



U.S. OFFICE OF SPECIAL COUNSEL

Agency Liaison Information

General

- Liaisons facilitate their agency's cooperation with OSC investigations by ensuring the agency timely responds to all of OSC's requests for records and information and by making sure agency employees are available to provide testimony. Liaisons may also facilitate settlement discussions.
- Liaisons, as well as other agency employees, cannot assert a claim of common law privilege, such as attorney-client privilege, to prevent OSC from obtaining all records, documents, materials, and information with respect to the agency. *See* 5 U.S.C. § 1212(b)(5)(C). Liaisons must notify agency employees of their obligation to provide all records, documents, materials, and information to OSC regardless of a claim of common law privilege with respect to the agency.
- Liaisons should not have current or past involvement in the personnel action(s) at issue in a case. A liaison who, for example, provided counsel on the underlying personnel action is not appropriate.
- Liaisons should share the identity of an OSC complainant and the details of an investigation only on an as-needed basis.
- Liaisons should discuss any concerns about their role with the OSC staff assigned to the case.

Request for Records and Information

- Liaisons must act so that an agency preserves records relevant to OSC's investigation. If relevant records cannot be produced because they were lost or destroyed, the agency must provide a detailed explanation as to what happened to the records.
- Liaisons should work with the agency's information technology department, rather than individual employees, to conduct all responsive searches for electronic records.
- Liaisons should not share OSC's full request for records and information or other case-related documents with witnesses or subjects as such actions could compromise the integrity of the investigation. Rather, liaisons should share only specific parts of the request for records and information on an as-needed basis to obtain the information requested.
- If liaisons believe their agency cannot meet the deadline for responding to OSC's request for records and information, they should ask for an extension in advance and provide a detailed explanation.
- If liaisons believe that OSC's request for records and information is too broad, they should discuss their concerns with the OSC staff assigned to the case.

Interviews

- Liaisons may not be present during OSC interviews.