

*The Unique Role of the*  
**U.S. Office of Special Counsel**  
*in Protecting the Rights of*  
**Lesbian, Gay, Bisexual, and Transgender**  
*Employees in the Federal Workplace*

# Addressing Sexual Orientation and Gender Identity Discrimination

- Complaints of discrimination (including harassment) based on sexual orientation or gender identity may be made to all of the following:
  - Your supervisor or manager;
  - The Agency's Equal Employment Opportunity Office; and
  - The U.S. Office of Special Counsel.

# U.S. Office of Special Counsel (OSC)

- OSC is an independent federal investigative and prosecutorial agency charged with safeguarding the merit system by protecting federal employees and applicants from prohibited personnel practices (PPPs).
- OSC receives about 3,000 PPP complaints from federal workers each year, of which a small fraction deal with discrimination based on sexual orientation or gender identity.

# PPP Complaints of Sexual Orientation or Gender Identity Discrimination

- Federal employees and applicants may file PPP complaints of discrimination based on sexual orientation or gender identity under two separate provisions:
  - Discrimination based on ... sex. 5 U.S.C. § 2302(b)(1).
  - Discrimination based on conduct that does not adversely affect job performance. 5 U.S.C. § 2302(b)(10).

# PPP Complaints of Sexual Orientation or Gender Identity Discrimination

- Features of OSC's PPP Complaint Process
  - OSC has authority to investigate and prosecute PPP complaints;
  - OSC can seek stays of personnel actions against complainants while investigations are pending;
  - OSC can obtain full corrective action for complainants;
  - OSC can seek disciplinary action against alleged wrongdoers; and
  - No statute of limitations to file complaints with OSC.
- To file a PPP complaint with OSC, or raise questions or concerns about the PPP process, please call (800) 872-9855 or visit OSC's website at [www.osc.gov](http://www.osc.gov).

# PPP Complaints of Sexual Orientation or Gender Identity Discrimination

- Depending on the circumstances, you also may seek assistance with your PPP complaint from one of the following:
  - Merit Systems Protection Board (MSPB);
  - Agency's Grievance Procedures; or
  - Union's Negotiated Grievance Procedure.
- You should review the rules and procedures specific to MSPB and your Agency and/or Union before you decide whether and how to proceed with your PPP complaint.