

**ANNUAL REPORT
TO CONGRESS
—for—
FISCAL YEAR 2024**



U.S. OFFICE OF SPECIAL COUNSEL
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The Special Counsel

The Honorable JD Vance
President of the Senate
Washington, D.C. 20510

The Honorable Mike Johnson
Speaker of the House of Representatives
Washington, D.C. 20515

Dear President and Speaker:

I respectfully submit the Report to Congress for fiscal year 2024 from the U.S. Office of Special Counsel. A copy of this report will also be posted on our website.

Sincerely,

A handwritten signature in cursive script that reads "Charles N. Baldis".

Charles N. Baldis
*Senior Counsel and Designee
of Acting Special Counsel Jamieson Greer*

cc: The Honorable John Thune, Majority Leader, U.S. Senate
The Honorable Charles Schumer, Minority Leader, U.S. Senate

The Honorable Mike Johnson, Majority Leader, U.S. House of Representatives
The Honorable Hakeem Jeffries, Minority Leader, U.S. House of Representatives

The Honorable Rand Paul, Chair, Senate Committee on Homeland Security
and Governmental Affairs
The Honorable Gary Peters, Ranking Member, Senate Committee on Homeland Security
and Governmental Affairs

The Honorable James Comer, Chair, House Committee on Oversight and Accountability
The Honorable Robert Garcia, Ranking Member, House Committee on Oversight and
Accountability

The Honorable Susan Collins, Chair, Senate Committee on Appropriations
The Honorable Patty Murray, Vice Chair, Senate Committee on Appropriations

The Honorable Tom Cole, Chair, House Committee on Appropriations
The Honorable Rosa DeLauro, Ranking Member, House Committee on Appropriations

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THE SPECIAL COUNSEL

Henry J. Kerner was sworn in to serve as Special Counsel on October 30, 2017. Mr. Kerner's term ended on October 22, 2023.

Karen Gorman served as Acting Special Counsel from October 2023 – March 2024.

Hampton Dellinger served as Special Counsel from March 2024 – March 2025.

Doug Collins served briefly as Acting Special Counsel in March 2025.

Jamieson Greer was appointed Acting Special Counsel on March 21, 2025 - present.

Charles N. Baldis, Senior Counsel, was appointed as designee for Acting Special Counsel Greer on April 7, 2025.

**A MESSAGE FROM THE DESIGNEE FOR SPECIAL COUNSEL JAMIESON GREER,
CHARLES N. BALDIS**

It is my pleasure to provide this overview of the work completed by the U.S. Office of Special Counsel (OSC) in fiscal year (FY) 2024, on behalf of Acting Special Counsel Jamieson Greer. I credit my OSC colleagues with the successes reflected in this report.

I look forward to continuing OSC's important mission by working with Congress, stakeholders, and the agency's talented career staff to address waste, fraud and abuse within the federal government. I also look forward to maintaining our collaborative relationship with Congress to identify how OSC can perform its vital mission even better. OSC represents one of the most cost-effective methods of promoting good government, safeguarding the merit system, and protecting taxpayers. With the continued support of Congress, OSC will continue to promote a more accountable government.

Sincerely,



Charles N. Baldis
*Senior Counsel and Designee
of Acting Special Counsel Jamieson Greer*

PART 1 – INTRODUCTION TO OSC

Mission

OSC's mission is to safeguard employee rights and hold the government accountable for misconduct. To achieve this mission and promote good government in the federal executive branch, OSC's obligations are, broadly speaking: (1) to uphold the merit system by protecting federal employees, applicants, and former employees from prohibited personnel practices, curbing prohibited political activities in the workplace, and preserving the civilian job rights of federal employees who are veterans or members of the National Guard or Reserve; and (2) to provide a safe channel for federal employees, applicants, and former employees to disclose wrongdoing at their agencies. In addition, through its Hatch Act enforcement role, OSC helps secure public trust in government by upholding the nonpolitical nature of the civil service and federal programs. These responsibilities work in tandem to maintain the integrity and fairness of the federal workplace and to make the government more accountable.

Statutory Background

The Civil Service Reform Act of 1978 (CSRA) established OSC on January 1, 1979. Under the CSRA, OSC operated as an autonomous investigative and prosecutorial arm of the Merit Systems Protection Board (MSPB or Board). Pursuant to the CSRA, OSC: (1) receives and investigates complaints alleging prohibited personnel practices (PPPs); (2) receives and investigates complaints regarding prohibited political activities by federal employees and covered state and local employees and provides Hatch Act advisory opinions on the political activities of those employees; and (3) receives disclosures from federal whistleblowers about government wrongdoing. Additionally, when appropriate, OSC files petitions for corrective and/or disciplinary action with the Board in PPP and Hatch Act cases.

When Congress enacted the Whistleblower Protection Act of 1989 (WPA), OSC became an independent agency within the executive branch, with continued responsibility for the functions described above. The WPA also enhanced protections for employees who allege reprisal for whistleblowing and strengthened OSC's ability to enforce those protections.

Congress passed legislation in 1993 that significantly amended the Hatch Act provisions applicable to federal and District of Columbia government employees. The 1993 amendments to the Hatch Act did not affect covered state and local government employees.

The following year, Congress enacted the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). USERRA protects the civilian employment and reemployment rights of those who serve or have served in the Armed Forces, including the National Guard and Reserve, and other uniformed services. It prohibits employment discrimination based on past, present, or future military service; requires prompt reinstatement in civilian employment upon return from military service; and prohibits retaliation for exercising USERRA rights. Under

USERRA, OSC may seek corrective action for service members whose rights have been violated by federal agencies (*i.e.*, where a federal agency is the civilian employer).

OSC's 1994 Reauthorization Act expanded protections for federal employees and defined new responsibilities for OSC and other federal agencies. For example, the Reauthorization Act extended protections to approximately 60,000 employees at the U.S. Department of Veterans Affairs (VA) and extended whistleblower retaliation protections to employees of listed government corporations. Further, the Reauthorization Act broadened the scope of personnel actions covered under these provisions. Finally, the Reauthorization Act required that federal agencies inform employees of their rights and remedies under the WPA in consultation with OSC.

The Whistleblower Protection Enhancement Act of 2012 (WPEA) was signed into law in November 2012 and strengthened the WPA. This law overturned legal precedents that narrowed protections for government whistleblowers; provided whistleblower protections to employees who were not previously covered, including Transportation Security Administration (TSA) officers; removed financial constraints on OSC's ability to seek disciplinary actions where it has obtained evidence of a prohibited personnel practice; and held agencies accountable for retaliatory investigations.

That same year, Congress passed the Hatch Act Modernization Act of 2012 (HAMA). HAMA modified the penalty provision of the Hatch Act to provide a range of possible disciplinary actions for federal employees. It also permits state or local government employees to run for partisan political office unless the employee's salary is entirely funded by the federal government. Lastly, it changed the status of District of Columbia government employees by treating them as state and local employees rather than as federal employees.

In October 2017, the Dr. Chris Kirkpatrick Whistleblower Protection Act (Act) was signed into law. The Act created a new PPP: accessing an employee's medical records in furtherance of another PPP. The Act requires agencies to notify OSC if an agency employee commits suicide when there is credible evidence that, before the employee's death, a personnel action was taken against the employee after they made a protected disclosure. The Act also requires agencies to train supervisors on how to handle complaints of whistleblower retaliation and mandates disciplinary action for supervisors who violate specific sections of the WPEA. Finally, the Act requires agencies to prioritize the transfer requests of employees who have been granted stays of personnel actions by the MSPB.

In December 2017, OSC's reauthorization was signed into law as part of the National Defense Authorization Act for Fiscal Year 2018, reauthorizing OSC through 2023. The reauthorization (Section 1097) reaffirmed the original intent of 5 U.S.C § 1212 that federal agencies may not withhold information and documents from OSC by asserting common law privileges when complying with OSC's information requests. OSC's reauthorization also promotes greater efficiency and accountability within OSC; improves protections against retaliatory investigations

and other forms of reprisal for whistleblowing; and requires managers across the federal government to respond appropriately to disclosures of waste, fraud, and abuse.

PART 2 – OVERVIEW OF OPERATIONS

Internal Organization

OSC's principal place of business is Washington, D.C. The agency also has a significant staffing presence in Dallas, Detroit, and Oakland.

The agency includes several program and support units described below:

Immediate Office of Special Counsel (IOSC)

The Special Counsel and his immediate staff are responsible for policymaking and the overall management of OSC, including supervision of each of OSC's program areas. This office encompasses management of the agency's congressional liaison and public affairs activities.

Office of General Counsel (OGC)

This office provides legal advice and support on a variety of issues, including management and administrative matters, ethics, appropriations, fiscal law, privacy, disclosure of information, employment, equal opportunity, proposed legislation, and other matters. OGC provides legal review of agency policy statements and directives, interagency memoranda of understanding, and revisions to regulations. OGC trains OSC employees on their ethical obligations. OGC also handles the defense of OSC interests in litigation filed against the agency.

Case Review Division (CRD)/Clerk's Office

This division serves as the initial intake point for all PPP and disclosure cases. CRD screens all new allegations to ensure that PPPs and disclosures are directed to the appropriate OSC component. CRD also closes allegations that are duplicative, filed with MSPB, outside of OSC's jurisdiction, or untimely. Additionally, the prior Clerk's Office functional areas are now within CRD, including Freedom of Information Act (FOIA), Privacy Act, Controlled Unclassified Information, and records management.

Investigation and Prosecution Division (IPD)

IPD receives PPP cases from CRD and investigates the allegations to determine whether the evidence is sufficient to establish that a violation has occurred. If it is not, the matter is closed. If the evidence indicates a reasonable basis to believe a violation occurred, IPD may seek corrective action and/or disciplinary action. IPD works closely with OSC's Alternative Dispute Resolution (ADR) Unit in appropriate cases. If a meritorious case cannot be resolved through negotiation with the agency involved, IPD may bring an enforcement action before the MSPB.

Disclosure Unit (DU)

This unit receives and reviews disclosures from federal whistleblowers. DU recommends the appropriate disposition of disclosures within 45 days of filing. This may include referral to the head of the relevant agency to conduct an investigation and report its findings to the Special Counsel, informal referral to the Office of Inspector General (OIG) or general counsel of the agency involved, or closure without further action. Unit attorneys review each agency report of investigation to determine its sufficiency and reasonableness. The Special Counsel then sends the report, along with any comments by the whistleblower, to the President and appropriate Congressional oversight committees. OSC also posts the report and whistleblower comments in its public file on OSC's website.

Retaliation and Disclosure Unit (RDU)

This unit reviews related PPP complaints and disclosures submitted by the same complainant. The assigned RDU attorney serves as the single OSC point of contact for both filings, performing a similar function to the IPD and DU attorneys. Where appropriate, RDU attorneys investigate PPP complaints, obtain corrective or disciplinary actions, and refer disclosures for investigation. RDU attorneys also refer cases to ADR.

Hatch Act Unit (HAU)

This unit enforces and investigates complaints of unlawful political activities by government employees under the Hatch Act and represents OSC in seeking disciplinary actions before the MSPB. In addition, HAU is responsible for providing advisory opinions on the Hatch Act to federal, state, and local employees, as well as to the public at large.

USERRA Unit

This unit enforces USERRA on behalf of veterans and service members who work (or apply to work) at federal civilian agencies by reviewing, resolving, and (if necessary) litigating USERRA complaints referred from the U.S. Department of Labor (DOL). The USERRA Unit also provides outreach and assistance to veterans, service members, and agencies about their rights and responsibilities under USERRA.

Alternative Dispute Resolution Unit (ADR)

This unit supports OSC's operational program units, mediating appropriate matters where both the affected employee and agency consent to ADR. ADR is equipped to negotiate global settlements of claims brought to OSC and other claims, for example resolving PPP and Title VII discrimination claims stemming from the same personnel action.

Outreach, Training, and Compliance Unit (OTC)

This unit facilitates coordination with and assistance to agencies in meeting the statutory mandate of 5 U.S.C. § 2302(c). This provision requires that federal agencies inform their workforces, in consultation with OSC, about the rights and remedies available to them under the whistleblower protection and PPP provisions of the Whistleblower Protection Act. OSC designed and implemented a five-step educational program, the Section 2302(c) Certification Program. Unit staff also provide related training government-wide. OSC provides formal and informal outreach, including making materials available on the agency website. This unit also

helps develop and implement training programs for OSC's staff, in order to meet compliance requirements.

Operations Division

The Operations Division manages OSC's budget and financial operations and oversees the agency's technical, analytical, and administrative needs. Component units are the Budget and Finance Office, Human Capital Office, Administrative and Security Office, and Information Technology Office. Procurement operations as well as travel are included under the Budget and Finance Office.

FY 2024 Budget and Staffing

During FY 2024, OSC operated with a budget authority of \$31,585,000 in appropriated funding. The agency operated with a staff of approximately 129¹ full-time equivalent (FTE) employees.

FY 2024 Case Activity and Results

OSC received 6,251 new cases in FY 2024. This is the highest in agency history and represents a 45 percent increase over the average of the previous five fiscal years.

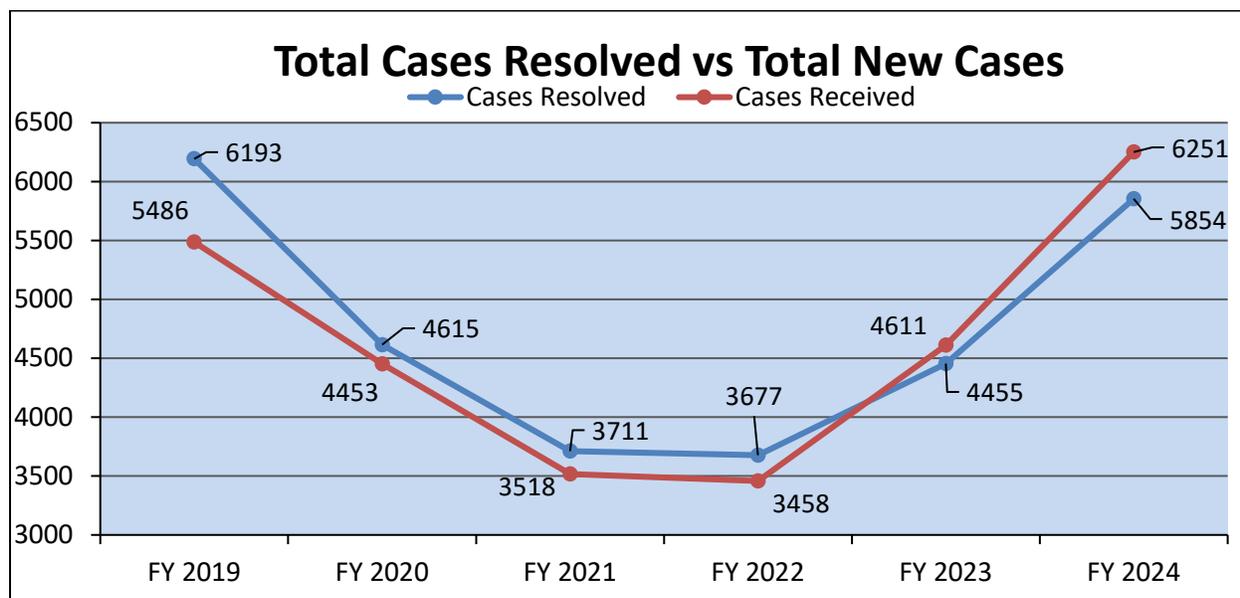
OSC continued to bring accountability, integrity, and fairness to the federal workplace in FY 2024. Specifically, OSC achieved an impressive number of favorable outcomes across OSC's program units. For example, OSC achieved 450 favorable outcomes on PPP cases, which is the highest in agency history, and approximately 15 percent above the prior five-year average. OSC completed 391 Hatch Act cases, which is a 40 percent increase from the last Presidential election cycle and has successfully reduced the unit's active cases by 39 percent from the end of FY 2020. In addition, OSC issued 81 warning letters and successfully obtained disciplinary actions in seven cases against federal employees who committed Hatch Act violations. OSC's USERRA Unit assisted 17 service members in asserting their employment and reemployment rights.

By providing an effective and efficient channel to report government wrongdoing, whistleblower disclosures reported to OSC are addressed and corrected. For example, in FY2024, OSC investigated reports from whistleblowers to identify and remedy the overprescription of opioids at a VA healthcare clinic, thereby increasing the quality of care provided to veterans. Additionally, an OSC investigation related to another whistleblower disclosure resulted in the VA implementing corrective action to ensure the proper storage of whistleblowers, veterans, and employee's personally identifiable information. These cases demonstrate the critical importance OSC plays in ensuring a safe channel for whistleblower reports of wrongdoing within the federal government, and the tangible results OSC achieves.

¹ Please note this may differ slightly from the FTE level reported on OPM's SF 113-G Report as that report does not cover the full fiscal year.

In addition to receiving 6,251 new cases, OSC carried forward 1,440 active cases from the previous fiscal year. OSC’s FY 2024 docket resulted in a total of 7,691 active or ongoing cases.

Table 1, below, summarizes overall OSC’s new cases received, and cases resolved or closed in FY 2024, with comparative data for the previous five fiscal years. More detailed data can be found in **Tables 2-7**, relating to the four specific components of OSC’s mission—PPP cases, Hatch Act matters, whistleblower disclosures, and USERRA cases.



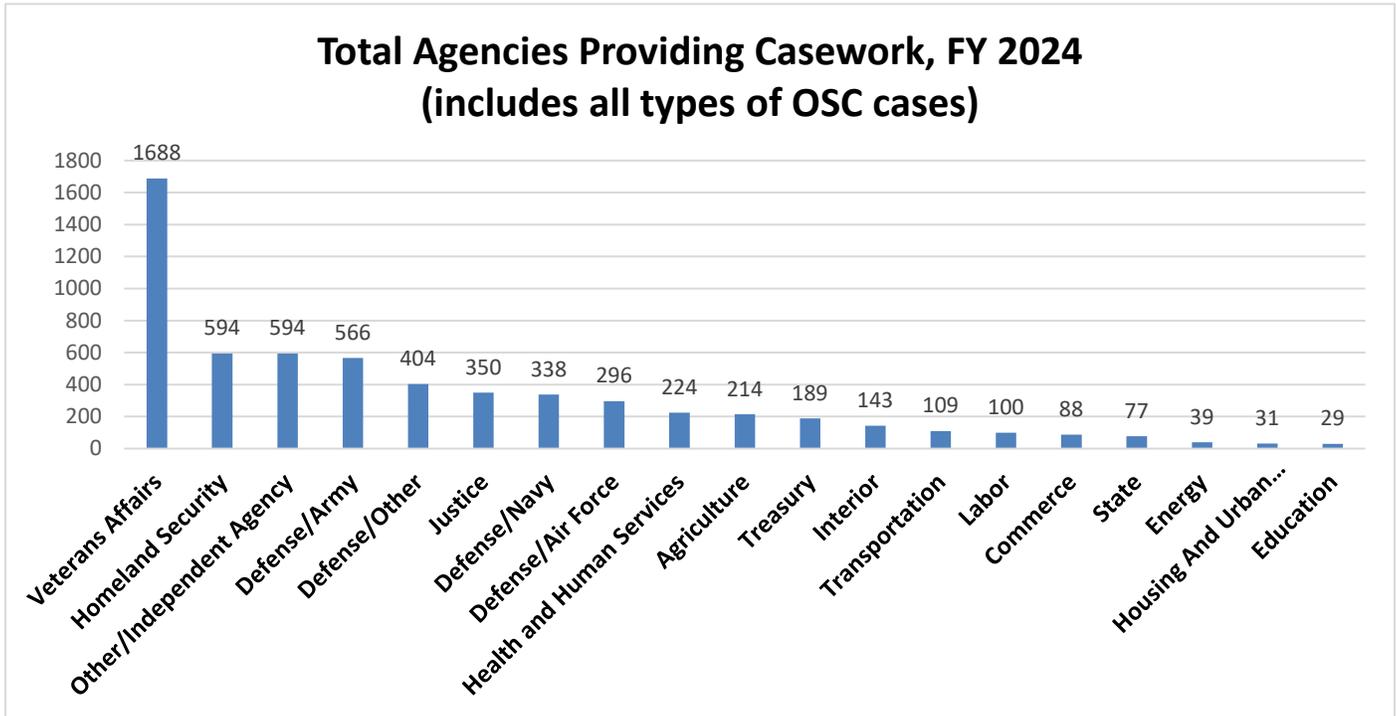
In FY 2024, OSC resolved a total of 5,854 cases, as shown in Table 1 below, reflecting a net increase of approximately 400 active cases during the year. Further, OSC issued 967 Hatch Act advisory opinions, reflecting the cyclical spike Hatch Act complaints during Presidential election years.

TABLE 1 - Summary of All OSC Case Activity						
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Cases ² active at start of fiscal year	2,616	1,888	1,736	1,526	1,292	1,440
New cases received	5,486	4,453	3,518	3,458	4,611	6,251
Cases closed	6,193	4,615	3,711	3,677	4,455	5,854
Cases active at end of fiscal year	1,909	1,732	1,551	1,303	1,444	1,836
Hatch Act advisory opinions issued	1,111	1,461	1,043	757	614	967

OSC’s Docket

² “Cases” in this table includes prohibited personnel practice cases, whistleblower disclosures, USERRA cases, and Hatch Act cases.

In addition to Hatch Act and USERRA cases, OSC is responsible for addressing whistleblower complaints and PPPs from nearly every sector of the federal government. The chart below depicts the agencies whose employees file the most cases with OSC. We continue to receive more cases from employees of the U.S. Department of Veterans Affairs (VA) than any other agency.



PART 3 – PROHIBITED PERSONNEL PRACTICES

Summary of Workload, Activity, Costs, and Results

OSC received 4,017 new PPP cases in FY 2024. This is a 40 percent increase compared to the prior five-year average. This figure brings the number of new PPP cases back in line with the average number received in the five years prior to the pandemic.

Additionally, OSC resolved 3,768 PPP cases in FY 2024, approximately 24 percent higher than the prior five-year average. The cost for the agency to resolve a PPP case in FY 2024 was \$5,029. This information is being reported as required by OSC’s reauthorization.

Cost of Resolving a PPP matter:	\$5,029
Note - This was the average cost for resolving a PPP case in FY 2024, including direct costs and a proportionate share of overhead costs.	

Based on the data trend from current case filings, OSC expects the number of new PPP complaints to continue to rise in future fiscal years. PPP cases are the most time- and resource-

intensive cases for the agency. PPP cases reported by whistleblowers also represent a critical route through which OSC investigates retaliation complaints.

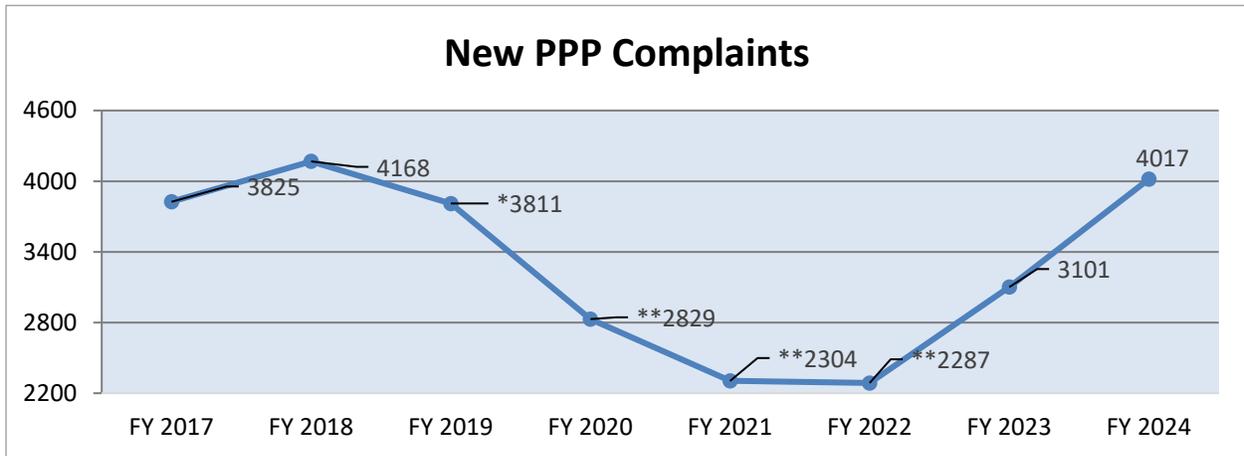


Figure 1:

*OSC experienced a partial government shutdown in FY 2019, which impacted the total number of PPP complaints the agency would have likely received during a standard fiscal year.

**OSC experienced a significant reduction in PPP complaints during the COVID-19 pandemic.

Receipts and Investigations

Table 2, below, contains FY 2024 summary data (with comparative data for the four previous fiscal years) on OSC’s receipt and processing of all PPP complaints.

TABLE 2 – Summary of All Prohibited Personnel Practice Complaints Activity – Receipts and Processing ³						
		FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Active complaints carried over from prior fiscal year		1,409	1,147	1,046	940	1,155
New complaints received ⁴		2,829	2,304	2,287	3,101	4,017
Total complaints		4,238	3,451	3,333	4,041	5,172
Total complaints processed and closed		3,096	2,390	2,382	2,879	3,768
Complaint processing times	Within 240 days	2,476	1,883	1,870	2,446	3,281
	Over 240 days	621	499	522	433	487
Percentage processed within 240 days		80%	79%	79%	85%	87%

³ Complaints frequently contain more than one type of allegation. This table, however, records all allegations received in a complaint as a single matter.

⁴ “New complaints received” includes a few re-opened cases each year, as well as prohibited personnel practice cases referred by the MSPB for possible disciplinary action.

Table 3 contains summary data for FY 2024 (with comparative data for the four previous fiscal years) on all favorable outcomes attained from OSC processing whistleblower reprisal and other prohibited personnel practice complaints.

TABLE 3 – Summary of All Favorable Outcomes – Prohibited Personnel Practice Complaints						
		FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Total favorable outcomes negotiated with agencies (all PPPs)	No. of outcomes⁵	405	393	424	418	450
	No. of cases	323	295	310	289	318
Total favorable outcomes negotiated with agencies (reprisal for whistleblowing)	No. of outcomes	317	304	324	312	332
	No. of cases	265	223	261	234	257
Disciplinary actions negotiated with agencies		13	33	37	35	32
Stays negotiated with agencies		54	38	44	45	46
Stays obtained from MSPB		0	0	2	1	0
Stay extensions obtained from MSPB		0	0	2	9	1
Corrective action petitions filed with the MSPB		0	0	0	0	0
Disciplinary action complaints filed with the MSPB		0	0	0	0	0

As seen on **Table 3**, OSC continues to provide complainants with positive outcomes, having attained 450 favorable outcomes from PPP complaints in FY 2024, the most in agency history. The 450 favorable outcomes achieved represent an increase of approximately 15 percent from OSC’s prior five-year average. Of the favorable outcomes in FY 2024, 332 involved instances of whistleblower retaliation. OSC negotiated 46 stays with agencies to protect employees from premature or improper personnel actions. OSC also achieved 32 disciplinary actions, upholding merit system principles and sending a strong message that retaliation and other reported misconduct will be investigated and violators held accountable in the most egregious matters.

Subpoenas

OSC’s most recent reauthorization requires the agency to report on the number of subpoenas issued during the fiscal year.

Subpoenas issued - FY 2024	3
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⁵ One case may result in multiple favorable outcomes.

Re-opened PPP Cases

OSC’s most recent reauthorization also requires the agency to report on the number of instances in which OSC reopened a PPP case after an initial determination had been made, and the actions that resulted from the reopened investigation.

Total PPP cases that were requested to be reopened in FY 2024 ⁶	15
• Status – Request to Reopen Denied (Previous determination was upheld)	13
• Status – Cases Reopened	21
○ Status – Reopened Cases Closed	17
○ Status - No determination yet/case status still open	4

PPP Cases Resolved by an Agreement

Another requirement of OSC’s most recent reauthorization is for OSC to provide a list of PPP complaints that were resolved by an agreement between the individual and their employing agency, organized by agency and agency component.⁷

TOTAL PPP Cases Resolved by an Agreement in FY 2024 (86)	
Department/Agency	Count of Cases
Agriculture	1
Commerce	3
Defense/Air Force	6
Defense/Army	11
Defense/Navy	5
Defense/Other	10
Energy	2
Health and Human Services	2
Homeland Security	14
Interior	4
Justice	3
Labor	1
Other/Independent Agency	7
Transportation	2
Treasury	3
Veterans Affairs	12

Prohibited Personnel Practice Successes

⁶ These numbers may not match because some cases are still in “reopen” status following a request for reopening in the prior fiscal year. Further, some cases are reopened without a request for reopening.

⁷ Due to OSC’s move to its new electronic case management system in August 2019, and the continued development of the system, the data for FY 2024 will continue to be provided at the department/agency level.

OSC investigates complaints of PPPs from federal employees and applicants for federal employment. The following are examples of recent successes in resolving PPP complaints filed with OSC.

- Complainant, an Assistant Inspector General of the agency, alleged that, in retaliation for questioning problematic human resources practices, multiple members of OIG leadership removed the Complainant’s oversight duties of a department. During OSC’s investigation, the Complainant, who also had a pending EEOC complaint, entered into a global settlement agreement with the agency that included, among other terms, a \$250,000 lump sum payment, credit of sick leave hours, a reassignment, funding for a leadership development course, and closure of all pending investigations.
- Complainant, a Criminal Investigator for the DoD Defense Criminal Investigative Service, alleged that the agency proposed a 21-day suspension in retaliation for disclosing to the FBI information regarding a public corruption investigation case. The agency agreed to stay the suspension, which had been mitigated to 7 days. Following OSC’s investigation, the agency cancelled the disciplinary action.
- Complainant, a Clinical Laboratory Scientist, alleged reassignment after making protected disclosures regarding lab safety issues, objecting to the COVID vaccine, participating in an OIG investigation, and filing an EEO complaint. After OSC’s investigation, the agency settled the matter and agreed to pay the complainant \$47,000 and raise their Performance Evaluation in two categories.
- Complainant, a former medical director of an Army biosafety laboratory, alleged retaliation after raising concerns about substandard inspections of biosafety laboratories. Through litigation, OSC obtained a default judgment against the Army, who eventually reached a settlement with the complainant. The Complainant received significant compensatory damages and other relief.

Notable FY 2024 Amicus Curiae Briefs

OSC has authority to appear, as an *amicus curiae* in federal court when legal questions related to whistleblower retaliation are at issue. Specifically, the Whistleblower Protection Act (WPA), as amended by the Whistleblower Protection Enhancement Act of 2012 (WPEA), authorizes OSC “to appear as *amicus curiae* in any action brought in a court of the United States related to section 2302(b)(8) or (9), or as otherwise authorized by law.” 5 U.S.C. § 1212(h)(1). OSC also may appear as *amicus curiae* to present its views in Merit Systems Protection Board (MSPB) proceedings. See 5 C.F.R. § 1201.34(e).

In 2015, OSC established the Amicus Working Group (AWG) to make more effective use of its *amicus* authority. Members of the AWG serve a one-year collateral duty rotation under the leadership of an Associate Special Counsel and two senior attorneys. Since its inception, the AWG has identified several priority areas and issues where OSC’s views and expertise help

develop or clarify the law. The AWG also has established mechanisms to identify and track cases for potential participation as *amicus curiae*. In FY 2024, OSC launched a new [AWG webpage](#) putting all OSC amicus materials in one place on the website so that it is easier to find and ask for our help. To date, the AWG has filed over 20 *amicus curiae* briefs in federal court appeals and MSPB proceedings.

- OSC filed an amicus brief in *Milton v. Veterans Affairs*, a whistleblower retaliation appeal at the Merit Systems Protection Board. Milton alleged that he faced retaliation after he cooperated with an Administrative Investigation Board (AIB) that was tasked to review various workplace concerns. In an initial decision, the MSPB administrative judge found that Milton’s AIB testimony was not protected activity under 5 U.S.C. § 2302(b)(9)(C) because it concerned discrimination. In its amicus brief in support of Milton’s petition for review, OSC argued that it was legal error to focus on the content of Milton’s testimony because section 2302(b)(9)(C) protects cooperation with investigative components regardless of content. The initial decision contradicts the plain text of the statute, conflicts with Board precedent, and raises serious policy concerns. This misinterpretation would require the MSPB to conduct unnecessarily complicated and fact-specific jurisdictional inquiries, inhibit OSC’s and other investigators’ ability to obtain witness testimony, and lead to inconsistent protection for witnesses.
- OSC filed an amicus brief in *McCarthy v. Social Security Administration*, a whistleblower retaliation appeal in the Federal Circuit Court of Appeals. McCarthy, a Disability Processing Specialist, alleged in part that the agency terminated her in retaliation for disclosing a potentially fraudulent benefits claim. The MSPB declined to consider her disclosure protected under the Whistleblower Protection Act (WPA) because there was no evidence that the government was complicit in the fraud. In its amicus brief, OSC argued the plain language and legislative history of the WPA, and its subsequent amendments, protect disclosures of wrongdoing by any entity—governmental or private—equally. OSC further stated that, even if the court excludes disclosures of purely private wrongdoing from the WPA, the MSPB unduly limited whistleblower protections by requiring evidence of government complicity in the disclosed misconduct. Instead, OSC advocated for a more protective standard that encompasses disclosures of third-party wrongdoing that implicate “the government’s interests and good name,” consistent with MSPB precedent.
- OSC filed an amicus brief *Remolona v. Veterans Affairs*, a retaliation appeal at the Merit Systems Protection Board. Among other claims, Remolona alleged that she faced retaliation for her cooperation with a VA Administrative Investigation Board (AIB). The MSPB administrative judge (AJ) concluded that this claim was not protected under 5 U.S.C. 2302(b)(9), relying on a 2016 decision (*Graves v. Veterans Affairs*) that analyzed such cooperation under section 2302(b)(9)(B). The AJ failed to consider whether the

activity was protected under section 2302(b)(9)(C), even though Congress amended that provision to include cooperation with internal investigative components after the *Graves* decision. In its amicus brief, OSC argued that Remolona's cooperation with the AIB was protected under the amended section 2302(b)(9)(C) and that it was error for the AJ to overlook that provision.

Mediation Successes

Mediation reduces the amount of time and financial resources required to investigate, litigate, and otherwise resolve a case. Parties value mediation because they have a direct hand in discussing the dispute with each other and creating resolutions with provisions beyond what a court could provide. The following are some examples of recent OSC case resolutions through mediation:

Note: Mediations at OSC are conducted pursuant to the ADR Act of 1996 and we therefore cannot provide identifying information about mediation cases.

- Complainant alleged that in retaliation for making disclosures, she received a performance appraisal with negative commentary, did not receive a performance award, was detailed, and then reassigned to a new position in a different organization. During the mediation process, Complainant shared concerns about her ability to successfully carry out some of the duties of the new position. After discussion, the agency agreed to give her different duties and special projects in lieu of those duties about which she had concerns. Additionally, the agency agreed to revise Complainant's performance appraisal and provide commensurate performance and time off awards; pay for Complainant's attendance at a conference; and provide a monetary sum for pain, suffering, and attorney's fees. Finally, to meet their shared interest in improving the work environment, the agency agreed to coordinate with agency subject matter experts to provide workplace environment-related trainings to Complainant's past and current organizations, as well as to any other organizations that the subject matter experts believed would benefit from such trainings.
- Complainant, a scientist, alleged to several officials that his agency did not adequately oversee an industry it regulated. Complainant alleged that as a result, management retaliated by lowering his performance appraisals, removing subordinates, and interfering with his research. Through OSC's mediation program, the parties discussed their respective goals, explored several options and decided on agreement in which the agency provided Complainant with a new position at a higher level, and made monetary payments to both complainant and his attorneys.
- Complainant alleged that he was removed from employment in retaliation for whistleblowing. During the mediation process, the parties shared their perspectives and interests with each other, including Complainant's interest in ending his decades-long career with retirement instead of removal and recognition of his federal service. The

parties entered into a settlement agreement that addressed complainant’s interests by changing complainant’s separation status to retirement and providing him with a retirement certificate acknowledging his time in service. The agency also agreed to provide a monetary payment.

Table 4 - ADR Program Activity – Mediation of Prohibited Personnel Practice Complaints						
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Cases Reviewed for Mediation	70	60	39	65	73	83
Mediations Offered	58	57	39	45	60	68
Mediations Conducted	39	40	31	38	34	43
Cases Withdrawn Before Mediation Completed	2	10	3	6	8	10
Completed Mediations	37	30	28	32	26	33
Completed Mediations Resulting in Settlement	24	23	16	27	21	25
Percentage of Completed Mediations Resulting in Settlement	65%	77%	57%	84%	81%	76%
Cases Resolved Without Need for Mediation	0	2	1	0	1	0
Carryover to Next FY – Mediations in Process	18	22	17	13	15	19

Carryover to Next FY – Cases in Review	4	1	2	3	0	4
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Table 5 - ADR Program Activity – Corrective Actions Obtained through Mediation of Prohibited Personnel Practice Complaints

	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Total Corrective Actions	23	17	28	26	34
<i>Mediated Settlement Agreements</i>	23	16	27	21	25
<i>Initial Informal Stays</i>	0	0	0	1	1
<i>Other Individual Corrective Actions</i>	0	0	0	1	0
<i>Systemic Corrective Actions</i>	0	1	1	3	8

PART 4 – WHISTLEBLOWER DISCLOSURES

Overview

OSC provides a safe and secure channel for whistleblowers. Whistleblowers are often in the best position to detect wrongdoing by government agencies and to disclose waste, fraud, abuse, illegality, and dangers to public health and safety. Through this process, OSC contributes to improving the efficiency and accountability of government.

OSC received 1,757 disclosures in FY 2024. This amount is 57 percent higher than the previous five-year average and marks a return to pre-pandemic case levels. Additionally, OSC sent 43 whistleblower disclosure reports to the President and Congress, and agencies substantiated wrongdoing in 34 of those cases. OSC made a substantial likelihood determination on 98.9 percent of whistleblower disclosures within the statutorily required 45-day timeframe in FY 2024, a near-perfect result.

Many substantiated disclosures result in enormous and direct financial returns to the government. However, the real measure of OSC’s financial contribution is preventive. By providing a safe channel for whistleblower disclosures, OSC helps address threats to public health and safety that pose the very real risk of serious harm to the public and huge remedial and liability costs for the government.

Disclosure Successes

OSC is authorized to refer to the head of an agency for investigation whistleblower disclosures of wrongdoing in six areas: (1) violations of a law, rule, or regulation; (2) gross mismanagement;

(3) gross waste of funds; (4) abuse of authority; (5) substantial and specific danger to public health or safety; and (6) censorship related to research, analysis, or technical information. In FY 2024, examples of OSC successes involving whistleblower disclosures include the following:

- **Violation of law, rule, or regulation**

Improper Storage of Veterans' Personally Identifiable Information. OSC referred to the Secretary of Veterans Affairs allegations of a violation of law, rule, or regulation. The whistleblowers alleged that VA officials violated federal law and VA directives by improperly storing whistleblowers', veterans', and employees' personally identifiable information (PII) in the agency's Veterans Affairs Integrated Enterprise Workflow Solution Case and Correspondence Management (VIEWS CCM) system. The investigation substantiated the allegation and recommended several corrective actions that have been implemented. During the investigation, the whistleblowers also alleged that records in VIEWS CCM were routinely excluded from VA responses to requests under the Freedom of Information Act and the Privacy Act of 1974 and that VA Police improperly used VIEWS CCM when investigating individuals suspected of criminal activity. The VA did not substantiate these additional allegations.

The investigation substantiated that searching in VIEWS CCM using certain terms returned numerous cases containing PII that any VIEWS CCM user could view. The investigation also discovered that VIEWS CCM has a Veterans Contacts Database that contains veterans' PII such as DOBs, SSNs, personal addresses, and phone numbers. The investigation further discovered that when cases in VIEWS CCM related to veterans with records in the Veterans Contacts Database, any VIEWS CCM user could access the database via a hyperlink. Given these findings, the VA implemented 13 following corrective actions, including mass converting certain designated case types in VIEWS CCM to "Sensitive" which applied to all open and closed cases with the designated case types; changing all archived cases from VAIQ to a "Sensitive" status; and restricting access to the Veteran Contacts Database to only those VIEWS CCM users with a validated business need for the information and reconfiguring this system's business rules. The VA also chartered the VIEWS CCM Change Control Board (CCB), which is responsible for reviewing, approving, and implementing functional changes to VIEWS CCM, its business processes, and governance strategies. The CCB meets to review changes requested for each standard product release. The Special Counsel determined the findings appeared reasonable.

- **Violation of law, rule or regulation, gross mismanagement, abuse of authority and substantial and specific danger to public health and safety**

Improper Management of Pain Management Clinic. OSC referred to the U.S. Secretary of Veterans Affairs allegations of wrongdoing at the Central Texas VA Healthcare System (CTVAHCS), Temple, Texas. The whistleblowers, a pain management physician and former chief of the Pain Management Clinic, alleged that CTVAHCS officials abused their authority and

grossly mismanaged the facility's Pain Management clinic following a realignment of the program in 2020, creating a substantial and specific danger to public health.

The whistleblowers disclosed that at the outset of the reorganization, the Chief, Whole Health, and the Chief of Staff rescinded the facility's Standard operating procedures (SOP) for prescribing Buprenorphine, an opioid used to treat opioid use disorder (OUD), acute pain, and chronic pain. The whistleblowers further alleged that the Chief, Whole Health, pressured providers to prescribe Buprenorphine regardless of patient diagnosis and promoted incorrect guidance regarding the drug's use and efficacy. The whistleblowers also alleged that both officials violated the MISSION Act of 2018 (MISSION Act) and jeopardized patient health and safety by initiating changes to the pain management referral process that placed unnecessary barriers to veterans' access to care, and that the Chief improperly documented "self-consults" with pain management patients prior to their initial appointments, leading to potential billing irregularities and inequitable care.

The agency partially substantiated the allegation, concluding that the Chief, Whole Health, pressured providers to prescribe Buprenorphine, and took measures to financially incentivize treating patients with Buprenorphine. The agency further concluded that the policy changes indicated an effort to incentivize Buprenorphine prescription and appeared to incentivize making specific diagnoses, thus, potentially jeopardizing patient health and safety. Finally, the agency substantiated that the Chief of Staff abused his authority by manipulating clinical scheduling. The agency did not substantiate that he placed undue barriers on providers related to referrals for pain management consults.

In a supplemental report, the agency confirmed that following the referral of this matter, CTVHCS rescinded its SOP related to Buprenorphine therapy for OUD and removed the requirement that physicians complete DEA Mental Health Services training and hold DEA waivers, each of which aligned with national standards for OUD and pain management. The agency also confirmed that all pain management physicians must complete training on "Pain Management and Opioid Safety." Finally, the agency investigated the practices of the Chief of Staff and took appropriate action. The Special Counsel determined that the findings appear reasonable.

- **Violation of law, rule, or regulation; gross mismanagement; an abuse of authority and a substantial and specific danger to public health and safety**

Inadequate Communication Technology for Forest Service Law Enforcement Officers. OSC referred to the Secretary of Agriculture allegations of wrongdoing at the U.S. Forest Service, Chattahoochee-Oconee National Forest, Blairsville, Georgia, and Francis Marion National Forest, Huger, South Carolina. The whistleblowers, Law Enforcement Officers (LEOs), alleged that radios provided to LEOs working in the Chattahoochee-Oconee National Forest and Francis Marion National Forest did not include the frequencies necessary to contact local Sheriff's

Departments while performing their duties, which violated FS Manual Chapter 5385.4 and placed LEOs at risk of being unable to communicate during emergencies.

The agency substantiated the allegations. LEOs in both the Chattahoochee-Oconee National Forest and the Francis Marion National Forest experienced significant deficiencies in the agency-issued radio communications systems. The investigation found that not only did LEOs not have radio equipment capable of using frequencies on state and local conventional radio systems, the Forest Service had not obtained the authorization for use of relevant frequencies to make them useable by this equipment.

The agency addressed the deficiencies. In the short term, the Forest Service provided satellite telephones for emergency communications, began installing the requisite radio equipment capable of using frequencies on state and local conventional radio systems in all law enforcement vehicles, and began executing the necessary forms for LEOs to have access to all relevant state or county radio frequencies on its system. As of June 2024, LEOs in Georgia have communications capabilities in all the state's high-priority counties in the Chattahoochee-Oconee National Forest and in over 90% of Georgia overall. LEOs assigned to the Francis Marion National Forest have radio communications and dispatch services in the high-priority counties in their areas of responsibility. The Special Counsel determined that the findings appear reasonable.

- **Violation of law, rule or regulation, abuse of authority, gross mismanagement, gross waste of funds**

Allegations of Improper Handling of Native American Funerary Items. OSC referred to the U.S. Secretary of the Interior allegations of wrongdoing at the National Park Service (NPS), Southeast Archaeological Center (SEAC), Tallahassee, Florida. The whistleblower alleged that SEAC officials repeatedly violated the Archaeological Resources Protection Act (APRA) and the Native American Graves Protection and Repatriation Act (NAGPRA) by facilitating the transfer of looted Native American funerary items and human remains from a third party to NPS. The agency investigation partially substantiated the allegations. The agency did not find that agency employees violated either APRA or NAGPRA. However, the agency substantiated that the employees violated multiple federal ethics laws, regulations, and policies related to the establishment of a “partner organization,” which occurred prior to consultation with NPS ethics officials. The agency also substantiated that the employees illegally commingled the partner organization’s funds with those of NPS for travel, in violation of 18 U.S.C. § 209 and that they engaged in other unethical activities including, using a debit card obtained through the partner organization to pay for travel expenses to attend a conference in an official capacity as an NPS employee; using their public positions with NPS in a manner that the public might construe as governmental endorsement of public activities; and paying for services on behalf of the partner organization using an NPS-issued government purchase card. The agency referred these findings to the U.S. Attorney’s Office, which ultimately declined to prosecute. The report represented that the agency would take corrective and disciplinary action as appropriate. The Special Counsel determined that the findings appear reasonable.

Table 6, below, contains FY 2024 summary data (with comparative data for the three previous fiscal years) on the receipt and disposition of whistleblower disclosure cases.

TABLE 6 - Summary of Whistleblower Disclosure Activity – Receipts and Dispositions⁸					
		FY 2021	FY 2022	FY 2023	FY 2024
Active disclosures carried over from prior fiscal year		264	241	199	150
New disclosures received		906	928	1,237	1,757
Total disclosures		1,170	1,169	1,436	1,907
Disclosures referred to agency heads for investigation and report		65	27	19	28
Referrals to agency IGs		0	0	0	0
Agency head reports sent to President and Congress		76	74	70	43
Results of agency investigations and reports	Disclosures substantiated in whole or in part	53	45	44	34
	Disclosures unsubstantiated	23	29	26	8
Disclosure processing times	Within 45 days⁹	897	911	1,216	1,666
	Over 45 days	22	6	3	19
Substantial likelihood¹⁰ determinations made		97.6%	99.3%	99.8%	98.9%
Disclosures processed and closed		929	967	1,285	1,678

PART 5 – HATCH ACT

Overview

OSC aims to reduce prohibited political activities by: (1) educating and warning employees about unlawful partisan political activity; and (2) bringing disciplinary actions against federal employees who violate the Hatch Act. To achieve these goals, this year OSC issued 967 advisory opinions, issued 81 warning letters, and obtained 49 corrective actions and seven disciplinary actions, either by negotiation or MSPB orders.

⁸ Many disclosures contain more than one type of allegation. This table, however, records each whistleblower disclosure as a single case, even if multiple allegations were included.

⁹ The FY 2018 National Defense Authorization Act altered disclosure processing time standards from 15 to 45 days. OSC began using 45 days as a metric in FY 2018.

¹⁰ A Substantial Likelihood Determination is the point at which OSC determines whether to close a disclosure file or to refer a disclosure to an agency for investigation. Pursuant to statute, 5 USC § 1213(b), OSC must make a Substantial Likelihood Determination within 45 days.

Advisory Opinions

The Hatch Act Unit (HAU) has the unique responsibility of providing Hatch Act information and advice to the White House; Congressional offices; federal employees; some state and local government employees; the public at large; and the news media. HAU advises individuals on whether they are covered by the Hatch Act and whether their political activities are permitted. In FY 2024, OSC responded to 967 requests for advisory opinions, including 23 formal written advisory opinions.

Hatch Act Unit Successes

OSC protects federal employees from political coercion in the workplace, safeguards against improper political activity by agency officials, and ensures that federal programs are administered in a nonpartisan fashion. Examples of recent OSC successes under the Hatch Act include the following:

MSPB Litigation

- OSC obtained a favorable decision in a case that had been pending before the Merit Systems Protection Board (MSPB) since 2020. The case involved a U.S. Department of Veterans Affairs doctor who was found to have violated the Hatch Act by being a candidate for the U.S. Senate, promoting his candidacy while on duty and in his official capacity, and soliciting campaign contributions. In April 2020, because the doctor was no longer a federal employee, an administrative law judge (ALJ) imposed a \$1,000 fine and ordered a five-year debarment from federal service as a penalty for his Hatch Act violations. The doctor appealed, and in May 2024, the MSPB affirmed the ALJ's decision.
- OSC prevailed in a case against a U.S. Department of Veterans Affairs employee who ran for governor, violating the Hatch Act's prohibitions against being a candidate for partisan political office and soliciting political contributions. In December 2023, the administrative law judge ordered the employee removed from her employment and debarred from returning to federal employment for two years, as disciplinary action for her violations. The employee appealed, and her petition for review is pending with the Merit Systems Protection Board.
- In August 2023, a hearing was held in a case where OSC charged an Environmental Protection Agency employee with violating the Hatch Act prohibitions against being a candidate for partisan political office and soliciting political contributions. OSC's investigation found evidence that the employee knew about the Hatch Act prior to his candidacy and willfully ran in violation of the law. A decision is pending.

Disciplinary Action Obtained through Settlement Negotiations

- OSC settled a case against a U.S. Department of Veterans Affairs (VA) employee who ran in the partisan election for New Hampshire State Representative and on two occasions knowingly accepted political contributions. In response to OSC's enforcement efforts,

the VA employee, who had won the race, stepped down from the elected office and agreed to a 15-day suspension without pay as a penalty for his violations.

- As a result of a settlement agreement with OSC, an attorney with the Federal Deposit Insurance Corporation served a 130-day suspension without pay for violating the Hatch Act’s prohibitions against soliciting political contributions and engaging in political activity while on duty. OSC’s investigation found that the employee hosted a fundraising event at his home for a candidate for partisan political office, personally solicited donations from other individuals for a different candidate, and, while on duty, sent emails for the purpose of organizing a campaign event he hosted for a third candidate.

Disciplinary Action Report to the President

- OSC transmitted to the President a finding that Secretary of the Navy Carlos Del Toro violated the Hatch Act’s prohibition against using his official authority or influence to affect the results of an election. Secretary Del Toro made statements in his official capacity advocating for and against the election of presidential candidates. For example, Sec. Del Toro said while speaking abroad on behalf of the U.S. Department of Defense, “And so I’m confident that the American people will step up to the plate come November and support President Biden for a second term as our Commander-in-Chief, so that we can continue to work together as free democratic countries respect each other around the globe.”

Corrective Action Obtained through Negotiation

In FY 2024, the Hatch Act Unit successfully resolved 49 cases by negotiating a corrective action, which included employees ceasing the activity that violated the Hatch Act or receiving Hatch Act training to prevent future violations of the law.

Outreach and Training

- In October 2023, OSC launched a new webinar series for federal executive branch ethics officials. OSC offers two different types of webinars. One is a semiannual webinar intended to teach new ethics officials what they need to know in order to advise employees at their agencies about the Hatch Act. The other is a quarterly series that offers experienced ethics officials a “deep dive” on discrete Hatch Act topics.

In addition to its webinars, OSC Hatch Act Unit attorneys have conducted numerous Hatch Act trainings to employees at federal agencies, federal employee unions, and other groups, to help them understand their rights and responsibilities under the Hatch Act in a presidential election year.

Table 7, below, contains FY 2024 summary data (with comparative data for the five previous fiscal years) on OSC’s Hatch Act enforcement activities.

TABLE 7 - Summary of Hatch Act Complaint and Advisory Opinion Activity							
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	
Formal written advisory opinion requests received	46	60	23	21	21	18	
Formal written advisory opinions issued	52	56	28	22	17	23	
Total advisory opinions issued¹¹	1,111	1,461	1,043	757	614	967	
New complaints received¹²	281	440	289	224	263	458	
Complaints processed and closed	245	280	375	313	277	391	
Warning letters issued	49	34	62	73	41	81	
Corrective actions taken by cure letter recipients	Withdrawal from partisan races	4	2	4	7	3	9
	Resignation from covered employment	2	0	0	7	4	5
	Other	5	10	0	8	12	35
	Total	11	12	4	22	19	49
Disciplinary action complaints filed with MSPB	0	4	3	5	1	1	
Disciplinary actions obtained (by negotiation or ordered by MSPB)	5	8	7	8	3	7	
Complaints active at end of fiscal year	168	323	236	145	131	197	

PART 6 – USERRA ENFORCEMENT PROGRAM

Overview

OSC continues to assist reservists and National Guard members who face obstacles in their federal civilian jobs due to their military service. OSC receives USERRA cases from the U.S. Department of Labor (DOL), which first investigates and attempts to resolve the cases. OSC received 19 new cases from DOL in FY 2024 and closed or resolved 17 cases by the end of the fiscal year. OSC obtained corrective action for one service member during FY 2024.

USERRA Successes

OSC protects the civilian employment rights of federal workers who are veterans or serve in the National Guard and Reserves by enforcing USERRA. Examples of recent OSC successes under USERRA include the following:

¹¹ All oral, e-mail, and written advisory opinions issued by OSC.

¹² Includes cases that were reopened.

- A Letter Carrier for the U.S. Postal Service (USPS) in Auburn, Maine, was called to active duty with the Maine Air National Guard following the September 11, 2001, terrorist attacks. Until his honorable discharge in December 2015, he served almost continuously in direct support of the Global War on Terrorism. During that time, he regularly provided copies of his orders to USPS, maintained his employment benefits (including making retirement contributions and paying his union dues), and repeatedly expressed his desire to return to his postal job once his service ended. USPS gave him no indication that it would not reemploy him and even sent him letters thanking him for his service and a debit card to purchase his postal uniform. However, when he notified USPS that he wished to return to his Letter Carrier position, USPS told him it would not reinstate him because he had “abandoned” his civilian employment, despite his USERRA reemployment rights. OSC represented him before the MSPB, and after a five-year legal battle, won him reinstatement at USPS, with full back pay and benefits, retroactive to January 2016.
- After returning from long-term active duty with the U.S. Navy, a USPS worker alleged that the USPS failed to properly credit his seniority upon his return, preventing him from successfully bidding on regular full-time routes and being promoted to a higher pay rate. At OSC’s request, USPS agreed to a retroactive conversion to a regular full-time carrier position two years earlier along with back pay (plus interest) and additional paid leave.
- A Registered Nurse at the VA failed to receive a performance bonus due to her absence for service in the U.S. Army Reserve. OSC intervened on her behalf and the VA agreed to retroactively award her the bonus.
- A Foreign Affairs Officer with the U.S. Department of State alleged that his performance rating was downgraded following his absence for active duty in the U.S. Navy Reserve. OSC contacted the agency, and it agreed to upgrade his rating for the period in question.

OSC also promotes USERRA awareness and compliance by conducting training sessions for other federal agencies. Most recently, OSC has provided USERRA training to the Army Intelligence & Security Command, Office of Personnel Management, and Occupational Safety & Health Administration. Additionally, OSC provides technical assistance about USERRA to veterans, service members, and employers nationwide via its telephonic and email hotlines.

Lastly, former Special Counsel Dellinger published an [opinion column](#) in the Military Times supporting full differential pay for federal civilian employees who serve part-time in the National Guard or Reserves to ensure that those reservists do not suffer a pay cut due to their service. In a 5-4 decision in *Feliciano v. Department of Transportation*, the U.S. Supreme Court agreed, reversing an earlier ruling by the U.S. Court of Appeals for the Federal Circuit denying service members such pay in some circumstances.

Table 8, below, contains FY 2024 summary data with comparative data and disposition of USERRA referral cases.

TABLE 8 - Summary of USERRA Referral and Litigation Activity¹³					
	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Active referrals carried over from prior fiscal year	5	3	5	9	5
New referrals received from VETS¹⁴ during fiscal year	24	19	19	10	19
Referrals closed	26	17	15	14	17
Referrals closed with corrective action	3	0	3	1	1
Referrals closed with no corrective action	23	17	12	13	16
Referrals active at end of fiscal year	3	5	9	5	7
Litigation cases carried over from prior fiscal year	1	1	1	1	1
Litigation cases closed	0	0	0	0	1
Litigation closed with corrective action	0	0	0	0	1
Litigation closed with no corrective action	0	0	0	0	0
Litigation pending at end of fiscal year	1	1	1	1	0

PART 7 – OUTREACH, TRAINING, & COMPLIANCE

Overview

The Outreach, Training, and Compliance (OTC) Program plays a pivotal role in advancing awareness and ensuring compliance with federal personnel law through its comprehensive outreach and training initiatives. OSC offers advanced training and expert guidance to federal agencies on the statutes under its jurisdiction, including specialized sessions for supervisors on their relevant legal obligations. To help prevent the occurrence of PPPs in the federal workplace, OSC provides training as part of the resolution for settled cases. Additionally, OSC delivers high-level presentations to foreign delegations, fostering global awareness of whistleblower protections and the steps taken to foster accountability with the federal government.

OSC conducted **335** trainings in FY 2023. In FY 2024 OSC saw an increase in the number of trainings to **487**, of which **387** were focused on prohibited personnel practices and

¹³ This table has been reorganized with some categories and figures changed from prior reports to correct discrepancies and more clearly present relevant information.

¹⁴ This refers to the U.S. Department of Labor Veterans’ Employment & Training Service.

whistleblower disclosures.¹⁵ While most trainings conducted have been virtual, federal agencies are shifting to hosting more in-person sessions.

OSC also administers the 2302(c) Certification Program (Certification Program), assisting agencies with meeting the statutory mandate of 5 U.S.C. § 2302(c). The five-step voluntary Certification Program offers guidance to agencies and provides easy-to-use methods and training resources to assist agencies with fulfilling their statutory obligations. OSC also provides supervisory training to meet the annual training requirement mandated under the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017.

Two of the primary goals of the Certification Program are to ensure that federal agencies inform their workforces, in consultation with OSC, about the rights and remedies available to them under the whistleblower protection and PPP provisions of the Civil Service Reform Act, and to train supervisors to prevent violations of the statutes. Agencies that complete the program receive a certificate of compliance from OSC. At the end of FY 2024, **109** agencies and agency components were either certified or registered for certification.

Finally, OSC has continued its policy of issuing press releases when OSC files a significant litigation petition, achieves significant corrective or disciplinary action through settlement, or publicly issues a PPP report. Many of these cases generate considerable press coverage, which contributes to federal employees' and managers' awareness of the prohibitions under, for instance, the Hatch Act or whistleblower protection laws. In addition, both training and press coverage serve to educate federal employees about their ability to make disclosures, which can save lives and taxpayer dollars.

OSC's Strategic Goal 1 under its Strategic Plan is to protect and promote the integrity and fairness of the Federal workforce, and includes expanding training efforts nationwide and effectively communicating with stakeholders and the public. The Strategic Plan, and the goal tables that were developed to track agency performance against the Strategic Plan, can be found on OSC's website (<https://osc.gov/Reports>).

Annual Survey Program

OSC's authorization requires the agency to survey people who have contacted the agency for assistance during the previous fiscal year.

However, OSC was unable to conduct the annual survey in FY 2024. OMB approval for the survey expired in FY 2024, prior to distribution of the survey. OSC is currently working to restore OMB approval and will post the results from the Annual Survey as a supplemental document on the OSC website later in the fiscal year upon its completion.

¹⁵ Please note that separate outreach presentations may include more than one training, such as, PPP training, Whistleblower Disclosure training and/or Annual Supervisory training.

FURTHER INFORMATION

Prohibited Personnel Practices

Individuals with questions about prohibited personnel practices not answered on the agency website can contact OSC at:

Telephone: (800) 872-9855
(202) 804-7000

Email: info@osc.gov

There are two ways to file a prohibited personnel complaint with OSC, on paper or electronically. A complaint can be filed through OSC's on-line filing portal (<https://oscportal.powerappsportals.us>). Alternatively, a complaint may be filed on paper, using Form OSC-14, which is available online (<https://osc.gov/Documents/Resources/Forms/OSC%20Form-14%20Prohibited%20Personnel%20Practice%20Form.pdf>) and can be filled out online, printed, and mailed or faxed to the address above.

Whistleblower Disclosures

Information about reporting a whistleblower disclosure to OSC in confidence is available on the agency website, or at:

Telephone: (800) 572-2249
(202) 804-7000

Fax: (202) 254-3711

A disclosure can be filed electronically with OSC (<https://oscportal.powerappsportals.us>). Alternatively, Form OSC-14 can be used to file a disclosure with OSC. The form is available online (<https://osc.gov/Documents/Resources/Forms/OSC%20Form-14%20Disclosure%20Form.pdf>) and can be filled out online, printed, and mailed or faxed to the address above.

Hatch Act

Our website has additional information about the Hatch Act, including frequently asked questions by Federal, state and local Government employees, and selected OSC advisory opinions on common factual situations. Requests for other advice about the Hatch Act can be made by contacting:

Telephone: (800) 85-HATCH
(800) 854-2824
(202) 804-7002

Fax: (202) 254-3700

Email: hatchact@osc.gov

A Hatch Act complaint can be filed electronically with OSC (<https://oscportal.powerappsportals.us>). Alternatively, complaints alleging a violation of the Hatch Act can be made by using Form OSC-14. The form is available online (<https://osc.gov/Documents/Resources/Forms/OSC%20Form-14%20State%20Hatch%20Act%20Complaint%20Form.pdf>) and can be filled out online, printed, and mailed or faxed to the address above.

USERRA

USERRA complaints must be filed with the U.S. Department of Labor, Veterans' Employment & Training Service (<https://www.dol.gov/agencies/vets>), not OSC. The OSC website has additional information about USERRA, including a link to the DOL-VETS USERRA complaint form (<https://osc.gov/Services/Pages/USERRA-FileComplaint.aspx>). Questions not answered on the website about OSC's role in enforcing USERRA may be directed to:

Telephone: (202) 804-7022
Email: userra@osc.gov

Outreach, Training, & Compliance Program

Many OSC forms and publications are available in the "Resources" section of the agency website. Questions not answered on the agency website about the 2302(c) Certification Program and OSC outreach, training, and compliance activities should be directed to:

Telephone: (202) 804-7093
Email: certification@osc.gov

For callers with hearing and/or speech disabilities, all OSC telephone numbers listed in this section may be accessed using TTY by dialing the Federal Relay Service at: 1 (800) 877-8339.

Appendix 1

2024 OSC FEVS Core Survey Results

OSC’s reauthorization in the 2018 National Defense Authorization Act required the agency to publish the results of its Federal Employee Viewpoint Survey (FEVS) in the Annual Report.

OSC employees reported very high job satisfaction on the 2024 FEVS Core Survey. OSC ranked as the fifth best small federal agency to work overall and ranked first for small agencies in the mission match and professional development categories. On questions that allowed for a positive or negative response, OSC employees replied with an average positive response rate of 86.9 percent on the 2024 survey. This figure slightly decreased from 87.2 percent on the 2023 survey but is still significantly higher than the government-wide average positive response rate of 70.9 percent in FY 2024. Additionally, the 2024 survey identified 88 areas of strength for OSC, and no areas as challenges for the agency.¹⁶ OSC will continue to assess FEVS scores in future years to ensure the continuation of very high levels of employee job satisfaction.

The below table shows the percentage of positive, neutral, and negative responses to questions on the 2024 FEVS. OSC highlighted the positive response column green and the negative response column red in an effort to make the table easier to read, since the table spans over multiple pages and column headings are only on the first page.

Question Number	Question Text	Number of Respondents	Percent Positive	Percent Neutral	Percent Negative
Q1	I am given a real opportunity to improve my skills in my organization.	70	89.3%	8.2%	2.5%
Q2	I feel encouraged to come up with new and better ways of doing things.	70	79.7%	10.4%	9.9%
Q3	My work gives me a feeling of personal accomplishment.	69	91.6%	3.1%	5.3%
Q4	I know what is expected of me on the job.	70	87.5%	1.5%	11.0%
Q5	My workload is reasonable.	70	80.5%	8.6%	10.9%
Q6	My talents are used well in the workplace.	69	88.5%	3.1%	8.4%

¹⁶ The FEVS defines an item as a strength if the item has a positive response rate of at least 65 percent. Similarly, the survey defines an item as a challenge if the item receives a negative response rate of at least 35 percent.

Q7	I know how my work relates to the agency's goals.	70	95.5%	1.4%	3.1%
Q8	I can disclose a suspected violation of any law, rule, or regulation without fear of reprisal.	69	79.8%	8.5%	11.7%
Q9	I have enough information to do my job well.	69	90.9%	3.7%	5.4%
Q10	I receive the training I need to do my job well.	69	89.0%	7.0%	4.0%
Q11	I am held accountable for the quality of work I produce.	70	97.6%	0.0%	2.4%
Q12	I have a clear idea of how well I am doing my job.	70	92.3%	0.0%	7.7%
Q13	I have the autonomy to decide how I do my job.	69	82.1%	8.2%	9.7%
Q14	I can make decisions about my work without getting permission first.	70	77.8%	9.5%	12.7%
Q15	The people I work with cooperate to get the job done.	70	92.1%	5.7%	2.2%
Q16	In my work unit poor performers usually:	The answers to this question do not align with the positive, neutral, negative format. Please see additional information below.			
Q17	In my work unit, differences in performance are recognized in a meaningful way.	61	62.4%	26.6%	11.1%
Q18	Employees in my work unit share job knowledge.	70	97.5%	1.3%	1.2%
Q19	My work unit has the job-relevant knowledge and skills necessary to accomplish organizational goals.	69	98.5%	1.5%	0.0%
Q20	Employees in my work unit meet the needs of our customers.	68	98.7%	0.0%	1.3%

Q21	Employees in my work unit contribute positively to my agency's performance.	70	98.8%	0.0%	1.2%
Q22	Employees in my work unit produce high-quality work.	70	97.3%	1.5%	1.2%
Q23	Employees in my work unit adapt to changing priorities.	66	97.1%	0.0%	2.9%
Q24	New hires in my work unit (i.e., hired in the past year) have the right skills to do their jobs.	57	91.0%	7.5%	1.5%
Q25	I can influence decisions in my work unit.	69	88.4%	7.6%	4.0%
Q26	I know what my work unit's goals are.	69	92.2%	2.7%	5.1%
Q27	My work unit commits resources to develop new ideas (e.g., budget, staff, time, expert support).	68	80.2%	15.8%	4.0%
Q28	My work unit successfully manages disruptions to our work.	68	92.7%	4.5%	2.8%
Q29	Employees in my work unit consistently look for new ways to improve how they do their work.	67	94.2%	3.1%	2.7%
Q30	Employees in my work unit incorporate new ideas into their work.	67	92.5%	4.8%	2.7%
Q31	Employees in my work unit approach change as an opportunity.	67	85.5%	8.7%	5.8%
Q32	Employees in my work unit consider customer needs a top priority.	68	96.9%	1.9%	1.3%
Q33	Employees in my work unit consistently look for ways to improve customer service.	68	94.4%	4.3%	1.3%

Q34	Employees in my work unit support my need to balance my work and personal responsibilities.	69	95.4%	1.5%	3.1%
Q35	Employees are recognized for providing high quality products and services.	69	80.3%	8.4%	11.3%
Q36	Employees are protected from health and safety hazards on the job.	68	94.1%	4.6%	1.3%
Q37	My organization is successful at accomplishing its mission.	69	92.7%	1.2%	6.0%
Q38	I have a good understanding of my organization's priorities.	69	87.6%	1.5%	10.9%
Q39	My organization shares results (for example, town halls, email, distribution of reports) from the Federal Employee Viewpoint Survey (FEVS).	67	85.4%	8.9%	5.7%
Q40	Information is openly shared in my organization.	67	76.2%	6.8%	17.0%
Q41	The approval process in my organization allows timely delivery of my work.	68	80.3%	8.4%	11.3%
Q42	My organization effectively adapts to changing government priorities.	68	88.7%	4.2%	7.1%
Q43	My organization has prepared me for potential physical security threats.	68	94.0%	4.7%	1.3%
Q44	My organization has prepared me for potential cybersecurity threats.	67	95.6%	3.1%	1.3%
Q45	In my organization, arbitrary action, personal favoritism, and/or political coercion are not tolerated.	66	74.3%	10.2%	15.5%

Q46	I recommend my organization as a good place to work.	69	82.6%	10.0%	7.3%
Q47	I believe the results of this survey will be used to make my agency a better place to work.	64	75.4%	8.8%	15.8%
Q48	Supervisors in my work unit support employee development.	67	94.4%	1.2%	4.3%
Q49	My supervisor supports my need to balance work and other life issues.	69	93.9%	3.0%	3.1%
Q50	My supervisor listens to what I have to say.	68	93.1%	2.9%	4.0%
Q51	My supervisor treats me with respect.	68	93.2%	4.1%	2.8%
Q52	I have trust and confidence in my supervisor.	69	88.8%	3.0%	8.2%
Q53	My supervisor holds me accountable for achieving results.	69	97.8%	1.0%	1.2%
Q54	Overall, how good a job do you feel is being done by your immediate supervisor?	69	90.7%	4.4%	4.9%
Q55	My supervisor provides me with constructive suggestions to improve my job performance.	69	91.8%	2.8%	5.4%
Q56	My supervisor provides me with performance feedback throughout the year.	68	91.5%	1.2%	7.3%
Q57	In my organization, senior leaders generate high levels of motivation and commitment in the workforce.	67	65.8%	14.6%	19.5%
Q58	My organization's senior leaders maintain high standards of honesty and integrity.	66	72.5%	14.0%	13.5%

Q59	Managers communicate the goals of the organization.	68	85.9%	3.1%	11.0%
Q60	Managers promote communication among different work units (for example, about projects, goals, needed resources).	69	79.8%	9.9%	10.3%
Q61	Overall, how good a job do you feel is being done by the manager directly above your immediate supervisor?	67	85.3%	5.9%	8.8%
Q62	I have a high level of respect for my organization's senior leaders.	68	73.2%	9.4%	17.3%
Q63	Senior leaders demonstrate support for Work-Life programs.	67	73.6%	16.8%	9.6%
Q64	Management encourages innovation.	69	75.2%	10.7%	14.2%
Q65	Management makes effective changes to address challenges facing our organization.	68	72.9%	13.0%	14.2%
Q66	Management involves employees in decisions that affect their work.	68	68.2%	12.1%	19.8%
Q67	How satisfied are you with your involvement in decisions that affect your work?	69	71.3%	5.4%	23.3%
Q68	How satisfied are you with the information you receive from management on what's going on in your organization?	69	72.5%	9.8%	17.8%
Q69	How satisfied are you with the recognition you receive for doing a good job?	69	78.2%	11.8%	9.9%
Q70	Considering everything, how satisfied are you with your job?	69	83.1%	10.3%	6.6%

Q71	Considering everything, how satisfied are you with your pay?	69	69.1%	19.0%	11.9%
Q72	Considering everything, how satisfied are you with your organization?	69	81.3%	8.8%	9.9%
Q73	My organization's management practices promote diversity (e.g., outreach, recruitment, promotion opportunities).	61	77.2%	12.6%	10.3%
Q74	My supervisor demonstrates a commitment to workforce diversity (e.g., recruitment, promotion opportunities, development).	63	87.8%	5.9%	6.3%
Q75	I have similar access to advancement opportunities (e.g., promotion, career development, training) as others in my work unit.	66	82.2%	7.2%	10.6%
Q76	My supervisor provides opportunities fairly to all employees in my work unit (e.g., promotions, work assignments).	67	88.7%	5.2%	6.1%
Q77	In my work unit, excellent work is similarly recognized for all employees (e.g., awards, acknowledgements).	67	84.1%	7.6%	8.3%
Q78	Employees in my work unit make me feel I belong.	69	92.7%	4.2%	3.1%
Q79	Employees in my work unit care about me as a person.	69	92.7%	4.2%	3.1%
Q80	I am comfortable expressing opinions that are different from other employees in my work unit.	69	92.9%	1.2%	5.9%
Q81	In my work unit, people's differences are respected.	68	93.8%	3.4%	2.8%

Q82	I can be successful in my organization being myself.	69	92.1%	5.2%	2.8%
Q83	I can easily make a request of my organization to meet my accessibility needs.	34	95.2%	2.3%	2.4%
Q84	My organization responds to my accessibility needs in a timely manner.	30	91.2%	6.1%	2.7%
Q85	My organization meets my accessibility needs.	30	91.2%	6.1%	2.7%
Q86	My job inspires me.	69	85.1%	9.7%	5.3%
Q87	The work I do gives me a sense of accomplishment.	69	90.8%	5.2%	4.0%
Q88	I feel a strong personal attachment to my organization.	69	88.5%	5.7%	5.7%
Q89	I identify with the mission of my organization.	69	94.8%	4.0%	1.2%
Q90	It is important to me that my work contribute to the common good.	69	97.8%	1.0%	1.2%
Q91	Please select the response that BEST describes your current teleworking schedule.	The answers to this question do not align with the positive, neutral, negative format. Please see additional information below.			

Question 16; N=70	
In my work unit poor performers usually:	
Remain in work unit and improve over time	14.9%
Remain in work unit and continue to underperform	10.4%
Leave work unit -removed or transferred	4.4%
Leave work unit -quit	3.3%
No poor performers in work unit	46.7%
Do not know	23.5%

Question 91; N=68

Please select the response that best describes your current teleworking schedule.

Every workday	36.5%
3 or 4 days per week	45.4%
1 or 2 days per week	18.1%
Only 1 or 2 days per month	0.0%
Very infrequently	0.0%
Must be physically present	0.0%
Technical issues	0.0%
Not approved to telework	0.0%
Choose not to telework	0.0%