

**ANNUAL REPORT
TO CONGRESS
—*for*—
FISCAL YEAR 2018**



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The Special Counsel

The Honorable Michael R. Pence
President of the Senate
Washington, D.C. 20510

The Honorable Nancy P. Pelosi
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. President and Madame Speaker:

I respectfully submit the Report to Congress for fiscal year 2018 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 black ink, appearing to read "Henry J. Kerner". The signature is written in a cursive style with a long horizontal stroke at the end.

Henry J. Kerner

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THE SPECIAL COUNSEL

Henry J. Kerner was sworn in to serve as Special Counsel on October 30, 2017. His tenure follows that of Carolyn N. Lerner, who served as Special Counsel from 2011 to 2017.

Mr. Kerner graduated from Harvard Law School and spent his first 18 years following graduation working as a career prosecutor mostly in Compton, California. In 2011, he joined the staff of the House Committee on Oversight and Government Reform, the chief investigative committee of the United States House of Representatives. Under Chairman Darrell Issa, and later, Chairman Jason Chaffetz, he led investigations of the federal bureaucracy and advocated on behalf of whistleblowers to protect American taxpayers. Mr. Kerner was also the staff director and chief counsel under Ranking Member Senator John McCain of the Senate's Permanent Subcommittee on Investigations, the lead investigative committee of the Senate. He left the Hill in early 2016 and joined Cause of Action Institute as assistant vice president for investigations. Cause of Action is a nonpartisan oversight group committed to exposing waste, fraud, and abuse in the federal government. It has worked with whistleblowers and good government groups throughout the country. He was nominated by the president in June of 2017 and confirmed unanimously by the Senate in October of that same year.

A MESSAGE FROM SPECIAL COUNSEL HENRY J. KERNER

It is my pleasure to provide an overview of the work of the Office of Special Counsel (OSC) in fiscal year (FY) 2018, through OSC's Annual Report for FY 2018. While OSC has always done more with less, FY 2018 was a particularly productive year for OSC. In FY 2018, caseloads remained near all-time high levels, driven by a record number of new prohibited personnel practice complaints and the fourth consecutive year of approximately 6,000 new case filings overall. However, I am proud to report that OSC rose to this challenge, resolving more than 6,000 cases, which is 61% above recent historical averages, and slowing the growth of OSC's case backlog.

OSC has one of the smallest budgets of any federal law enforcement agency with government-wide jurisdiction, yet the demands on our agency and the services it provides have never been greater. For the fourth year in a row, and what appears to be the new status quo, OSC received around 6,000 new matters. Along with a modest increase in resources for FY 2018, OSC has also undertaken efforts to be more agile and efficient in its handling of cases. These efforts have allowed OSC to continue to bring enhanced accountability, integrity, and fairness to the federal workplace despite our limited resources.

In FY 2018, OSC worked with whistleblowers to protect taxpayer resources throughout the federal government by identifying millions of dollars in wasteful spending. For example, a Navy whistleblower reported to OSC that \$32 million in equipment was unaccounted for due to lax accountability measures at a Navy facility, a claim which the agency substantiated. As a result of this case, new policies were put in place to improve accountability and prevent further loss of equipment, saving valuable taxpayer resources.

OSC also worked with a whistleblower at the Department of Veterans Affairs (VA) to identify approximately \$1.4 million in wasteful spending. An investigation by the VA, in response to OSC's referral, found that the Durham VA Medical Center spent approximately \$1.4 million for unused equipment in 2014. The VA recommended that the facility develop an immediate action plan to put all new, unused equipment to use within the facility or to reutilize it at another VA facility. The use of this equipment will help ensure an efficient and effective use of taxpayer dollars.

These two examples represent only a small sample of OSC's work, and the value that OSC has been able to create for taxpayers through its work with whistleblowers. The agency's many successes have also continued to increase awareness of OSC among federal employees. As employees see the positive results achieved by OSC for their colleagues, it encourages more individuals to avail themselves of OSC as a route to remedy wrongdoing. While OSC is thankful that more whistleblowers and federal employees are placing their trust in us as they take the brave step to report agency wrongdoing or seek our help to address retaliation and other prohibited personnel practices (PPPs), the increased case numbers strain our resources, which are already stretched thin. Despite increases in efficiency throughout the agency, OSC continues to carry a significant backlog due to resource constraints. In addition, OSC receives more complaints because the federal workforce is increasingly aware of OSC's good work and seeks our assistance. OSC expects to continue receiving record levels of cases in future years. We will

therefore require additional resources to better carry out our mission and serve federal employees and taxpayers.

OSC is one of the most cost-effective methods of promoting good government, preventing violations of merit system principles, and protecting taxpayers by curbing fraud, waste, and abuse. When OSC succeeds, good government and the taxpayers are the true winners.

As Special Counsel, I look forward to working with Congress to identify how OSC can perform its vital mission even better. With the continued support of Congress, OSC will be able to keep pace with its rising caseload and continue to promote a better and more accountable government. As our track record demonstrates, a relatively small investment in OSC pays huge dividends in curbing waste, fraud, and abuse. A strong OSC makes for a more efficient, accountable, and fair federal government.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry J. Kerner". The signature is fluid and cursive, with a prominent "H" and "K".

Henry J. Kerner
September 12, 2019

PART 1 – INTRODUCTION TO OSC

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 the political activity of federal employees and covered state and local employees, and provides advisory opinions under the Hatch Act on the political activity of covered federal, state, and local government employees; and (3) receives disclosures from federal whistleblowers about government wrongdoing. Additionally, OSC, when appropriate, files petitions for corrective and/or disciplinary action with the Board in PPP and Hatch Act cases.

A decade later, Congress enacted the Whistleblower Protection Act of 1989 (WPA). Under the 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 provided that within 240 days after receiving a prohibited personnel practice complaint, OSC should determine whether there are reasonable grounds to believe that such a violation occurred, exists, or that action is to be taken. Also, the Reauthorization Act extended protections to approximately 60,000 employees at the Department of Veterans Affairs (VA), and whistleblower retaliation protections were extended 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; restored OSC's ability to seek disciplinary actions against supervisors who retaliate; 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 was signed into law. The Act created a new PPP: accessing medical records in furtherance of another PPP. The Act requires agencies to notify OSC if an agency employee committed suicide after making a protected disclosure, which was then followed by an adverse personnel action by the employee's agency in response to that disclosure. The Act also requires agencies to train supervisors on how to handle complaints of whistleblower retaliation and mandates disciplinary action for supervisors who have violated specific sections of the WPEA. Finally, the Act requires agencies to give priority to 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 USC § 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.

Mission

OSC's mission is to safeguard employee rights and hold the government accountable. 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 jobs of federal employees who are reservists and National Guardsmen; 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.

PART 2 – OVERVIEW OF OPERATIONS

Internal Organization

OSC is headquartered in Washington, D.C. and has three field offices in Dallas, Texas; Detroit, Michigan; and Oakland, California. The agency includes a number of program and support units.

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 encompasses management of the agency's congressional liaison and public affairs activities as well as coordination of its outreach program. The latter includes promoting federal agencies' compliance with the employee information requirement at 5 U.S.C. § 2302(c).

Case Review Division (CRD)

The new Case Review Division, which commenced operations on October 1, 2018, serves as the initial point of intake for all PPP and disclosure allegations. This unit screens all new allegations to ensure that PPPs and disclosures are directed to the appropriate units. CRD also closes out certain categories of PPP allegations under the new authorities OSC received in the Reauthorization Act of 2017: those which are duplicative (5 U.S.C. § 1214(a)(6)(A)(i)(I)), filed with the MSPB (§ 1214(a)(6)(A)(i)(II)), outside of OSC's jurisdiction (§ 1214(a)(6)(A)(ii)), or more than three years old (§ 1214(a)(6)(A)(iii)).

Investigation and Prosecution Division (IPD)

In October 2018, OSC centralized all PPP investigations into a single IPD unit.¹ The newly expanded IPD is comprised of attorneys and investigators at OSC's headquarters and three field offices. IPD receives PPP allegations from the Case Review Division and determines whether the evidence is sufficient to establish that a violation has occurred. If the evidence is insufficient, the matter is closed. If the evidence is sufficient, IPD decides whether the matter warrants corrective action, disciplinary action, or both. IPD works closely with OSC's Alternative Dispute Resolution 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, which 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.

Retaliation and Disclosure Unit (RDU)

¹ As a result, the former Case Examination Unit (CEU), referenced *infra*, no longer exists.

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, 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 activity by government employees under the Hatch Act of 1939 and represents OSC in seeking disciplinary actions before the MSPB. In addition, the Hatch Act Unit is responsible for providing advisory opinions on the Hatch Act to federal, state, and local employees, as well as to the public at large.

Uniformed Services and Employment and Reemployment Rights Act (USERRA) Unit

OSC enforces the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) for civilian federal employees. OSC may seek corrective action for violations of USERRA and provides outreach and education to veterans and agencies on 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 OSC and other claims, for example resolving PPP and Title VII discrimination claims stemming from the same personnel action.

Diversity, Outreach, and Training Unit

The Diversity, Outreach, and Training 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 prohibited personnel practice provisions of the Whistleblower Protection Act. OSC designed and implements a five-step educational program, the 2302(c) Certification Program. Unit staff provide government-wide training related to 2302(c). OSC provides formal and informal outreach sessions, including making materials available on the agency website. This unit also helps develop and implement training programs for OSC's internal staff, in order to meet compliance requirements.

Office of General Counsel

This office provides legal advice and support in connection with management and administrative matters, defense of OSC interests in litigation filed against the agency, management of the agency's ethics programs, and policy planning and development.

Administrative Services Division

This division manages OSC's budget and financial operations and oversees the agency's technical, analytical, records, and administrative needs. Component units are the Budget and Finance Branch, Human Capital Office, Administrative Services Office, and Information Technology Office. During FY 2017, the Office of the Clerk was also established under the Administrative Services Division. This office leads several functional areas, including Freedom

of Information Act (FOIA), Privacy Act, Controlled Unclassified Information, and records management.

FY 2018 Budget and Staffing

For FY 2018, OSC operated with a budget authority of \$26,535,000, all of which was from appropriated funds. The agency operated with a staff of 131 full-time equivalent (FTE) employees.

FY 2018 Case Activity and Results

From FY 2015 to FY 2018, OSC has received an average of 6,018 cases a year. This yearly average during the past four fiscal years comprises a **79 percent increase over OSC’s historical average from FY 2001 to FY 2014**. OSC anticipates that new filings will continue at this level for the foreseeable future, requiring the agency to adapt and adjust how it executes its mission.

During FY 2018, OSC received 6,015 new matters and carried over 2,592 matters from the previous fiscal year—a total of 8,607 matters in-house. In FY 2018, OSC resolved 6,005 matters, as shown in the charts below. In addition, OSC received 1,386 requests for Hatch Act advisory opinions. **Table 1**, below, summarizes overall OSC case intakes and dispositions in FY 2018, with comparative data for the previous six 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.

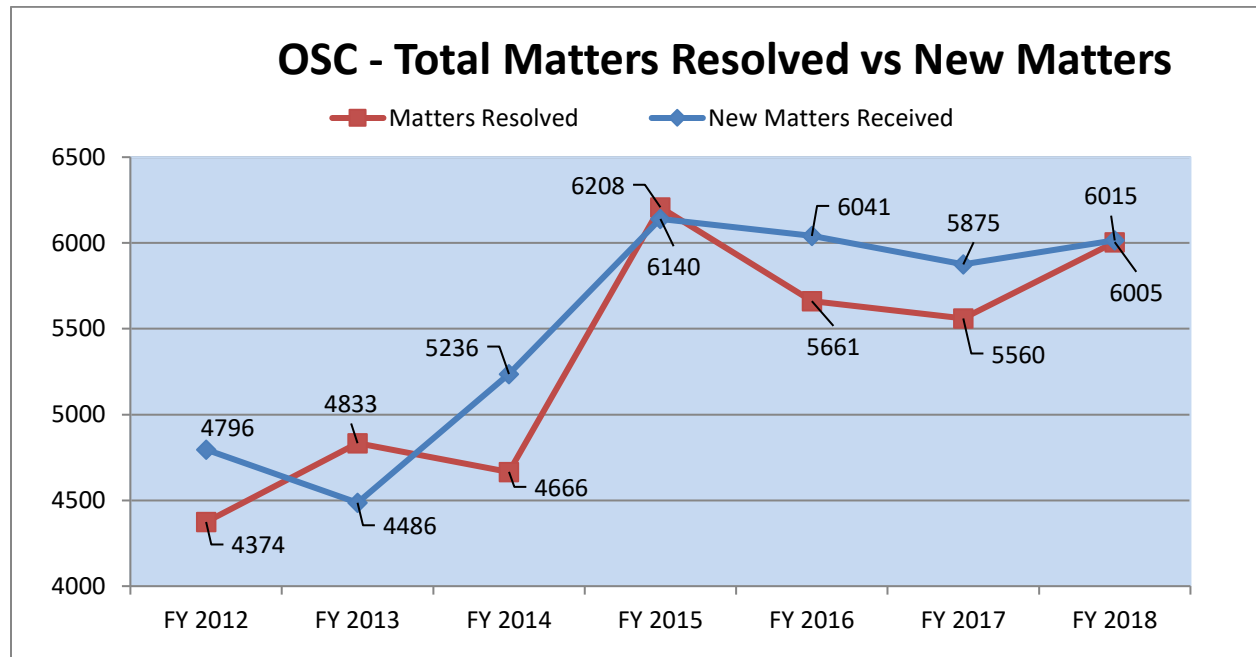
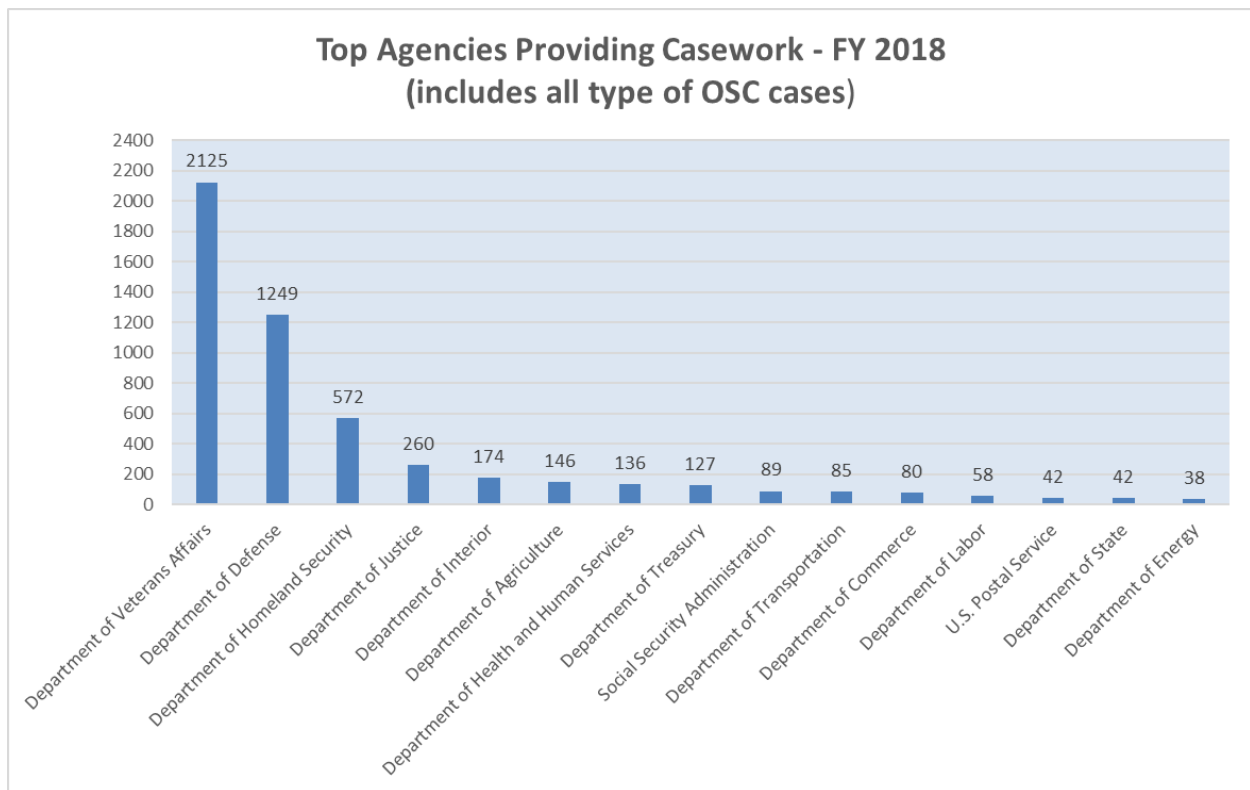


TABLE 1 – Summary of All OSC Case Activity

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Matters² pending at start of fiscal year	1,357	1,320	1,744	1,399	1,967	1,901	2,271	2,592
New matters received	4,027	4,796	4,486	5,236	6,140	6,041	5,875	6,015
Matters closed	4,051	4,374	4,833	4,666	6,208	5,661	5,560	6,005
Matters pending at end of fiscal year	1,331	1,729	1,397	1,970	1,900	2,272	2,590	2,607
Hatch Act advisory opinions issued	3,110	3,448	1,767	1,382	1,023	1,641	1,325	1,386

OSC’s Docket

OSC is responsible for addressing whistleblowers 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 far more cases from VA employees than any other agency, including the Defense Department (DoD).



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

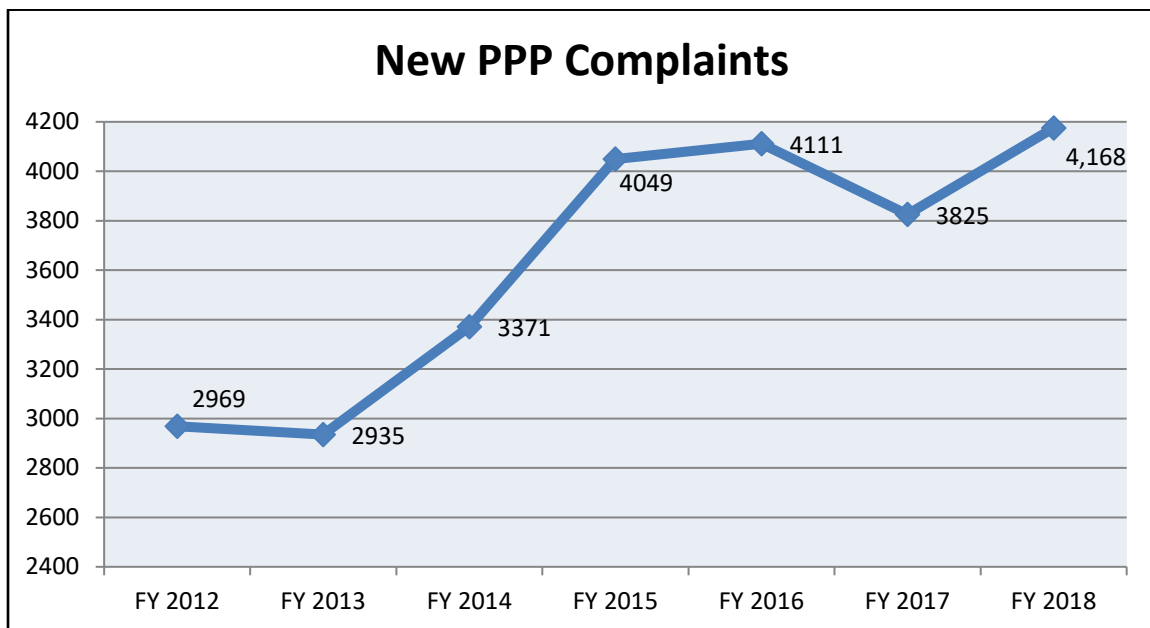
PART 3 – PROHIBITED PERSONNEL PRACTICES

Summary of Workload, Activity, Costs and Results

OSC has experienced a 42 percent growth in new PPP matters from FY 2013 to FY 2018. New PPP complaints now regularly surpass 3,800 cases each year, a level unheard of just five years ago. In FY 2018, OSC received an agency record 4,168 new PPP matters, while resolving 4,073 PPP matters. The cost for the agency to resolve a PPP matter in FY 2018 was \$3,453. This is the first year this information has been reported, as required by OSC’s reauthorization.

Cost of Resolving a PPP matter:	\$3,453
Note - This was the average cost for resolving a PPP matter in FY 2018, including direct costs and a proportionate share of overhead costs.	

Based on data from the past four years, OSC expects the receipt of new PPP complaints to continue at these levels in the future. PPP cases are the most time- and resource-intensive cases for the agency. PPP cases also represent a critical route through which OSC builds whistleblower confidence by ensuring whistleblowers are protected from retaliation.



Receipts and Investigations

Table 2, below, contains FY 2018 summary data (with comparative data for the seven 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 Processing³

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	
Pending complaints carried over from prior fiscal year	863	934	1,152	1,045	1,414	1,405	1,657	1,969	
New complaints received⁴	2,583	2,969	2,936	3,371	4,051	4,124	3,825	4,168	
Total complaints	3,446	3,903	4,088	4,416	5,465	5,529	5,482	6,137	
Complaints referred by CEU for investigation by IPD	270	252	255	275	264	212	273	399	
Complaints processed by IPD	190	274	266	278	307	253	201	344	
Complaints pending in IPD at end of fiscal year	331	325	316	321	279	266	343	407	
Total complaints processed and closed (CEU and IPD combined)	2,508	2,750	3,041	3,003	4,058	3,870	3,512	4,073	
Complaint processing times	Within 240 days	2,327	2,570	2,594	2,577	3,380	3,307	2,716	3,100
	Over 240 days	175	439	440	422	665	554	782	967
Percentage processed within 240 days	92%	88%	85%	85%	83%	85%	77%	76%	

Table 3 contains summary data for FY 2018 (with comparative data for the seven previous fiscal years) on all favorable actions obtained in connection with OSC’s processing of whistleblower reprisal and other prohibited personnel practice complaints.

As seen on **Table 3**, OSC continues to provide complainants with positive outcomes, having achieved 314 favorable actions for PPP complaints in FY 2018. This number is only 10 fewer than the agency’s record high set in FY 2017. The 314 favorable actions achieved constitutes approximately 50 percent more than the average number of favorable actions for PPP complaints from FY 2011 to FY 2017. Of the favorable actions in FY 2018, 236 involved instances of whistleblower retaliation. OSC negotiated 47 stays with agencies to protect employees from premature or improper personnel actions. OSC also obtained 12 stays or stay extensions from the MSPB and achieved 22 disciplinary actions, upholding merit principles and sending a strong message that retaliation and other misconduct will not be tolerated.

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 – Summary of All Favorable Actions – Prohibited Personnel Practice Complaints

		FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Total favorable actions negotiated with agencies (all PPPs)	No. of actions⁵	84	159	173	177	277	273	324	314
	No. of matters	65	128	124	144	212	216	264	249
Total favorable actions negotiated with agencies (reprisal for whistleblowing)	No. of actions	64	112	104	138	233	215	244	236
	No. of matters	50	95	91	114	175	173	209	196
Disciplinary actions negotiated with agencies		6	19	27	23	9	15	16	22
Stays negotiated with agencies		12	27	28	23	62	40	45	47
Stays obtained from MSPB		4	8	5	2	3	7	7	2
Stay extensions obtained from MSPB		1	1	7	0	1	4	10	10
Corrective action petitions filed with the MSPB		1	0	2	0	0	0	0	1
Disciplinary action complaints filed with the MSPB		0	0	0	3	0	0	0	0

Performance Highlights

In FY 2018, OSC has continued to see sustained, elevated levels of new cases, receiving more than 6,000 new matters for the fourth year in a row, a substantial portion of which concerned scheduling and patient care revelations at the VA. While operating with just a modest increase in resources to perform its mission, OSC has skillfully enhanced accountability, integrity, and fairness in the federal workplace.

The more the federal community learns about and gains confidence in OSC, the more employees turn to OSC for assistance and a safe channel to report wrongdoing. The agency’s successes in obtaining corrective action for wronged employees and disciplinary action against those violating merit system principles often receive media attention. OSC also shares information about its achievements via press releases, its website, and social media. In addition, OSC is increasingly gaining the attention of the federal community due to the widespread training OSC conducts under the Section 2302(c) Certification Program. In part as a result of these efforts, OSC is continuing to see elevated case levels.

Furthermore, OSC continues to set records in achieving favorable results. In PPP cases this past year, OSC achieved 314 favorable actions, which is the second most in agency history and a 143 percent increase over the historical average since FY 2001. In FY 2017 and FY 2018, OSC

⁵ The number of actions refers to how many corrective actions are applied to the case; the number of matters consists of how many individuals were involved in the original case.

obtained favorable results in 480 whistleblower retaliation actions, which is 173 percent higher than the same figure from FY 2011 and FY 2012.

Finally, OSC filed three *amicus curiae* briefs to clarify the scope of whistleblower protections for federal employees.

- OSC filed an amicus brief with the U.S. Court of Appeals for the Federal Circuit. The MSPB found that the complainant did not exhaust administrative remedies in his whistleblower retaliation complaint filed with OSC because he provided only vague disclosures and insufficient information. The MSPB also found that the complainant’s prior OSC complaint did not constitute protected activity because it could not affirmatively determine that the prior complaint was made “in accordance with applicable provision of law.” In the brief, OSC first argued that the MSPB conflated exhaustion with the statutory requirements of a protected disclosure. Our brief also argued that the MSPB’s approach transforms a general obligation not to violate the law into a new legal burden on whistleblowers and is inconsistent with MSPB precedent and congressional intent. We are awaiting the court’s decision.
- OSC filed an amicus brief in a petition for review pending before the MSPB. The MSPB found that the complainant’s disclosures were not protected because he was motivated to make them by “interpersonal squabbling” and not by a genuine desire to report wrongdoing. In the brief, OSC argued that the statute clearly states that disclosures cannot be excluded from protection based on a whistleblower’s motive. Since the MSPB’s decision is inconsistent with the statute, OSC asked the MSPB to correct this legal error in its resolution of the case. We are awaiting the MSPB’s decision.
- OSC filed an amicus brief in a petition for review pending before the MSPB. The MSPB found that the complainant did not exhaust administrative remedies in his whistleblower retaliation complaint before OSC because he did not respond to OSC’s pre-determination letter. In the brief, OSC argued that the complainant’s response to OSC’s pre-determination letter is not required to demonstrate exhaustion. We are awaiting the MSPB’s decision.

Subpoenas

OSC’s 2017 reauthorization requires the agency to report on the number of subpoenas issued during the fiscal year. During FY 2018 no subpoenas were issued by OSC.

Subpoenas issued - FY 2018	0
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Re-opened PPP Cases

OSC’s 2017 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 reopened in FY 2018	41
• Status - The previous determination was upheld	15
• Status - No determination yet/case status still open	26

PPP Cases Resolved by an Agreement

Another new requirement of OSC’s 2017 reauthorization is for the agency to provide a list of PPP complaints that were resolved by an agreement between the individual and the agency, organized by agency and agency component.

Total PPP cases resolved by an agreement in FY 2018 (31)	
<u>Agency</u>	<u>Agency Component</u>
Consumer Financial Protection Bureau	NOT IDENTIFIABLE DUE TO PRIVACY RESTRICTIONS
Department of Agriculture	Forest Service
Department of Defense	Defense Logistics Agency
Department of Defense	Defense Health Agency
Department of Defense	Defense Finance and Accounting Service
Department of Homeland Security	Bureau of Customs and Border Protection
Department of Homeland Security	Immigrations and Customs Enforcement
Department of Homeland Security	Transportation Security Administration
Department of Homeland Security	Bureau of Customs and Border Protection
Department of Homeland Security	TSA
Department of Housing and Urban Development OIG	Headquarters
Department of Interior	Bureau of Land Management
Department of Interior	National Park Service
Department of Justice	Bureau of Prisons
Department of Justice	Drug Enforcement Administration
Department of the Army	Department of Pathology
Department of the Army	JBLM CPAC
Department of the Army	NOT IDENTIFIABLE DUE TO PRIVACY RESTRICTIONS
Department of the Army	U.S. Army Aviation Btn.
Department of the Navy	Navy Medicine
Department of Treasury	U.S. Mint
Environmental Protection Agency	Office of Enforcement and Compliance Assurance
Federal Reserve System Board of Governors	Headquarters
Health and Human Services	Indian Health Service
Small Business Administration	Office of Government Contracting and Business Development

Veterans Affairs	Lincoln Fiduciary Hub
Veterans Affairs	Bismarck, ND Vet Center
Veterans Affairs	Roseburg, OR VA Facility
Veterans Affairs	Tomah, WI VA Medical Center
Veterans Affairs	Veterans Housing Administration
Veterans Affairs	Central Texas Veterans Health Care System

Prohibited Personnel Practice Successes

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

Whistleblower Retaliation

- Complainant, the then-Chief of Staff of an agency component, alleged she was retaliated against for reporting the misappropriation of tens of millions of dollars. The complainant’s leadership had authorized her to work remotely abroad with her family and then, following her protected activity, revoked the agreement and threatened her with AWOL if she did not return with several days’ notice. OSC worked with the complainant and the agency to negotiate an agreement to compensate the complainant, among other favorable terms, when she elected to resign.
- Complainant, an environmental officer, alleged that he reported to management and to the OIG that his agency violated environmental laws and regulations in a rush to approve oil drilling in the Arctic Ocean. OSC’s investigation determined a senior official not in the complainant’s supervisory chain requested that he be investigated for unspecified misconduct within hours of learning of the OIG investigation. Based on the investigation, the agency removed him. OSC determined that the removal was based on a retaliatory investigation and petitioned the MSPB for a stay of the removal, which was granted and repeatedly extended. OSC has issued a statutory finding of reprisal and a recommendation to the agency for corrective and disciplinary action.
- Complainants, high level security officials at the Transportation Security Administration (TSA), alleged that after making several safety and security protocol disclosures, the TSA geographically reassigned them. One of the complainants was reassigned twice more, issued a failing evaluation, and informed she would be demoted. She resigned under duress. With OSC’s assistance, the parties entered into an agreement, which included monetary damages of approximately \$1 million combined for all three complainants.
- Complainant, a law enforcement officer, alleged that the agency subjected him to a retaliatory investigation and ended his detail assignment because the agency suspected that he had made protected disclosures to the press. In addition to an earlier corrective action settlement, OSC obtained systemic corrective action to help ensure that the agency’s guidance regarding whistleblower rights is correct and updated. The agency agreed to update its policies, which are posted on its intranet, to clarify that its media release policy does not prohibit employees from making protected disclosures; its anti-discrimination policy also

prohibits retaliation against employees for making protected disclosures; and its policy on reporting violations does not limit where employees can make protected disclosures.

- Complainant, a director of business operations and chief master sergeant (retired), alleged she was retaliated against for reporting a sexual assault against one of her subordinates among other protected activity. The agency issued the complainant a “no contact” order as to the employees, transferred her out of her job, and threatened her with an investigation. OSC obtained a stay of a hiring action after one of the subject officials tried to block the complainant’s selection. OSC investigated, including an on-site visit, and ultimately negotiated a settlement where the complainant was promoted to one of the top ten leadership positions (with 10 percent salary increase) at the facility, and the complainant received compensatory damages and corrected personnel records. The agency also agreed to suspend one subject official for 10 days and reassign him to a non-leadership position. Another subject official, who was in senior management and was accused of the most significant wrongdoing, resigned during OSC’s investigation.
- Complainant, a staff dentist, alleged that the agency initiated an administrative investigation, suspended his clinical privileges, and proposed his removal in retaliation for disclosures he made regarding recordkeeping failures that compromised patient care and treatment outcomes. Following a finding of retaliation by both OSC and an internal investigative body, the agency agreed to rescind the proposed removal; fully restore the complainant’s clinical privileges; and reverse any prior reporting actions to the National Practitioner Data Bank and/or state licensing boards. The agency agreed to propose a removal and a reprimand against the responsible officials.
- OSC received allegations that an agency had an anti-leak poster displayed with a slogan and imagery that may discourage lawful whistleblowing. The allegations also asserted that since the poster was akin to implementing a non-disclosure agreement, the poster needed to mention the language required by 5 U.S.C. § 2302(b)(13). OSC verified that the poster had been removed from the agency’s facilities and would no longer be used in any of facilities or publications. OSC also updated a 2012 memorandum on agency monitoring practices, as well as a 2013 memorandum on non-disclosure agreements, and re-circulated these memoranda to the federal community. In addition, OSC contacted the agency that created the poster, and that agency agreed to remove the poster from circulation. Finally, OSC provided training on the prohibited personnel practices to agency officials.

Improper Selection Practices and Other Violations

- OSC received a referral involving allegations of several possible recruitment violations at an agency. Before the case was referred to OSC, an audit revealed that the agency attempted to use improper criteria to hire only attorneys for six separate non-attorney positions. As agency leaders expressed confusion about how their actions were improper and questions remained about the guidance they received, OSC issued a PPP report to clarify the standards applicable to this type of hiring manipulation. The agency accepted OSC’s findings and agreed to training. OSC published the redacted PPP report in this case to educate the federal community.

- Complainant, a branch head, alleged that his former supervisor influenced him to withdraw from competition for a position at a higher grade level in a different division at the same agency. The supervisor valued the complainant's work and did not want to lose him to the other division. In exchange for the withdrawal, the supervisor promised that, based on the work the complainant was performing, he would promote him. But the complainant was not promoted as promised. OSC issued a PPP report to the agency requesting corrective action. In a settlement agreement, the agency agreed to award the complainant a promotion and provide him with back pay.
- Complainant, an equal employment opportunity (EEO) specialist, alleged that his supervisor granted an unauthorized advantage to a favored applicant to improve the applicant's prospects for selection. OSC determined that the supervisor, a member of an interview panel, actively prepared the applicant for the panel interview by providing the panel's questions and offering sample best answers to advance the applicant's prospects. Because the supervisor accepted responsibility for his actions, OSC approved the agency's 14-day suspension of him.
- Complainant, an officer, alleged discrimination when she was removed from her probationary supervisory position after telling her supervisor she was pregnant. With OSC's assistance, the parties entered into a settlement agreement that included the complainant's voluntary return to a non-supervisory position and a performance award.
- Two complainants alleged that their agency hired and promoted employees without regard to required experience standards. After OSC's investigation, the agency corrected this systemic problem by implementing a new plan to bring all existing employees into compliance with applicable qualification standards and to ensure that job-specific requirements would be satisfied in the future.
- Complainant alleged that the subject official, a GS-15 supervisor, engaged in nepotism when she participated in personnel actions involving family members. At the conclusion of OSC's investigation, the parties agreed that the subject official would move to a non-supervisory GS-14 position and not seek or accept a position involving supervisory duties with the federal government for one year.
- Complainant alleged that she was discharged because her agency concluded she had failed to maintain her nursing license. OSC showed, however, that the licensing state had a grace period and that she renewed her license within the applicable period. Based on OSC's investigation, the agency reinstated the employee, removed derogatory information from its records, paid back pay of approximately \$195,000, reimbursed her for tuition expenses she incurred for training, forgave debts accrued because of the discharge, provided her with orientation training, and issued a letter attesting to her employment status at the facility.
- Complainant, a manager, alleged that a member of the agency's human resources department gave him inaccurate information about his EEO and MSPB appeal rights:

namely, that he could only appeal to one and not both. OSC obtained systemic corrective action wherein the agency agreed to train the relevant human resources division on EEO and MSPB appeal rights.

Stays of Personnel Actions

- Complainants, two deputy assistant directors, alleged that agency officials met with them and asked if they would withdraw from competition for two assistant director positions. After the complainants did not withdraw, the agency re-announced the vacancies with new qualification requirements that the complainants did not possess. OSC sought a formal stay from the MSPB to prevent the agency from moving forward with the hiring actions pending OSC's investigation. The MSPB granted OSC's request and another request to extend the stay. OSC issued a PPP report finding that agency officials improperly asked the complainants to withdraw from competition and recommended the selection of a non-veteran in violation of a veterans' preference requirement. The agency took action consistent with OSC's recommendation; officials were disciplined, and OSC conducted PPP training at the agency. OSC also published the redacted PPP report in this case to educate the federal community.
- Complainant, a utility systems operator and union steward, alleged that his tour of duty was changed in retaliation for assisting a coworker with filing claims and complaints with, among others, OSHA, the Department of Labor, and the OIG against their supervisor. OSC filed a formal stay with the MSPB to stay the change in the complainant's tour of duty. The MSPB granted OSC's request and another request to extend the stay.
- Complainant alleged that after she reported that management secretly allowed a single employee to complete mandatory on-line training for others and falsified training records, she was subjected to a hostile work environment and eventually fired. OSC obtained a formal stay from the MSPB to return the employee to work. The agency later agreed to stay the termination indefinitely until it completed an internal investigation of the training irregularities. The agency eventually provided back pay to the complainant for lost wages and removed documentation of the termination from her personnel file.
- Complainant alleged that he was removed during his probationary period after disclosing to OSHA inadequate fall-protection measures and non-compliance with OSHA's reporting requirements at the agency where he worked. The complainant told OSHA in one case that an employee was hospitalized after suffering an unreported fall. OSC obtained a formal stay from the MSPB that helped the employee avoid the foreclosure of his home.
- Complainant, a physician, alleged that he was terminated during his probationary period in retaliation for reporting patient care concerns to management and the OIG. OSC obtained a formal stay from the MSPB of the termination and obtained extensions of the formal stay while OSC completed its investigation.
- Complainant alleged that she reported an agency official to management and to the OIG for suspected theft. OSC's investigation determined that the official demoted the complainant to

the lowest position available in retaliation for her disclosures. OSC obtained a formal stay of the complainant's demotion from the MSPB. The agency ultimately agreed to provide the complainant with full corrective action including reinstatement, back pay, and compensatory damages. Based on OSC's investigation and PPP report, the agency decided to suspend the agency official for 14 days and reassign her. In lieu of accepting the discipline, the official resigned from service.

- Complainant, a law enforcement officer, alleged the agency suspended his law enforcement authority and proposed his removal in retaliation for emails to high-level officials disclosing alleged mismanagement and waste. The proposed removal cites the complainant's inability to maintain a government credit card—a requirement for his position—but the agency appears to have some discretion regarding how to deal with such situations. OSC obtained an informal stay of the proposed removal while it investigates the matter.
- Complainant, an assistant chief of human resources, alleged that the agency proposed her removal in retaliation for disclosing that the chief financial officer and other high-level officials repeatedly pressured her to qualify the chief financial officer's husband for a position. OSC obtained an informal stay of the proposed removal and a new supervisor for the complainant.
- Complainant, a senior scientist, alleged that agency management attempted to discredit and suppress his research in response to pressure from industry lobbying efforts and a pending lawsuit. Several weeks after he filed an internal scientific integrity complaint, management advised him that he would lose the supervisory role he held for approximately 14 years. OSC obtained an informal stay of the reassignment pending the conclusion of the investigation. The agency also agreed to further investigate the complainant's disclosure that management took actions to improperly influence his research.

Mediation Successes

Mediation reduces the amount of time and money 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:

- Complainant, a law enforcement officer, alleged retaliation for disclosing investigative improprieties and unethical, unprofessional, and inappropriate behavior by agency law enforcement officers. Through mediation, the parties agreed to a lateral transfer to a position in a mutually-agreeable location, with paid moving expenses. The agency also agreed to raise the complainant's performance rating, provide OSC-led whistleblower training to supervisors, pay a lump sum, and provide training appropriate to the complainant's new position. Additionally, the mediation session provided an opportunity for the complainant and the agency to rebuild trust and create a more positive dynamic for the future.
- Complainant, a medical professional in an intern program, refused to record what she considered to be false inventory numbers as directed by her supervisor. Thereafter, she claims, her supervisor substantially changed her duties and eventually terminated her during

her probationary period. Complainant and agency officials worked with OSC mediators to reinstate the complainant into the intern program in a location acceptable to her. The agency also provided back pay and a monetary payment to assist with relocation and miscellaneous expenses.

- A senior employee disclosed improper hiring practices to senior management. As a result, she alleges, the agency removed her supervisory responsibilities, lowered her performance evaluation, denied her permission to telework, and significantly changed her duties. Through mediation, the agency and complainant agreed upon a new position for her. The agency also raised the complainant’s performance rating and restored the leave that she took during the alleged retaliatory period.
- Complainant, a trade worker, alleged he was retaliated against for whistleblowing on OSHA violations, when his supervisor assigned him tasks he could not perform due to his disability. With OSC’s help, the parties agreed to a settlement that included cooperation with the complainant’s application for a disability retirement, agreement to refrain from making disparaging or adverse comments pertaining to the complainant, and a monetary payment for compensatory damages.
- An agency revoked the complainant’s job offer when it learned that she was a debtor in a Chapter 13 bankruptcy process, indicating she should re-apply after her bankruptcy was complete. OSC helped both parties communicate and review federal law that prohibits discrimination against debtors based on their status as a debtor in a federal bankruptcy proceeding. The agency again offered the position to the complainant and agreed to destroy earlier records indicating she was previously denied the position.

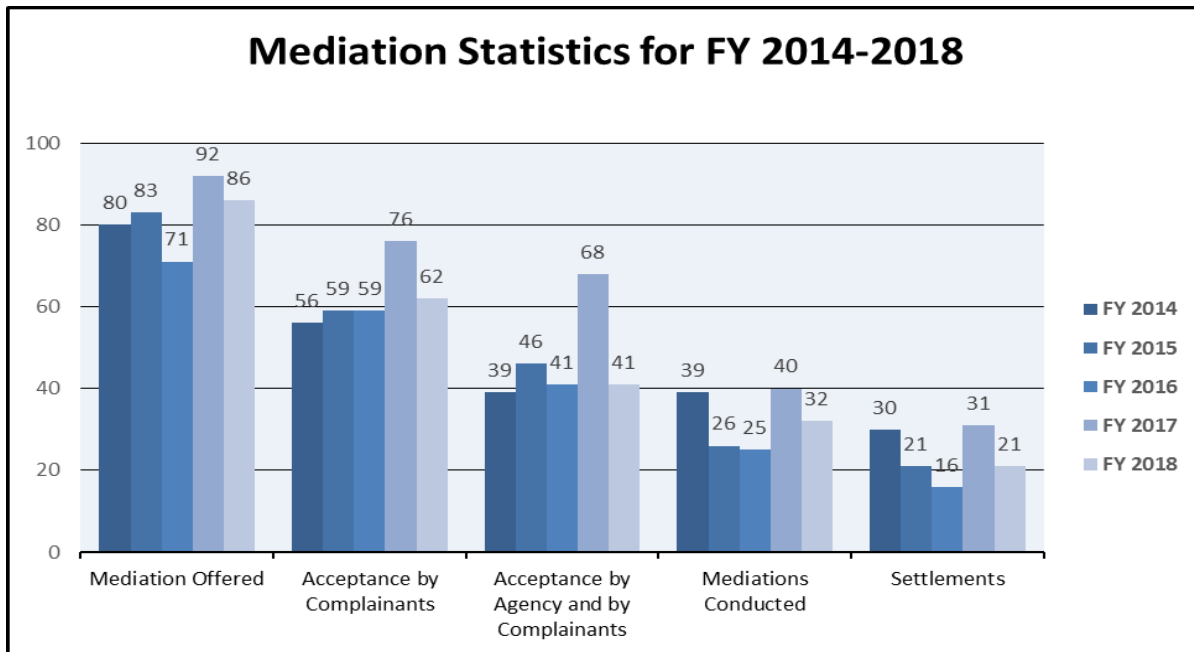


Table 4 – ADR Program Activity – Mediation of Prohibited Personnel Practice Complaints					
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Number of cases in which mediation offered after referral from CEU, IPD, RDU, and USERRA⁶	80	83	71	92	86
Mediation offers accepted by complainants	56	59	59	76	62
Mediation offers accepted by agencies and by complainants	39	46	41	68	41
Number of mediations conducted by OSC⁷	39	26	25	40	32
Number of mediations withdrawn by either OSC or the agency after acceptance	8	13	18	30	11
Number of mediations withdrawn after at least one mediation session	1	0	3	3	3
Number of completed mediations	38	26	22	37	29
Number of completed mediations that yielded settlement	30	21	16	31	21
Percentage of completed mediations that resulted in settlement⁸	79%	81%	73%	84%	72%
Cases in process⁹ - carryover from previous FY	10	12	17	18	20
Carryover to next FY – in process	12	17	18	20	19
Carryover to next FY – offer pending¹⁰	4	2	3	1	1
Carryover to next FY – pending review	10	0	1	10	1

⁶ Category includes complaints settled through mediation by OSC (including “reverse-referrals”- *i.e.*, cases referred back to ADR program staff by IPD after investigation had begun, due to the apparent potential for a mediated resolution). Category also includes complaints that entered the initial OSC mediation process and were then resolved by withdrawal of the complaint or through mediation by an agency other than OSC.

⁷ Includes cases completed or withdrawn after at least one mediation session.

⁸ Starting in FY 2012, we no longer counted withdrawn cases as part of the number of mediations conducted by OSC when calculating the percentage of successful mediations.

⁹ “In process” means parties have agreed to mediate and the mediation process is ongoing.

¹⁰ Cases in which OSC will be or is in the process of offering mediation to the parties.

PART 4 – WHISTLEBLOWER DISCLOSURES

Overview

OSC provides a safe and secure channel for whistleblowers, who are often in the best position to detect wrongdoing on the job and 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.

Over the last few years, OSC has handled record numbers of disclosures from federal whistleblowers. OSC received over 3,300 whistleblower disclosures in FY 2017 and FY 2018 combined. In FY 2018 specifically, OSC sent 41 whistleblower disclosure reports to the President and Congress. Agencies substantiated wrongdoing in 36 of those cases.

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 catastrophic harm to the public and huge remedial and liability costs for the government.

Disclosure Successes

OSC is authorized to refer whistleblower disclosures of wrongdoing in five areas: (1) violations of a law, rule, or regulation; (2) gross mismanagement; (3) gross waste of funds; (4) abuse of authority; and (5) substantial and specific danger to public health or safety. The following are examples of OSC successes in FY 2018 involving whistleblower disclosures:

- OSC referred to the Secretary of the Navy allegations that employees of the Naval Seas Systems Command, Port Hueneme, California, grossly mismanaged the inventory of the facility's operating materials and supplies (OM&S). The whistleblower disclosed that Port Hueneme employees failed to properly maintain and record inventory over a number of years and that classified inventory items were not identified and stored in a secure manner in accordance with Department of Defense and Navy regulations. The whistleblower also alleged that management failed to properly respond to and remedy these inventory shortcomings and that these failures resulted in a loss of over \$20 million to the Navy and resulted in readiness issues for Navy ships requesting parts. The agency report substantiated three of the four allegations. Specifically, the agency found that employees failed to properly maintain and record OM&S inventory over a number of years, resulting in more than \$32,250,000 of unaccounted for material, in violation of Navy Instructions. The agency also substantiated that employees failed to properly identify and store classified material in violation of Department of Defense Manual 4140.01, and failed to properly investigate instances in which classified and Level 1/Submarine Safety inventory items were identified as unaccounted for, in violation of Navy Manual 5510.36. The Navy transferred responsibility for management of the warehouse and installed appropriate areas for storing classified and SubSafe material. The Navy also relocated all classified material and is drafting specific guidance regarding classified materials.

- OSC referred to the Secretary of the Army a disclosure alleging that Army leadership at Redstone Arsenal, Alabama, and Washington, D.C. failed to employ available state-of-the-art oil analysis technology on T700 aircraft engines, resulting in significant costs to the agency. The whistleblower disclosed that Army leadership failed to direct aircraft program managers to use test processes offered by the Army Oil Analysis Program (AOAP) despite Army policies requiring participation and that the failure to employ AOAP resources resulted in the gross waste of approximately \$95 million annually and prevented AOAP from fully meeting its mission objectives. The Army partially substantiated the allegations. The Army determined that the T700 engine is not subject to the requirement to use AOAP processes because it has a high-performance engine oil filter and other components that permit an accurate assessment of required maintenance. However, the Army investigation determined the T700 was never formally exempted from AOAP. The Army initiated corrective actions to complete an administrative exemption. The Army further determined that the costs of leadership's refusal to enroll the T700 in AOAP were significantly lower than the amount alleged, finding expenses between \$1.5 million and \$6.9 million. Regardless of the dollar amounts, the Army averred that costs could not be characterized as a gross waste of funds because the associated engine maintenance was intended to ensure personnel and aircraft safety. The Army acknowledged a professional disagreement between T700 and AOAP leadership regarding the efficacy of AOAP's proposed pilot program to test state-of-the-art analysis technology. Nevertheless, the Army began a reassessment of AOAP's proposal to ensure that the Army is taking advantage of the best available technology.
- OSC referred to the Secretary of Veterans Affairs (VA) allegations that employees of the Durham VA Medical Center (Durham VAMC), Durham, North Carolina, that Durham VAMC employees handled medical and information technology (IT) equipment turn-ins improperly, purchased and stored unused computer equipment, and violated VHA food storage policy. The whistleblower disclosed that Durham VAMC Logistics employees failed to properly account for approximately 900 equipment turn-ins and failed to properly document turn-ins on bills of lading and that Logistics management directed employees to fabricate final dispositions for the turn-ins in order to close them out. The whistleblower also alleged that Veterans Integrated Service Network (VISN) employees directed facility employees to request turn-ins for equipment they did not intend to turn in, in order to manipulate budget options. The whistleblower further alleged that, in 2014, the Durham VAMC spent approximately \$385,000 to purchase computer equipment that was never used, along with other unused equipment; and that the facility stored and distributed to patients long-expired bottled water in violation of VHA Handbook 1109.04. The VA substantiated the allegation that in 2014, the Durham VAMC purchased approximately \$385,000 of anesthesia computer equipment and approximately \$1 million in new, unboxed equipment, including vital signs machines, a sterilizer, dental chairs, a dental sink, and cabinets. The agency recommended that the facility develop an immediate action plan to put all new, unused equipment to use within the facility, or to reutilize it at another VA facility. The agency further recommended that the local VISN improve its processes to ensure that purchasing facilities have a valid need for equipment procurements and are capable of using the equipment for patient care. The agency also substantiated that the Durham VAMC stored and distributed bottled water that expired in September 2010, in violation of agency policy. Based on these findings, the agency recommended that the facility immediately dispose of

the expired water and ensure compliance with relevant agency policy in the future. The report found the Chief Logistics Officer (CLO) responsible for the shortcomings and took appropriate action. While the agency did not substantiate allegations regarding equipment turn-ins, the report acknowledged management shortcomings within the Logistics Department.

- OSC referred to the Secretary of the VA a disclosure alleging employee wrongdoing at the Bedford VA Medical Center (Bedford VAMC), Bedford, Massachusetts. The whistleblower disclosed that employees engaged in widespread and serious misconduct in the purchase and acquisition of landscaping and building materials. He asserted that purchasing agents made suspicious, frequent, and significant purchase orders for landscaping materials, such as rock salt, mulch, and crushed stone, and that the majority of these orders were never delivered to the facility, despite payment. The whistleblower contended that these purchases and payments were part of a kickback arrangement, whereby purchase orders to local companies were made in exchange for pecuniary benefits to VA employees. The investigation largely substantiated the whistleblower's allegations, finding that at the direction of the former-Bedford VAMC Maintenance and Grounds Supervisor, the unit purchased in excess of \$200,000 for snow removal and grounds keeping materials from Earth Creations Landscaping, a company owned by his son. The daughter of the Bedford VAMC Maintenance and Grounds Supervisor was also a VA employee and was directly involved in purchase orders made to Earth Creations Landscaping, as a temporary purchase card holder. The investigation determined this was a violation of VA and government ethics regulations. See 18 U.S.C. § 208 and 5 C.F.R. § 2635. The investigation found that since FY 2011, at the direction of the supervisor, Maintenance and Grounds purchasing agents ordered over \$750,000 in landscaping materials in a manner that violated VA and government-wide acquisition integrity policies. During the investigation, the supervisor's daughter provided inaccurate statements to federal special agents concerning this conduct. During a 2016 interview with criminal investigators, she claimed that she was unaware that Earth Creations Landscaping was owned by her brother and noted that she had never discussed the company with family members. She explained that she first learned of this association after seeing an Earth Creations truck parked at a residence hosting a family party in either 2012 or 2013. Subsequently discovered email communications determined that despite her statements to agents, she corresponded via email with family members about the VA making payments to Earth Creations as early as May 2011. Investigators provided evidence to the VA OIG for criminal investigation in the summer of 2015, and the matter was presented by the VA OIG to the U.S. Attorney for the District of Massachusetts, who declined prosecution in August of 2017. After the criminal component of this matter concluded, the VA proposed disciplinary action in October 2017, charging the supervisor's daughter with lack of candor and conduct unbecoming of a VA employee, and demoted her from a GS-12 to a GS-11. The Special Counsel determined that while the reports meet the statutory requirements and the investigatory findings appeared reasonable, the agency's response to the findings and employee misconduct did not appear reasonable.
- OSC referred to the Secretary of the VA disclosures submitted by four whistleblowers on wrongdoing at the VA Medical Center Manchester (VAMC Manchester), Manchester, New Hampshire. The whistleblowers disclosed that a large number of VAMC Manchester patients

developed serious spinal cord disease as a result of clinical neglect at the VA; that the former Chief of the Spinal Cord Unit improperly copied and pasted patient chart notes for over 10 years; and that VAMC Manchester's operating room has repeatedly been infested with flies. VA investigators found that in FY 2015 and FY 2016, 11 consult appointments, or 20 percent of appointments, were not made in the required time, and in more than half of these instances there was no documented reason for the delay. In spite of these findings, VA Investigators were "unable to substantiate" that the referral process from VAMC Manchester to the Boston SCI/D Center created undue delays in care. Regarding a patient who died from surgical complications, the VA noted it was "unclear" if the surgery contributed to his disease progression but later concluded that his care was appropriate. Nevertheless, the VA stated that the treatment of this patient, as well as six others, would be reviewed by an independent, non-VA external reviewer, raising questions regarding the sufficiency in the initial review of this information. The report first acknowledged that the former Chief of the Spinal Cord Unit inappropriately copied and pasted chart notes between 2008 and 2012 but asserted that no harm resulted because associated patient records did not contain any indicia of adverse patient outcomes. The report subsequently acknowledged that investigators only reviewed his charts from a limited time period yet claimed they had sufficient information to broadly conclude that no patients were harmed. The Special Counsel determined these findings did not appear reasonable and took issue with the VA's response to these allegations when they were featured in a Boston Globe article, noting that the VA did not initiate substantive changes to resolve identified issues until over seven months had elapsed and only focused on these matters after widespread public attention.

- OSC referred to the Secretary of Agriculture a disclosure alleging wrongdoing at the Animal and Plant Health Inspection Service (APHIS), Riverdale, Maryland. The whistleblower disclosed that APHIS personnel improperly exposed Department of Homeland Security (DHS), U.S. Customs and Border Patrol (CBP) horses to toxic chemical sprays. The whistleblower, manager of the CBP Horse Patrol Program, learned that several CBP horses patrolling the U.S. border in western Texas began to exhibit serious health problems. The patrolled area serves as a tick quarantine zone, with APHIS personnel providing chemical treatments for all livestock who enter the area. As a result, APHIS mandated that all CBP horses patrolling the zone undergo a spray-cycle of an organophosphate compound known as Co-Ral. The whistleblower worked with several veterinarians to identify the cause of the CBP horses' symptoms. Ultimately, he received a diagnosis of organophosphate poisoning from a private veterinarian and immediately stopped the spray of the CBP horses. APHIS personnel authorized an interim treatment program, allowing the CBP to temporarily switch to an alternative chemical; nevertheless, the whistleblower asserted that APHIS personnel failed to provide CBP with the Material Safety Data Sheet (MSDS) of the Co-Ral spray solutions and other pertinent information. He also disclosed that APHIS personnel did not provide the CBP agents with personal protective equipment (PPE) when they were required to physically restrain the horses during the Co-Ral spray cycles. USDA did not substantiate the whistleblower's allegation that APHIS engaged in misconduct by spraying CBP horses with Co-Ral. The report found that while the CBP horses' symptoms could be associated with organophosphate toxicity caused by Co-Ral, other causes could not be ruled out. Due to substantial technical and scientific disagreement, the evidence was insufficient to find that APHIS personnel engaged in gross misconduct in applying the Co-Ral spray. However,

USDA did find that APHIS personnel were not fully cooperative and forthcoming with CBP personnel. The report also substantiated the allegation that APHIS personnel did not direct CBP personnel to take proper precautions when handling horses treated with Co-Ral. While neither APHIS nor CBP personnel were found to have suffered any ill effects from Co-Ral exposure, USDA determined that all personnel should have been using PPE or taking other appropriate precautions. In response, the agency implemented several corrective actions. USDA required that APHIS personnel reach an amicable solution with CBP personnel for future tick treatment of CBP horses; the agency confirmed that APHIS personnel will use permethrin, a less potent chemical solution, to treat the CBP horses moving forward. APHIS also provided the MSDS of the Co-Ral chemical spray and all requested information to CBP. Finally, USDA established requirements for all personnel present during any application of chemicals on CBP horses, including implementation of standard operating procedures and the use of PPE. The Special Counsel also commended the USDA Secretary for a prompt and thorough response and his recognition that both DHS and USDA must work together to protect public safety.

- OSC referred to the Secretary of the Army allegations that the DoD and Army Office of the Provost Marshal General in Washington, D.C. implemented policies that appeared to violate federal law. Specifically, the whistleblower alleged DoD instructions allowed components to implement instructions that improperly imposed additional criteria on qualified law enforcement officer status, a designation explicitly defined by the Amended Law Enforcement Officers Safety Act of 2004 (LEOSA). See 18 U.S.C. § 926B. The whistleblower further asserted that an Army Directive (the Directive) created an additional requirement that appeared to violate LEOSA. DoD's investigation substantiated that the Directive violated LEOSA. The report noted that, while well-intentioned, the Directive improperly imposed additional restrictions on Army law enforcement officers to obtain "qualified law enforcement officer status." The agency confirmed that the addition of the experience requirement violated LEOSA, which does not contemplate additional restrictions on eligibility beyond those enumerated in the statute. The investigation did not substantiate the allegation that DoD instructions improperly granted components the authority to impose additional criteria. In response, DoD is rewriting its policy to clarify conditions under which DoD components may supplement department-wide instructions. The Secretary of Defense directed the Army to revise the Directive to remove the impermissible LEOSA eligibility criteria. DoD is also reviewing the LEOSA policies of all DoD components.
- OSC referred a whistleblower's disclosure that an Environmental Protection Agency (EPA) regional office had failed to conduct proper lead-based paint inspections as required by law. The EPA OIG investigated and largely substantiated the whistleblower's disclosures. The EPA agreed to multiple systemic improvements, including forming an annual national audit program to increase oversight and accountability; hiring new staff; and issuing national policy guidance to reinforce and importance of checking for women and children occupants at lead-exposed renovation sites—a central thrust of the EPA's mandate.

Table 5, below, contains FY 2018 summary data (with comparative data for the seven previous fiscal years) on the receipt and disposition of whistleblower disclosure cases.

TABLE 5 – Summary of Whistleblower Disclosure Activity – Receipts and Dispositions¹¹

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	
Pending disclosures carried over from prior fiscal year	83	132	225	193	433	449	497	493	
New disclosures received	928	1,148	1,129	1,554	1,965	1,717	1,781	1,559	
Total disclosures	1,011	1,280	1,354	1,747	2,398	2,166	2,278	2,052	
Disclosures referred to agency heads for investigation and report	47	39	51	92	62	40	59	139	
Referrals to agency IGs	5	6	2	0	0	0	1	0	
Agency head reports sent to President and Congress	22	36	54	26	72	78	66	41	
Results of agency investigations and reports	Disclosures substantiated in whole or in part	21	31	49	25	63	68	50	36
	Disclosures unsubstantiated	1	5	5	1	9	10	15	5
Disclosure processing times	Within 15 days	555	583	575	731	830	654	733	
	Over 15 days	315	470	585	584	1,117	1,015	1,056	
	Within 45 days¹²								968
	Over 45 days								656
Percentage of disclosures processed within 15 days	63%	55%	49%	55%	42%	39%	40%		
Percentage of disclosures processed within 45 days								59%	
Disclosures processed and closed	870	1,053	1,160	1,315	1,947	1,669	1,789	1,624	

¹¹ Many disclosures contain more than one type of allegation. This table, however, records each whistleblower disclosure as a single matter, even if multiple allegations were included.

¹² The FY 2018 National Defense Authorization Act altered disclosure processing time standards from 15 to 45 days. OSC will use 45 days as a metric beginning in FY 2018.

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 responded to over 1,100 requests for advisory opinions, issued 49 warning letters, and obtained ten corrective actions and six disciplinary actions, either by negotiation or MSPB orders. OSC also fulfilled 100 percent of training requests it received from other government agencies to educate their personnel in order to help them avoid violations.

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, as well as some state and local government employees; the public at large; and the news media. The HAU advises individuals on whether they are covered by the Hatch Act and whether their political activities are permitted. In FY 2018, OSC responded to 1,155 requests for advisory opinions under the Hatch Act, including 46 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:

- OSC filed a complaint with the MSPB against a VA doctor alleging that he violated the Hatch Act when he ran as an independent candidate in the 2014 partisan election for the U.S. Senate (Tennessee) and promoted his candidacy by distributing business cards featuring the VA's official seal and touting his campaign video, which included a testimonial from a patient he had treated at the VA. The complaint also alleged that the doctor encouraged several VA colleagues and at least one patient to watch his campaign video; solicited campaign contributions both online and in person; and invited at least one patient to a campaign event. The case is pending before the MSPB.
- OSC filed a complaint with the MSPB against a U.S. Department of Justice Immigration Judge alleging that she violated the Hatch Act when she promoted then-presidential candidate Hillary Clinton's plan for immigration reform and advocated against the Republican Party's immigration plans during a deportation hearing over which the judge was presiding. The case is pending before the MSPB.
- OSC entered into a settlement agreement with a U.S. Postal Service (USPS) employee who violated the Hatch Act by making at least 116 partisan political Facebook postings while on duty. Nearly all the employee's actions were in the form of a "share" posting from pro-Bernie Sanders, anti-Hillary Clinton, or anti-Donald Trump Facebook accounts. The employee also wore in and out of work for at least a week a USPS-logoed cardigan sweater

with a Bernie Sanders campaign sticker on it and draped the cardigan on the back of a work chair, where it was visible to others. USPS had provided the employee with information and training about the Hatch Act prior to these violations. As disciplinary action for her violations, the employee agreed to accept a 50-day suspension without pay.

- OSC entered into a settlement agreement with a U.S. Coast Guard employee who violated the Hatch Act by posting numerous partisan political messages on Facebook while on duty or in the workplace. Several of her Facebook “friends” were subordinate employees. The employee knew about the Hatch Act’s prohibitions when she posted the messages; in fact, she earlier had consulted OSC about the prohibition against engaging in political activity on duty. As disciplinary action for her violations, she agreed to serve a 10-day suspension without pay.
- OSC entered into a settlement agreement with an Immigration and Customs Enforcement employee who while at work posted more than 100 partisan political messages to Facebook and Twitter that supported then-presidential candidate Hillary Clinton and/or opposed then-presidential candidate Donald Trump. The employee had significant knowledge of the Hatch Act and had even previously accused a coworker of violating the Act. The employee continued to engage in prohibited political activity despite knowing that she was under investigation. As disciplinary action for her violations, the employee agreed to resign her federal employment and accepted a five-year debarment from returning to federal service.
- In March 2018, OSC sent an investigative report to President Donald Trump finding that Counselor to the President, Kellyanne Conway, violated the Hatch Act during two television interviews in which she appeared in her official capacity. In the first interview, Conway advocated against one Senate candidate and gave an implied endorsement of another candidate. In the second interview, she advocated for the defeat of one Senate candidate and the election of another candidate. Both instances constituted prohibited political activity and occurred after Conway received significant training on Hatch Act prohibitions. OSC sent a report to the President because some presidentially appointed White House employees, such as Conway, fall under the President’s authority to discipline for Hatch Act violations.

Table 6, below, contains FY 2018 summary data (with comparative data for the seven previous fiscal years) on OSC’s Hatch Act enforcement activities.

TABLE 6 – Summary of Hatch Act Complaint and Advisory Opinion Activity								
	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Formal written advisory opinion requests received	283	257	107	64	64	45	26	52
Formal written advisory opinions issued	335	262	129	60	60	43	24	46
Total advisory opinions issued¹³	3,110	3,448	1,767	1,382	1,023	1,641	1,325	1,155

¹³ All oral, e-mail, and written advisory opinions issued by OSC.

New complaints received¹⁴	451	503	277	151	106	197	253	263	
Complaints processed and closed	635	449	465	182	131	98	234	286	
Warning letters issued	164	142	150	44	28	21	37	49	
Corrective actions taken by cure letter recipients	Withdrawal from partisan races	23	5	5	7	8	4	6	5
	Resignation from covered employment	16	2	2	0	3	1	2	2
	Other	5	4	4	1	0	5	2	3
	Total	44	11	11	8	11	10	10	10
Disciplinary action complaints filed with MSPB	3	0	2	1	2	3	0	2	
Disciplinary actions obtained (by negotiation or ordered by MSPB)	5	4	7	15	9	5	4	6	
Complaints pending at end of fiscal year	233	286	96	65	40	139	156	133	

¹⁴ Includes cases that were reopened.

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 referrals of USERRA cases for prosecution from the Department of Labor, which investigates these cases. OSC received 25 new cases in FY 2018 and negotiated corrective actions for two complainants. OSC also provided technical assistance to both the Department of Defense and the Peace Corps in modifying incompatible USERRA-related regulations. One case involving litigation was pending at the end of the fiscal year.

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 case resolutions:

- OSC filed a USERRA appeal with the MSPB on behalf of a U.S. Postal Service (USPS) letter carrier and retired Lieutenant Colonel with the Air National Guard. After the terror attacks of September 11, 2001, the employee served in the military continuously for approximately 14 years, but most of his service was exempt from USERRA’s “five-year limit” for reemployment rights because it was in support of the Global War on Terror. After his orders ended and he requested reemployment, USPS refused to reemploy him, asserting that he “abandoned” his civilian job in favor of a military career. OSC argues that because the employee satisfied all statutory requirements, he is entitled to reemployment under USERRA. The Administrative law judge ruled in favor of the veteran and ordered his interim reinstatement. To date, the Postal Service has refused to do so, and the case is pending before the MSPB.
- A civilian Navy employee stationed in Singapore requested to use paid “home leave” he had accrued to perform Air Force Reserve duty in the domestic U.S. from June to September 2017. After the Navy denied his request, he was forced to use other types of leave to cover his duty. He filed a USERRA complaint with DOL, which investigated and attempted to resolve his claim. When the Navy refused to provide him any relief, he requested that DOL refer his claim to OSC. After OSC contacted the Navy and explained why its refusal potentially violated USERRA, it agreed to retroactively award him the “home leave” he requested and to adjust his pay records accordingly.
- A U.S. Army Corps of Engineers park ranger in Pittsburgh, Pennsylvania, was deployed to Iraq with the Army Reserve for almost three years. When he returned to work, he found that many of his peers had been reclassified to new positions and/or promoted during his absence, but the agency refused to do the same for him for two more years. After receiving his USERRA complaint from DOL, OSC negotiated an agreement whereby he received a lump sum payment approximating what he would have received had he been reclassified and promoted upon his return from military duty.

- A Federal Emergency Management Agency (FEMA) employee deployed with the Navy Reserve for almost one year continued to be charged premiums for federal employee health insurance, even though she had elected military healthcare coverage. After she was unable to resolve the issue on her own, she filed a USERRA complaint with DOL, which referred it to OSC. At OSC’s request, FEMA agreed to fully reimburse her for the mischarged premiums.

Table 7, below, contains FY 2018 summary data with comparative data and disposition of USERRA referral cases

TABLE 7 – Summary of USERRA Referral and Litigation Activity¹⁵								
	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Pending referrals carried over from prior fiscal year	12	17	11	6	7	4	5	3
New referrals received from VETS during fiscal year	36	24	7	14	18	16	17	25
Referrals closed	31	30	12	13	21	15	19	22
Referrals closed with corrective action	2	4	2	2	2	0	3	2
Referrals closed with no corrective action	29	26	10	11	19	15	16	20
Referrals pending at end of fiscal year	17	11	6	7	4	5	3	6
Litigation cases carried over from prior fiscal year	1	0	0	0	0	0	0	0
Litigation cases closed	1	0	0	0	0	0	0	0
Litigation closed with corrective action	1	0	0	0	0	0	0	0
Litigation closed with no corrective action	0	0	0	0	0	0	0	0
Litigation pending at end of fiscal year	0	0	0	0	0	0	0	1

¹⁵ This table has been reorganized with some categories and figures changed from prior reports to correct discrepancies and more clearly present relevant information.

PART 7 – DIVERSITY, OUTREACH & TRAINING

Diversity, Outreach, and Training Program

OSC's outreach and education program assists agencies in meeting the statutory mandate of 5 U.S.C. § 2302(c) and separately provides training to federal entities and stakeholders in each of the areas within OSC's jurisdiction: PPPs under the Civil Service Reform Act, the Hatch Act, whistleblower disclosures, and USERRA. OSC designed and created a five-step educational program, the 2302(c) Certification Program, in FY 2002. This program gives guidance to agencies and provides easy-to-use methods and training resources to assist agencies in fulfilling their statutory obligation, including an online training quiz. The 2302(c) Certification Program was reinvigorated in 2014 primarily based on the new obligation that required all federal agencies to develop a plan for completing OSC's 2302(c) Certification Program.

One of the primary goals of OSC's 2302(c) Certification Program is 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. Another primary goal of the program is training supervisors to prevent violations of the statutes. Agencies that complete the program receive a certificate of compliance from OSC. Currently, 150 agencies and agency components are either certified or registered for certification. As noted above, OSC also conducts formal and informal training/outreach presentations to educate the federal workforce in each of the areas within OSC's jurisdiction, as well as train supervisors on their particular obligations under the relevant statutes. OSC conducted **120** training presentations in FY 2017 followed by **198** presentations in FY 2018.

In late 2017, two statutes were signed into law that highlighted the importance of the Certification Program: the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 and OSC's Reauthorization Act, part of the National Defense Authorization Act of Fiscal Year 2018. These statutes, in part, imposed new education requirements on agencies. OSC drafted new information sheets and posters and continues to answer questions and provide guidance to the federal sector in order to assist agencies with meeting the new requirements.

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 billions of taxpayer dollars as well as hold managers accountable for wrongdoing.

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

Annual Survey Program

Each year, OSC surveys people who have contacted the agency for assistance during the previous fiscal year.¹⁶

The prohibited personnel practice, disclosure, and USERRA surveys sought the following information: (1) whether the respondent was fully apprised of their rights; (2) if their claim was successful at OSC or at the MSPB; and (3) successful or not, if they were satisfied with the service received from OSC.

In FY 2017, the reauthorization language required OSC to stop work on the current survey effort in order to focus on the creation of a pilot for the new survey. OSC has assembled a working group in order to achieve this task.

¹⁶ Pursuant to 5 U.S.C. § 1212 *note*.

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 electronically with OSC (<https://osc.gov/Services/Pages/PPP-FileComplaint.aspx>). 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.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) 872-9855
(202) 804-7000

A disclosure can be filed electronically with OSC (<https://osc.gov/Services/Pages/DU-FileClaim.aspx>). 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.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
Email: hatchact@osc.gov

A Hatch Act complaint can be filed electronically with OSC (<https://osc.gov/Services/Pages/HatchAct-FileComplaint.aspx>). 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.pdf>) and can be filled out online, printed, and mailed or faxed to the address above.

USERRA

A USERRA complaint can be filed electronically with OSC (<https://osc.gov/Services/Pages/USERRA-FileComplaint.aspx>). The OSC website has additional information about USERRA, including a link to the complaint form issued by VETS for use by claimants. Questions not answered on the web site about OSC's role in enforcing the act may be directed to:

Telephone: (202) 804-7022

Email: userra@osc.gov

Diversity, Outreach & Training 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 diversity, outreach, and training 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

2018 OSC FEVS Core Survey Results

OSC’s reauthorization in the 2017 National Defense Authorization Act required OSC to publish the results of its Federal Employee Viewpoint Survey (FEVS) in the Annual Report.

Question 1; N=90						
*I am given a real opportunity to improve my skills in my organization.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
61.7%	24.6%	37.0%	15.8%	12.0%	10.4%	22.5%

Note- “N” is the number of respondents to the question

Question 2; N=90						
I have enough information to do my job well.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
66.4%	26.0%	40.3%	15.9%	8.8%	8.9%	17.7%

Question 3; N=90						
I feel encouraged to come up with new and better ways of doing things.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
65.0%	28.7%	36.2%	12.0%	9.1%	13.9%	23.1%

Question 4; N=90						
My work gives me a feeling of personal accomplishment.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
74.7%	36.0%	38.7%	11.7%	5.6%	8.0%	13.6%

Question 5; N=90						
I like the kind of work I do.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
76.8%	38.7%	38.1%	18.5%	0.0%	4.6%	4.6%

Question 6; N=90						
I know what is expected of me on the job.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
81.0%	34.0%	47.1%	7.3%	6.0%	5.6%	11.7%

Question 7; N=89						
When needed I am willing to put in the extra effort to get a job done.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
92.3%	67.8%	24.5%	4.2%	0.0%	3.5%	3.5%

Question 8; N=90						
I am constantly looking for ways to do my job better.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
85.6%	50.9%	34.7%	9.8%	2.2%	2.4%	4.6%

Question 9; N=89						
I have sufficient resources (for example, people, materials, budget) to get my job done.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
34.7%	7.1%	27.6%	14.6%	30.6%	20.1%	50.7%

Question 10; N=89						
*My workload is reasonable.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
34.5%	10.3%	24.2%	14.5%	30.1%	21.0%	51.1%

Question 11; N=89						
*My talents are used well in the workplace.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
57.6%	17.4%	40.2%	15.7%	10.9%	15.8%	26.7%

Question 12; N=89						
*I know how my work relates to the agency's goals.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
87.2%	43.0%	44.2%	4.5%	3.8%	4.5%	8.3%

Question 13; N=89						
The work I do is important.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
94.8%	60.8%	34.0%	2.3%	0.0%	2.9%	2.9%

Question 14; N=90						
Physical conditions (for example, noise level, temperature, lighting, cleanliness in the workplace) allow employees to perform their jobs well.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
78.9%	31.4%	47.4%	5.4%	12.3%	3.4%	15.8%

Question 15; N=89						
My performance appraisal is a fair reflection of my performance.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
75.3%	41.5%	33.8%	11.5%	8.6%	4.7%	13.2%

Question 16; N=90						
I am held accountable for achieving results.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
84.2%	40.4%	43.9%	11.7%	3.1%	1.0%	4.1%

Question 17; N=85						
*I can disclose a suspected violation of any law, rule or regulation without fear of reprisal.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
54.5%	28.9%	25.7%	25.0%	4.1%	16.3%	20.4%

Question 18; N=89						
My training needs are assessed.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
51.4%	19.8%	31.6%	22.3%	10.7%	15.7%	26.3%

Question 19; N=84						
In my most recent performance appraisal, I understood what I had to do to be rated at different performance levels (for example, Fully Successful, Outstanding).						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
72.3%	39.5%	32.8%	13.1%	5.5%	9.2%	14.6%

Question 20; N=89						
*The people I work with cooperate to get the job done.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
88.0%	53.0%	35.0%	6.5%	3.5%	2.0%	5.6%

Question 21; N=87						
My work unit is able to recruit people with the right skills.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
62.8%	25.1%	37.8%	15.9%	11.6%	9.8%	21.3%

Question 22; N=82						
Promotions in my work unit are based on merit.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
53.2%	23.6%	29.6%	21.5%	10.4%	14.9%	25.3%

Question 23; N=72						
In my work unit, steps are taken to deal with a poor performer who cannot or will not improve.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
43.0%	15.7%	27.4%	27.5%	17.3%	12.2%	29.5%

Question 24; N=79						
*In my work unit, differences in performance are recognized in a meaningful way.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
35.3%	11.9%	23.4%	33.0%	15.5%	16.3%	31.8%

Question 25; N=77						
Awards in my work unit depend on how well employees perform their jobs.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
51.0%	18.1%	32.9%	26.1%	9.1%	13.9%	22.9%

Question 26; N=88						
Employees in my work unit share job knowledge with each other.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
89.3%	55.7%	33.6%	1.1%	4.3%	5.4%	9.7%

Question 27; N=86						
The skill level in my work unit has improved in the past year.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
58.3%	27.3%	30.9%	29.3%	5.7%	6.8%	12.4%

Question 28; N=90						
How would you rate the overall quality of work done by your work unit?						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
88.8%	52.4%	36.4%	5.3%	5.8%	0.0%	5.8%

Question 29; N=89						
*My work unit has the job-relevant knowledge and skills necessary to accomplish organizational goals.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
87.0%	50.7%	36.3%	7.1%	2.3%	3.6%	5.9%

Question 30; N=88						
Employees have a feeling of personal empowerment with respect to work processes.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
49.5%	21.2%	28.3%	24.4%	9.5%	16.6%	26.1%

Question 31; N=89						
Employees are recognized for providing high quality products and services.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
61.0%	23.0%	38.0%	13.4%	14.4%	11.3%	25.7%

Question 32; N=85						
Creativity and innovation are rewarded.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
45.3%	19.7%	25.5%	28.5%	11.6%	14.7%	26.2%

Question 33; N=78						
Pay raises depend on how well employees perform their jobs.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
37.5%	12.5%	25.0%	37.5%	7.5%	17.5%	25.0%

Question 34; N=82						
Policies and programs promote diversity in the workplace (for example, recruiting minorities and women, training in awareness of diversity issues, mentoring).						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
51.3%	22.9%	28.4%	21.9%	14.8%	12.0%	26.8%

Question 35; N=88						
Employees are protected from health and safety hazards on the job.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
83.5%	31.2%	52.2%	10.8%	2.4%	3.3%	5.7%

Question 36; N=89						
My organization has prepared employees for potential security threats.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
78.4%	29.8%	48.6%	11.6%	3.4%	6.6%	10.0%

Question 37; N=87						
Arbitrary action, personal favoritism and coercion for partisan political purposes are not tolerated.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
58.9%	21.3%	37.6%	16.4%	13.4%	11.3%	24.7%

Question 38; N=87						
Prohibited Personnel Practices (for example, illegally discriminating for or against any employee/applicant, obstructing a person's right to compete for employment, knowingly violating veterans' preference requirements) are not tolerated.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
64.8%	32.5%	32.4%	15.6%	8.1%	11.4%	19.5%

Question 39; N=89						
My agency is successful at accomplishing its mission.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
82.8%	35.2%	47.5%	11.7%	2.2%	3.3%	5.6%

Question 40; N=90						
*I recommend my organization as a good place to work.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
67.6%	38.5%	29.2%	16.7%	5.7%	10.0%	15.7%

Question 41; N=85						
*I believe the results of this survey will be used to make my agency a better place to work.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
68.2%	29.7%	38.5%	10.3%	13.4%	8.2%	21.5%

Question 42; N=89						
My supervisor supports my need to balance work and other life issues.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
84.2%	63.7%	20.5%	5.0%	4.5%	6.3%	10.8%

Question 43; N=90						
My supervisor provides me with opportunities to demonstrate my leadership skills.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
70.6%	45.5%	25.1%	13.5%	3.4%	12.4%	15.8%

Question 44; N=89						
Discussions with my supervisor about my performance are worthwhile.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
70.3%	37.2%	33.1%	11.6%	6.8%	11.3%	18.1%

Question 45; N=87						
My supervisor is committed to a workforce representative of all segments of society.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
72.7%	48.9%	23.8%	17.2%	4.7%	5.3%	10.1%

Question 46; N=89						
My supervisor provides me with constructive suggestions to improve my job performance.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
71.8%	41.9%	29.9%	13.3%	5.8%	9.1%	14.9%

Question 47; N=90						
Supervisors in my work unit support employee development.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
75.6%	49.3%	26.4%	8.6%	3.6%	12.2%	15.7%

Question 48; N=90						
My supervisor listens to what I have to say.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
82.1%	48.5%	33.6%	5.3%	4.7%	7.9%	12.6%

Question 49; N=90						
My supervisor treats me with respect.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
81.2%	52.0%	29.2%	8.6%	2.9%	7.3%	10.2%

Question 50; N=90						
In the last six months, my supervisor has talked with me about my performance.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
80.3%	50.3%	30.0%	10.6%	5.5%	3.6%	9.1%

Question 51; N=90						
I have trust and confidence in my supervisor.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
77.6%	46.2%	31.4%	8.9%	3.3%	10.2%	13.5%

Question 52; N=90						
Overall, how good a job do you feel is being done by your immediate supervisor?						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
75.7%	53.7%	21.9%	13.1%	6.1%	5.1%	11.2%

Question 53; N=87						
In my organization, senior leaders generate high levels of motivation and commitment in the workforce.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
57.1%	19.2%	38.0%	20.7%	7.4%	14.7%	22.1%

Question 54; N=83						
My organization's senior leaders maintain high standards of honesty and integrity.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
65.6%	28.1%	37.5%	16.6%	4.9%	12.9%	17.8%

Question 55; N=85						
Supervisors work well with employees of different backgrounds.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
79.1%	37.2%	42.0%	9.3%	4.5%	7.1%	11.6%

Question 56; N=84						
*Managers communicate the goals of the organization.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
74.9%	34.7%	40.1%	12.3%	4.6%	8.2%	12.9%

Question 57; N=83						
Managers review and evaluate the organization's progress toward meeting its goals and objectives.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
80.1%	33.9%	46.2%	10.4%	2.5%	7.1%	9.5%

Question 58; N=85						
Managers promote communication among different work units (for example, about projects, goals, needed resources).						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
63.9%	25.4%	38.5%	13.7%	12.1%	10.3%	22.4%

Question 59; N=87						
Managers support collaboration across work units to accomplish work objectives.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
62.1%	24.4%	37.7%	17.5%	10.3%	10.1%	20.4%

Question 60; N=87						
Overall, how good a job do you feel is being done by the manager directly above your immediate supervisor?						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
67.0%	45.1%	22.0%	19.9%	7.9%	5.1%	13.0%

Question 61; N=87						
I have a high level of respect for my organization's senior leaders.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
66.0%	28.4%	37.6%	17.5%	8.5%	7.9%	16.4%

Question 62; N=82						
Senior leaders demonstrate support for Work/Life programs.						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
66.1%	32.3%	33.8%	16.4%	10.3%	7.2%	17.6%

Question 63; N=88						
*How satisfied are you with your involvement in decisions that affect your work?						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
53.5%	15.0%	38.5%	20.0%	17.0%	9.5%	26.4%

Question 64; N=88						
*How satisfied are you with the information you receive from management on what's going on in your organization?						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
64.2%	13.3%	50.8%	12.2%	16.8%	6.8%	23.7%

Question 65; N=88						
*How satisfied are you with the recognition you receive for doing a good job?						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
63.0%	20.1%	43.0%	13.7%	12.2%	11.0%	23.2%

Question 66; N=87						
How satisfied are you with the policies and practices of your senior leaders?						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
55.5%	14.6%	41.0%	25.5%	9.3%	9.7%	19.0%

Question 67; N=88						
How satisfied are you with your opportunity to get a better job in your organization?						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
32.1%	12.3%	19.8%	30.5%	19.5%	17.8%	37.3%

Question 68; N=88						
How satisfied are you with the training you receive for your present job?						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
49.5%	18.9%	30.6%	27.1%	14.9%	8.4%	23.3%

Question 69; N=88						
*Considering everything, how satisfied are you with your job?						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
68.6%	23.6%	45.0%	15.6%	5.1%	10.7%	15.8%

Question 70; N=88						
Considering everything, how satisfied are you with your pay?						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
54.6%	15.6%	39.0%	21.3%	16.6%	7.5%	24.1%

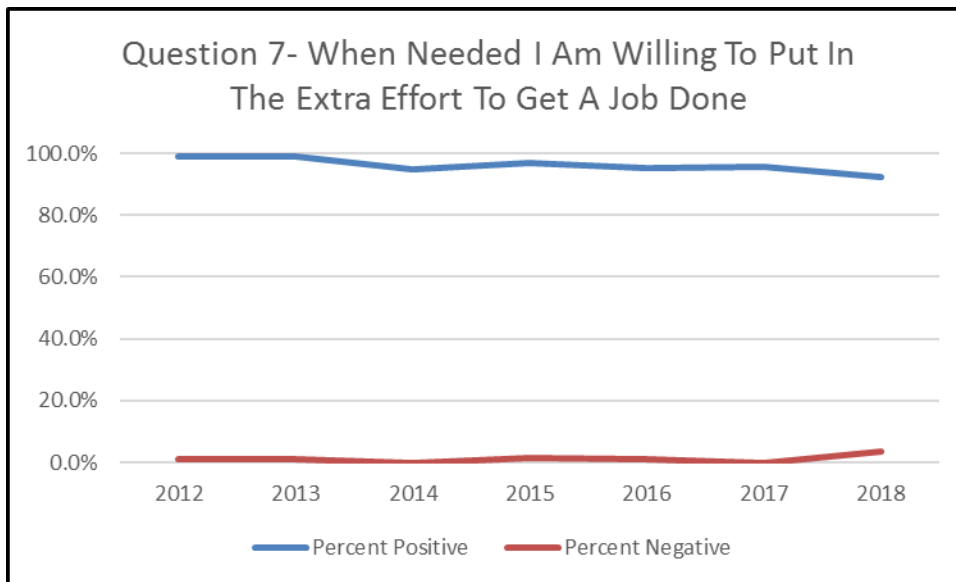
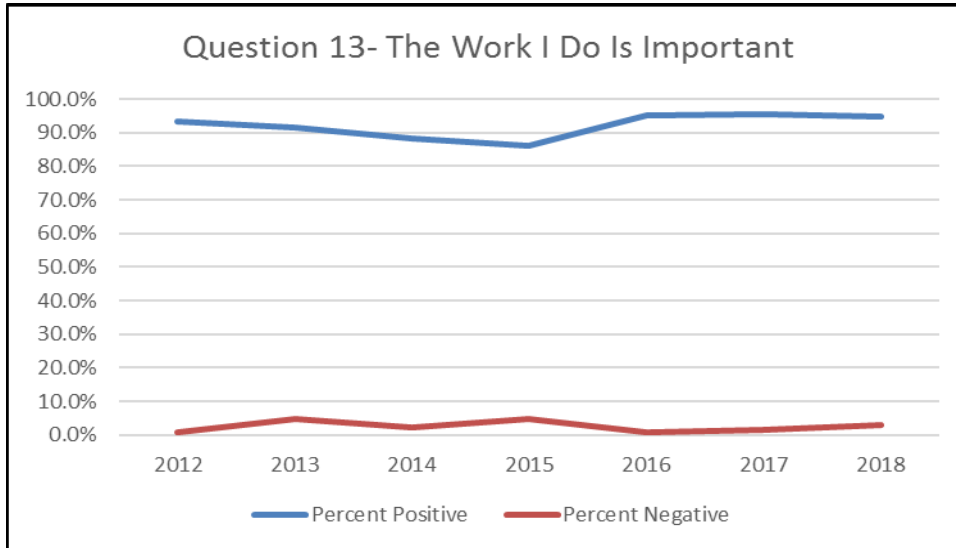
Question 71; N=88						
*Considering everything, how satisfied are you with your organization?						
Percent Positive %	Strongly Agree/Very Good/Very Satisfied %	Agree/Good/Satisfied %	Neither Agree nor Disagree/Fair/Neither Satisfied nor Dissatisfied %	Disagree/Poor/Dissatisfied %	Strongly Disagree/Very Poor/Very Dissatisfied %	Percent Negative %
65.3%	22.1%	43.2%	13.3%	12.4%	9.1%	21.5%

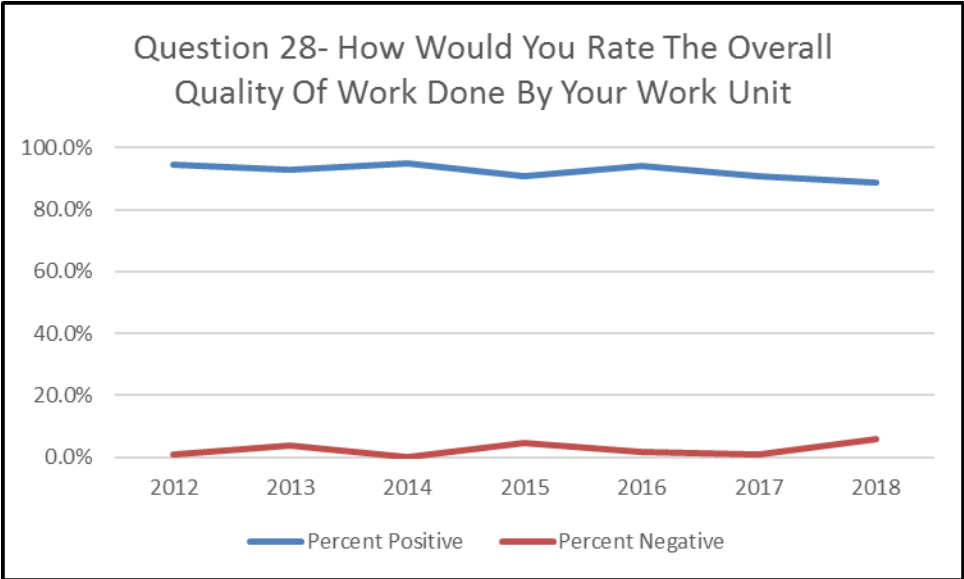
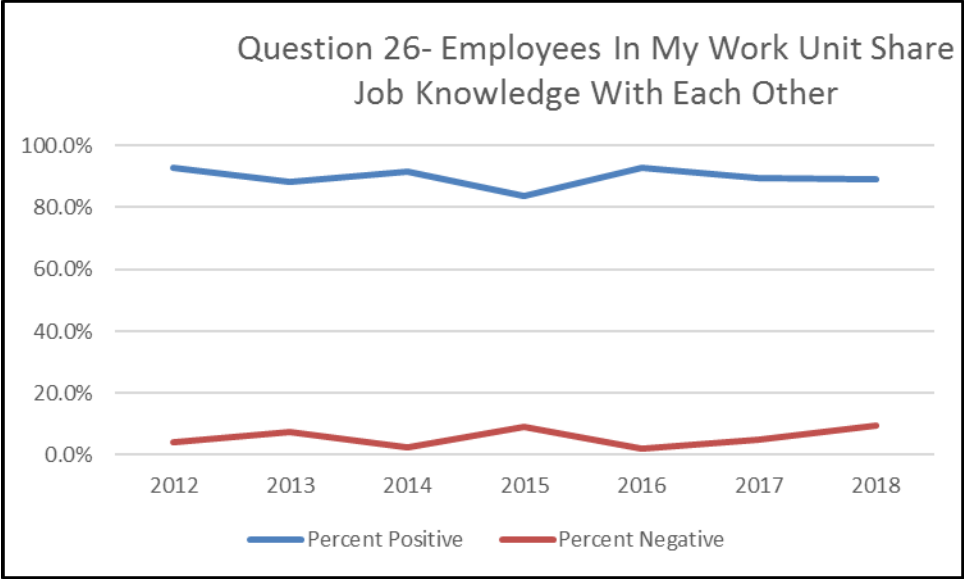
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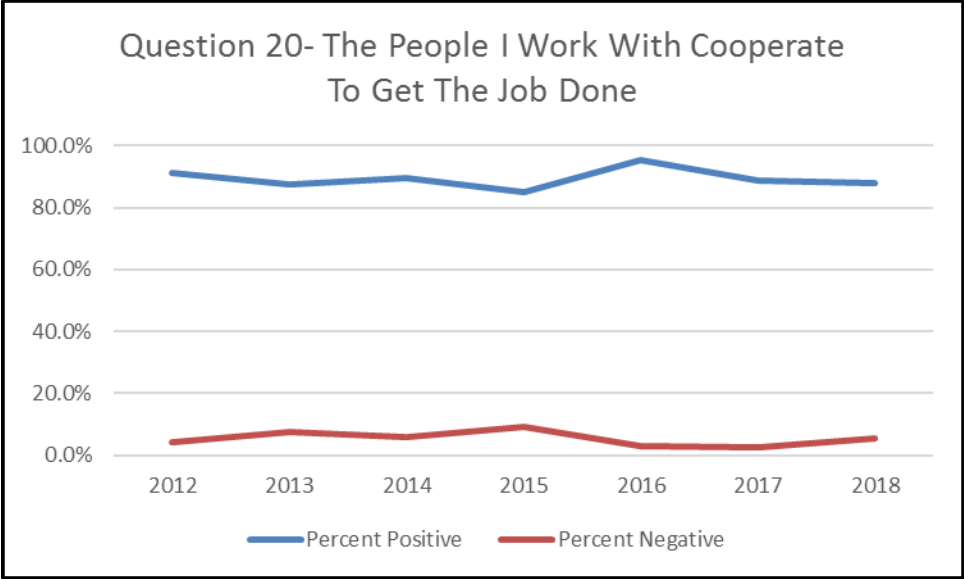
Per the 2018 FEVS Results Spreadsheet, answers to 63 of the 71 questions decreased (i.e. had a smaller percent of positive responses) from 2017 to 2018, while answers to only seven questions increased in the same time period. Below are graphs showing a seven-year trend for questions identified on the 2018 FEVS Results Spreadsheet as being in one of four categories. The categories are (1) questions with the highest positive response rate, (2) questions with the highest negative response rate, (3) questions with the largest positive change from 2017 to 2018, and (4) questions with the largest negative change from 2017 to 2018.

APPENDIX 2 – Charts of the Highest Positive and Negative FEVS Responses

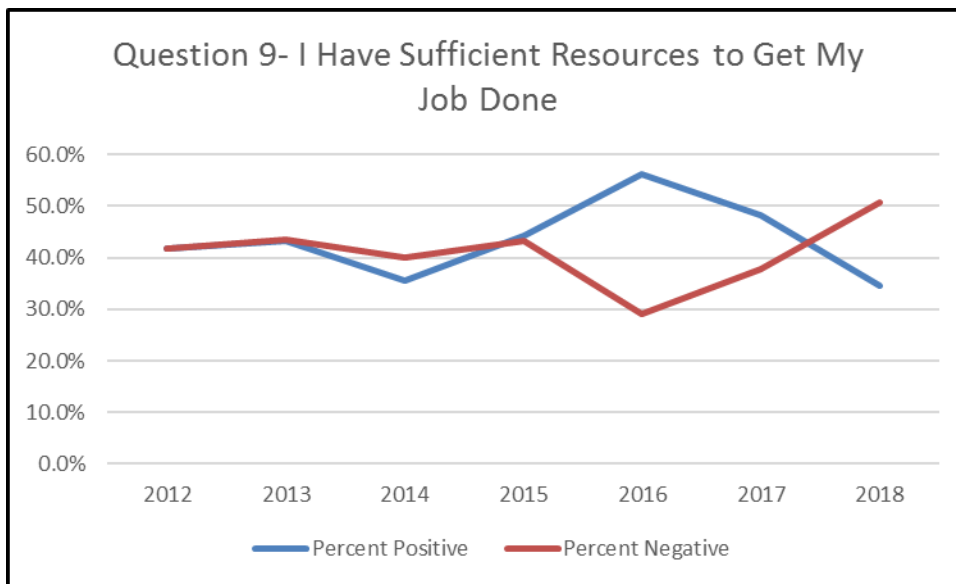
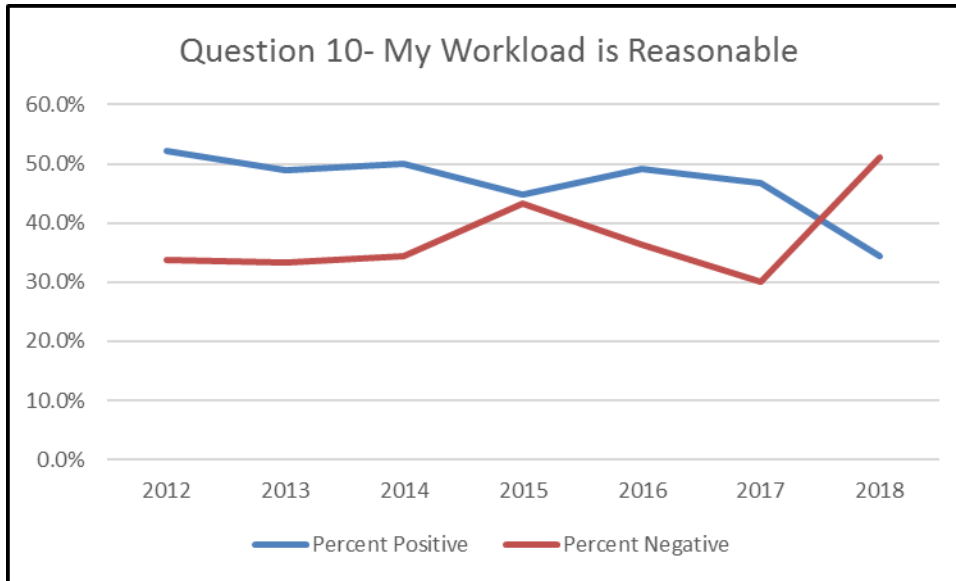
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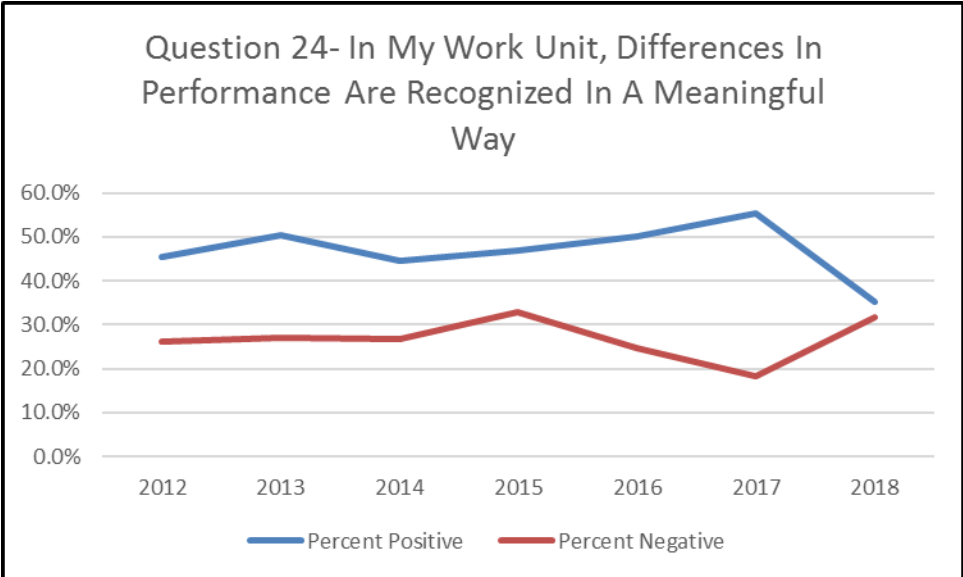


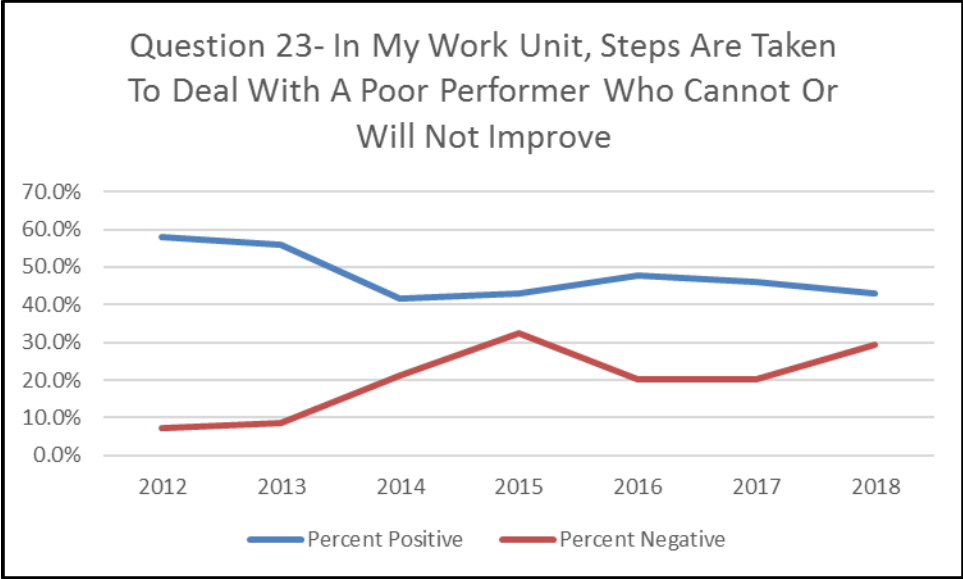




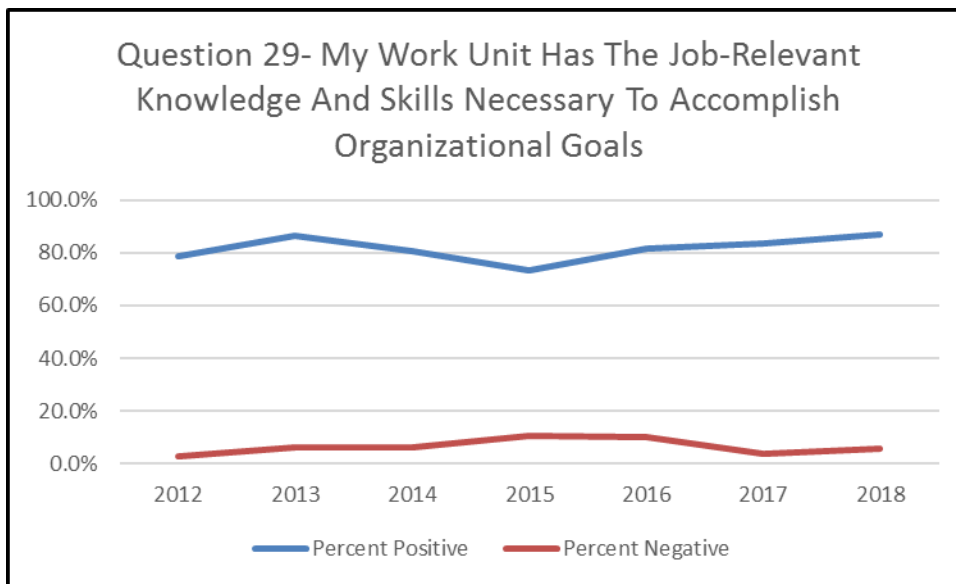
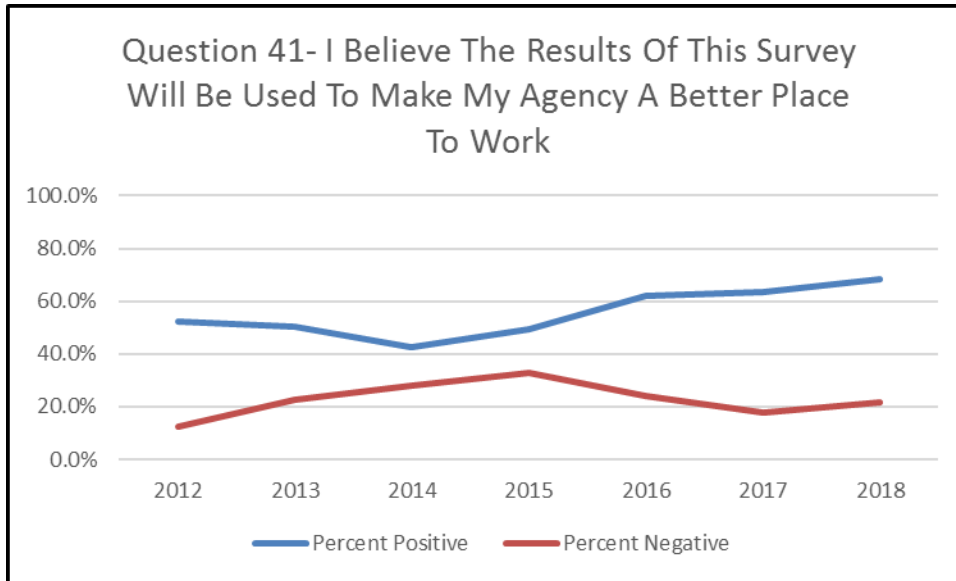
Section 2- Questions With The Highest Negative Response Rate:

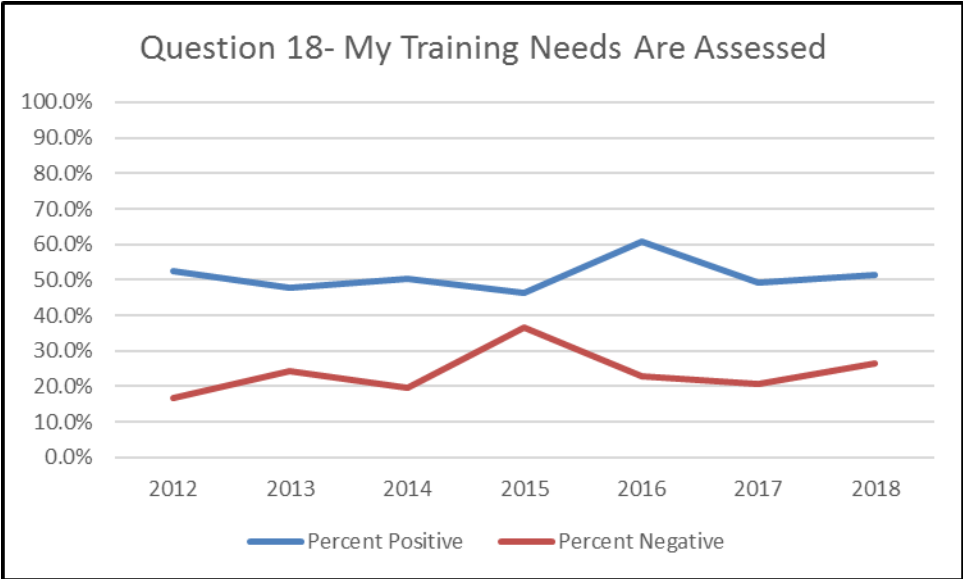
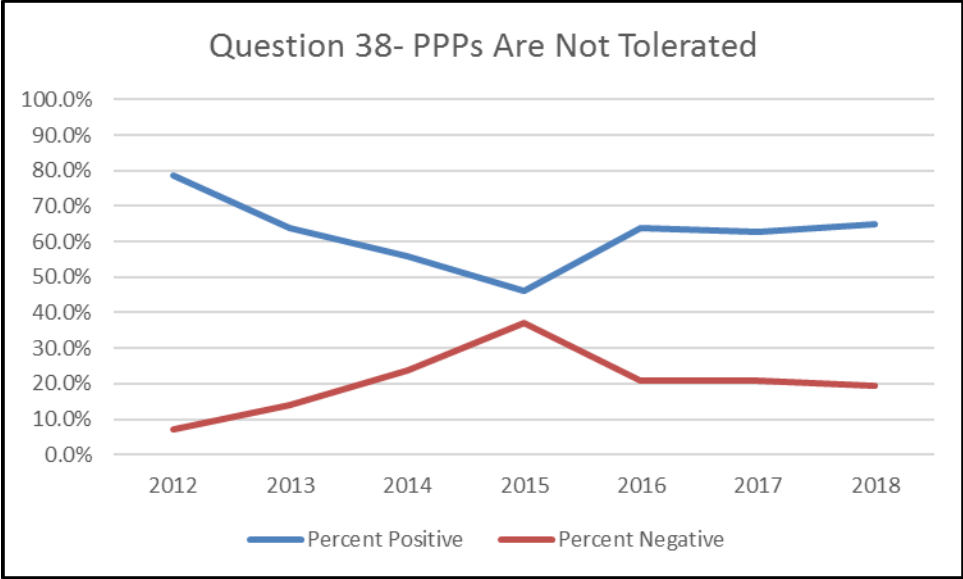


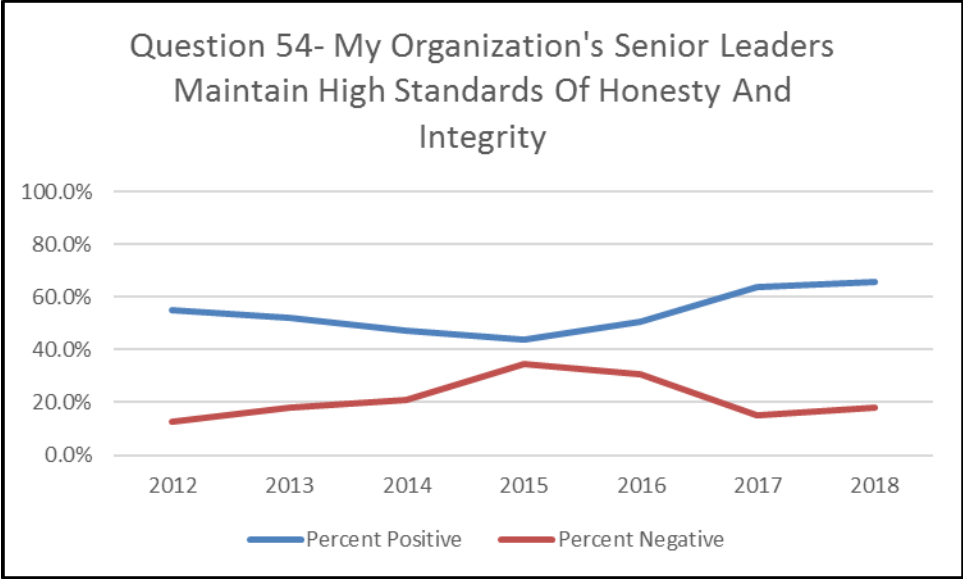




Section 3- Questions With The Largest Positive Change In Response Rate From 2017 To 2018:







Section 4- Questions With The Largest Negative Change In Response Rate From 2017 To 2018:

Note- Questions 9 and 24 from Section 2- Questions With Highest Negative Response Rate are in this section as well, although charts for these questions are not included again.

