, if appropriate, the OPEGA Director will take steps to do so as provided for in 3 MRSA §997 subsection 6.