

**ANNUAL REPORT  
TO CONGRESS  
—*for*—  
FISCAL YEAR 2019**

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U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
[www.osc.gov](http://www.osc.gov)



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

## 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 2019 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 fluid and cursive.

Henry J. Kerner

cc: The Honorable Mitch McConnell, United States Senate Majority Leader

The Honorable Steny Hoyer, United States House of Representatives Majority Leader

The Honorable Charles Schumer, United States Senate Minority Leader

The Honorable Kevin McCarthy, United States House of Representatives Minority Leader

The Honorable Ron Johnson, United States Senate Committee on Homeland Security & Governmental Affairs Chairman

The Honorable Carolyn Maloney, United States House of Representatives Committee on Oversight and Reform Chairwoman

The Honorable Gary Peters, United States Senate Committee on Homeland Security & Governmental Affairs Ranking Member

The Honorable Jim Jordan, United States House of Representatives Committee on Oversight and Reform Ranking Member

The Honorable Richard Shelby, United States Senate Committee on Appropriations Chairman

The Honorable Nita Lowey, United States House of Representatives Committee on Appropriations Chairwoman

The Honorable Patrick Leahy, United States Senate Committee on Appropriations Ranking Member

The Honorable Kay Granger, United States House of Representatives Committee on Appropriations Ranking Member

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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 after 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 U.S. Office of Special Counsel (OSC) in fiscal year (FY) 2019, through OSC's Annual Report for FY 2019. While OSC has always done more with less, FY 2019 represented a milestone year for OSC. Despite an extended government shutdown, demand for OSC's services and assistance remained high. That demand is evidenced by the over 3,800 new prohibited personnel practice complaints, and nearly 5,500 new case filings overall. Thanks to our dedicated staff, and an efficient redesign of OSC's internal units, I am proud to report that OSC rose to this challenge. In FY 2019, OSC resolved almost 6,200 cases, which is 60% above recent historical averages. More impressive, though, is that OSC substantially reduced its longstanding case backlogs by over 700 cases. Additionally, I am proud of the way that everyone at OSC is working to serve the federal workforce and American taxpayers. The agency's positive responses to the Federal Employee Viewpoint Survey demonstrate that all of us at OSC are committed to providing excellent service while being re stewards with the resources entrusted to us by Congress and the American people.

OSC has one of the smallest budgets of any federal investigative and prosecutorial agency with government-wide jurisdiction, yet the demand for our vital services has never been greater. That demand, however, continues to eclipse OSC's resources. Recognizing the need for OSC to maximize its resources to provide the customer service that whistleblowers and complainants deserve – OSC undertook efforts to be more agile and efficient in its handling of cases. These efforts, which included restructuring internal units and deployment of a new case management system, allow OSC to continue to bring enhanced accountability, integrity, and fairness to the federal workplace, despite working with limited resources.

OSC's efforts to maximize its efficiency in its work with whistleblowers has resulted in a significant return to the taxpayer. In FY 2019, OSC worked with whistleblowers to identify, halt, and, where possible, recover hundreds of millions of dollars in wasteful government spending. For example, in FY 2019, a whistleblower within the U.S. Army Materiel Command reported to OSC that the Army had lost possession of six government-purchased fuel trucks worth \$1.34 million primarily because of improper contracting procedures. OSC promptly evaluated and referred the allegations to the Army for investigation, and the Army investigation confirmed that a contracting officer's inaction had contributed to the agency's inability to quickly uncover and correct the error. As a result of OSC's work, the Army is now working to recover the more than \$1 million of equipment purchased with taxpayer dollars.

Additionally, an investigation resulting from OSC's work with a whistleblower determined that the Department of Veterans Affairs (VA) wasted over \$223 million on unnecessary transportation services and delayed payments for veterans' medical bills in FY 2017. As a result of the investigation, the VA is taking steps to ensure that a similar gross waste of taxpayer funds will not occur in the future.

The agency's many successes continue 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. Whistleblowers and federal employees who come forward to OSC do so safe in the knowledge that we are there to stand up for them and defend them from potentially unjust personnel actions. While OSC strives

to address each and every complaint filed as quickly and efficiently as possible, the agency's resources, already stretched thin, are unable to keep pace with the increased demand from whistleblowers and complainants.

Despite increases in efficiency throughout the agency, and a decrease in the backlog in FY 2019, OSC continues to carry a significant case burden due to resource constraints. In addition, OSC receives more and more complaints because the federal workforce is increasingly aware of OSC's good work and seeks our assistance. Although more recently OSC has seen an overall decrease in filings due to the coronavirus pandemic, OSC expects the number of complaints filed to rebound when federal employees physically return to their offices and to continue to grow at high levels in future years. We will therefore require additional resources to better carry out our mission of serving federal employees and taxpayers.

OSC represents 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 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 initial "H" and "K".

Henry J. Kerner  
June 19, 2020



# **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 U.S.C § 1212 that federal agencies may not withhold information and documents from OSC by asserting common law privileges when complying with OSC's information requests. OSC's reauthorization also promotes greater efficiency and accountability within OSC; improves protections against retaliatory investigations and other forms of reprisal for whistleblowing; and requires managers across the federal government to respond appropriately to disclosures of waste, fraud, and abuse.

## **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 several 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)), already 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.<sup>1</sup> 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.

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<sup>1</sup> As a result, the former Case Examination Unit (CEU), referenced infra, no longer exists.

### **Retaliation and Disclosure Unit (RDU)**

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

### **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, HAU is responsible for providing advisory opinions on the Hatch Act to federal, state, and local employees, as well as to the public at large.

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

OSC enforces 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.

### **Operations 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, Information Technology Office, and the Office of the Clerk.

The Clerk's Office leads several functional areas, including Freedom of Information Act (FOIA), Privacy Act, Controlled Unclassified Information, and records management. In FY 2019, the Clerk's Office processed 194 FOIA closures, which resulted in a FOIA backlog reduction of 63 percent from FY 2018. In addition, the Clerk's Office received only eight appeals on their FOIA cases, which is a 61 percent reduction from FY 2018. Furthermore, in FY 2019, the FOIA team successfully transferred approximately 33,000 cases to the National Archives and Records Administration (NARA) for the preservation and documentation of government records.

Please note that early in FY 2020, the division name was changed from the Administrative Services Division to the Operations Division.

## **FY 2019 Budget and Staffing**

For FY 2019, OSC operated with a budget authority of \$26,535,000, all of which was from appropriated funds. The agency operated with a staff of 133 full-time equivalent (FTE) employees.

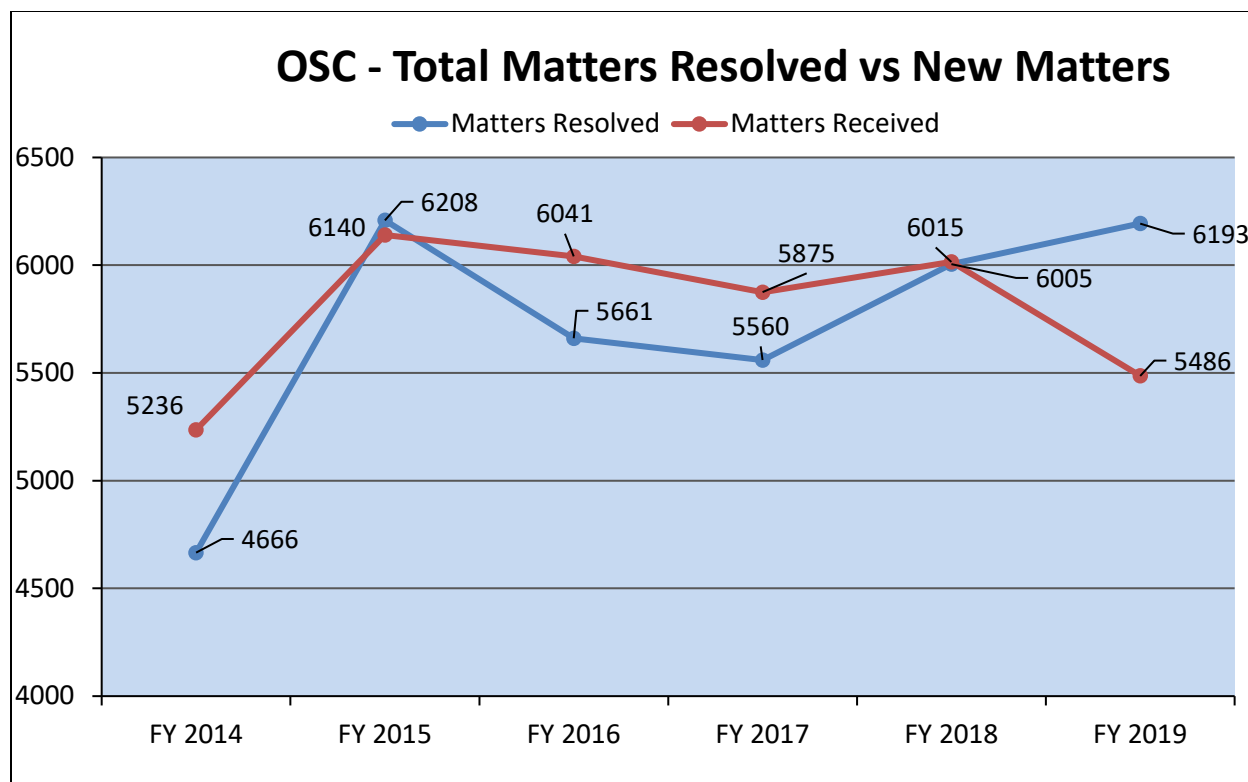
## **FY 2019 Case Activity and Results<sup>2</sup>**

From FY 2016 to FY 2019, OSC has received an average of 5,854 cases a year. This yearly average during the past four fiscal years constitutes a **65 percent increase over OSC's historical average from FY 2001 to FY 2015**. Although recently during the pandemic OSC has seen a decrease in filings, OSC anticipates that new filings will rebound to previous levels after federal employees return to their offices and will continue at similar levels for the foreseeable future, requiring the agency to adapt and adjust how it executes its mission.

During FY 2019, OSC received 5,486 new matters and carried over 2,616 matters from the previous fiscal year—a total of 8,102 matters in-house. In FY 2019, OSC resolved 6,193 matters, as shown in the charts below. In addition, OSC issued 1,111 Hatch Act advisory opinions. **Table 1**, below, summarizes overall OSC case intakes and dispositions in FY 2019, with comparative data for the previous four 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.

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<sup>2</sup> OSC deployed a new electronic case management system (eCMS) in August 2019, which required data to be ported over from the prior case management system. As a result, some of the FY 2019 data in eCMS may differ slightly from what is shown in this report.



**TABLE 1 - Summary of All OSC Case Activity**

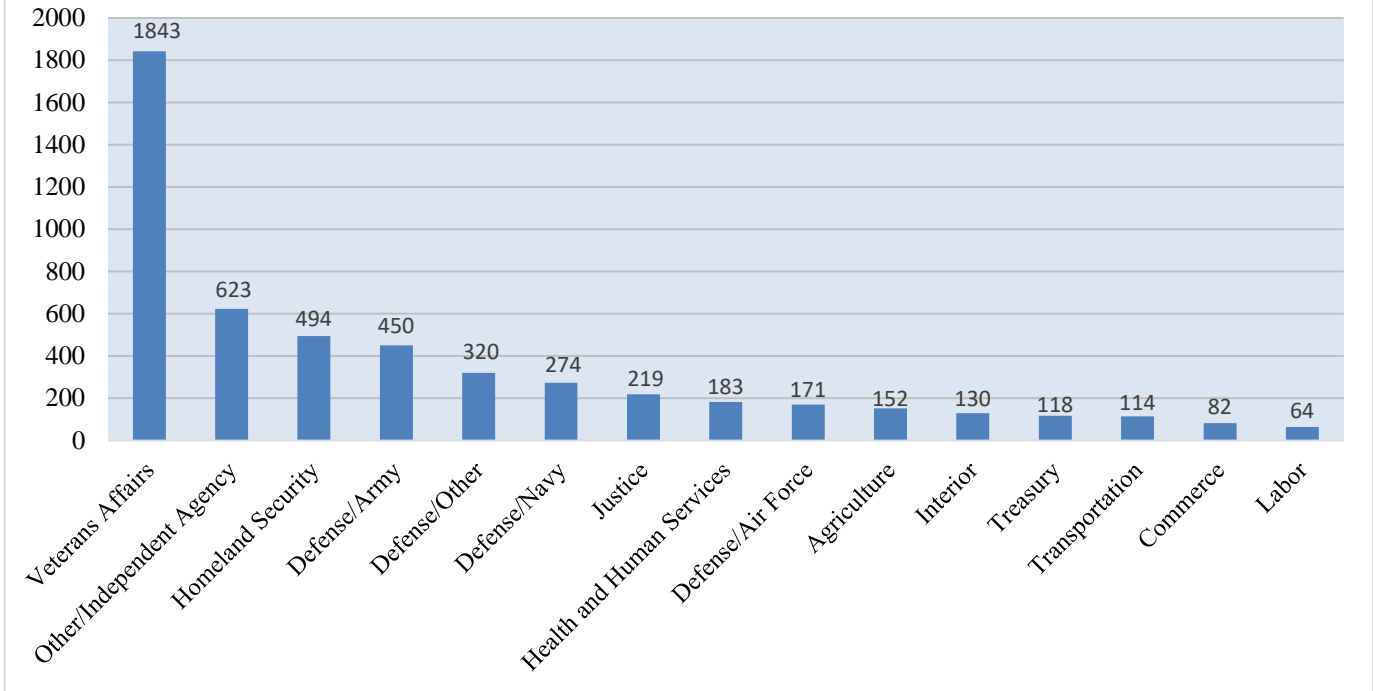
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>Matters<sup>3</sup> pending at start of fiscal year</b>	1,967	1,901	2,271	2,592	2,616
<b>New matters received</b>	6,140	6,041	5,875	6,015	5,486
<b>Matters closed</b>	6,208	5,661	5,560	6,005	6,193
<b>Matters pending at end of fiscal year</b>	1,900	2,272	2,590	2,607	1,909
<b>Hatch Act advisory opinions issued</b>	1,023	1,641	1,325	1,386	1,111

## 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.

<sup>3</sup> "Matters" in this table includes prohibited personnel practice cases, whistleblower disclosures, USERRA cases, and Hatch Act cases.

**Total Agencies Providing Casework - FY 2019  
(includes all types of OSC cases)<sup>1</sup>**



<sup>1</sup>“Other/Independent Agency” includes the following major agency casework counts for FY 2019: Social Security Administration – 118 cases; General Services Administration – 33 cases; Environmental Protection Agency – 24 cases; Office of Personnel Management – 20 cases.

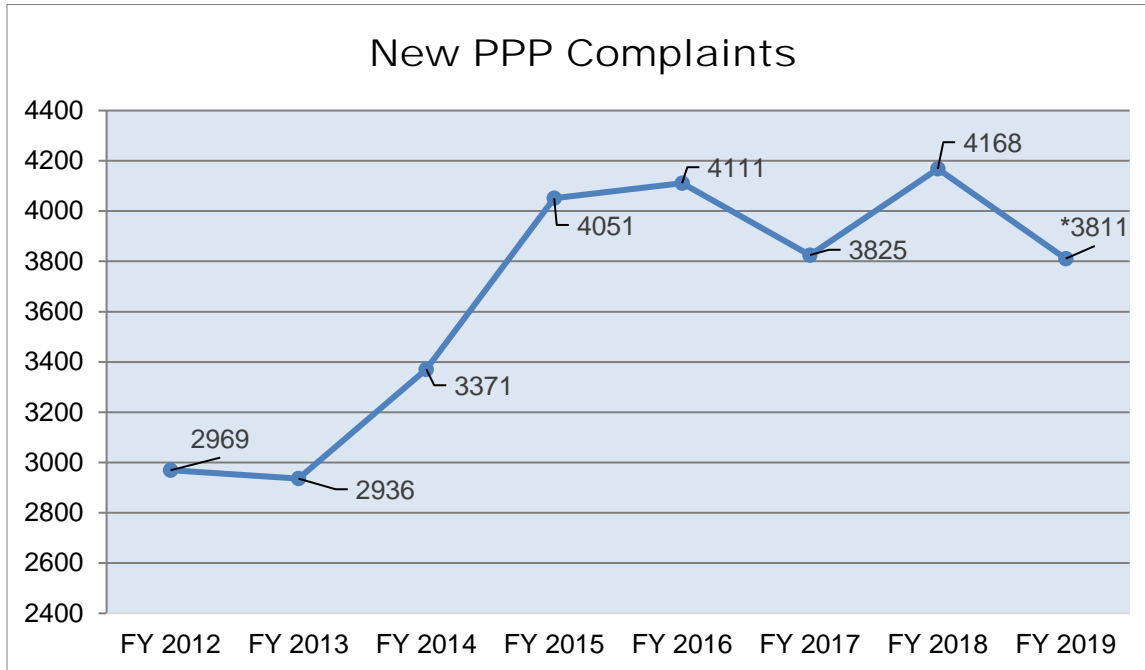
## **PART 3 – PROHIBITED PERSONNEL PRACTICES**

### **Summary of Workload, Activity, Costs and Results**

OSC has experienced a 13 percent growth in new PPP matters from FY 2014 to FY 2019. New PPP complaints now regularly surpass 3,800 cases each year, a level unheard of just five years ago. In FY 2019, OSC received 3,811 new PPP matters, while resolving 4,447 PPP matters, both of which likely would have been higher if not for the government shutdown. The cost for the agency to resolve a PPP matter in FY 2019 was \$3,356. This information is being reported, as required by OSC’s recent reauthorization.

Cost of Resolving a PPP matter:	<b>\$3,356</b>
Note - This was the average cost for resolving a PPP matter in FY 2019, including direct costs and a proportionate share of overhead costs.	

Based on the data trend from the past four years, OSC expects the receipt of new PPP complaints to continue at levels close to 4,000 new PPP cases each year in the future, after the coronavirus pandemic has ended. 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.



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

## Receipts and Investigations

Table 2, below, contains FY 2019 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 Processing<sup>4</sup>**

	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>Pending complaints carried over from prior fiscal year</b>	934	1,152	1,045	1,414	1,405	1,657	1,969	2,057
<b>New complaints received<sup>5</sup></b>	2,969	2,936	3,371	4,051	4,124	3,825	4,168	3,811
<b>Total complaints</b>	3,903	4,088	4,416	5,465	5,529	5,482	6,137	5,868
<b>Total complaints processed and closed</b>	2,750	3,041	3,003	4,058	3,870	3,512	4,073	4,447

<sup>4</sup> Complaints frequently contain more than one type of allegation. This table, however, records all allegations received in a complaint as a single matter.

<sup>5</sup> “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.



<b>Complaint processing times</b>	<b>Within 240 days</b>	2,425	2,594	2,577	3,380	3,307	2,716	3,100	3,659
	<b>Over 240 days</b>	320	440	422	665	554	782	967	788
<b>Percentage processed within 240 days</b>		88%	85%	85%	83%	85%	77%	76%	82%

**Table 3** contains summary data for FY 2019 (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 a near-agency record of 319 favorable actions for PPP complaints in FY 2019. This number is just five cases below the agency’s record high set in FY 2017, despite the government shutdown in FY 2019. The 319 favorable actions achieved constitutes approximately 32 percent more than the average number of favorable actions for PPP complaints from FY 2012 to FY 2018. Of the favorable actions in FY 2019, 237 involved instances of whistleblower retaliation. OSC negotiated 31 stays with agencies to protect employees from premature or improper personnel actions. OSC also obtained two stays or stay extensions from the MSPB and achieved 27 disciplinary actions, upholding merit principles and sending a strong message that retaliation and other misconduct will not be tolerated.

**TABLE 3 – Summary of All Favorable Actions – Prohibited Personnel Practice Complaints**

		<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019<sup>6</sup></b>
<b>Total favorable actions negotiated with agencies (all PPPs)</b>	<b>No. of actions<sup>7</sup></b>	159	173	177	277	273	324	314	319
	<b>No. of matters</b>	128	124	144	212	216	264	249	258
<b>Total favorable actions negotiated with agencies (reprisal for whistleblowing)</b>	<b>No. of actions</b>	112	104	138	233	215	244	236	237
	<b>No. of matters</b>	95	91	114	175	173	209	196	192
<b>Disciplinary actions negotiated with agencies</b>		19	27	23	9	15	16	22	27
<b>Stays negotiated with agencies</b>		27	28	23	62	40	45	47	31
<b>Stays obtained from MSPB</b>		8	5	2	3	7	7	2	1

<sup>6</sup> Due to OSC’s move to the new electronic Case Management System in August 2019, and the subsequent data migration process, some FY 2019 figures may differ slightly from previous reporting. The new case management system provides more accurate and detailed reporting, so there are slight variances when we run reports for statistics.

<sup>7</sup> The “number of actions” refers to the total number of favorable actions that were obtained; the “number of matters” refers to the total number of cases (or matters) from which the favorable actions were derived (e.g., one case/matter may have multiple favorable actions).

Stay extensions obtained from MSPB	1	7	0	1	4	10	10	1
Corrective action petitions filed with the MSPB	0	2	0	0	0	0	1	0
Disciplinary action complaints filed with the MSPB	0	0	3	0	0	0	0	0

## Performance Highlights

In FY 2019, despite the government shutdown, OSC has continued to see sustained, elevated levels of new cases, receiving over 5,400 new matters for the fifth year in a row, a substantial portion of which concerned the Department of Veterans Affairs. While operating with no increase in resources to perform its mission, OSC 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, other than during the coronavirus pandemic and mandatory telework for many federal employees.

Furthermore, OSC continues to achieve significant favorable results. In PPP cases this past year, OSC achieved 319 favorable actions, which is the second-most in agency history and a 128 percent increase over the historical average since FY 2001.

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

- OSC filed an amicus brief in a petition for review before the Merit Systems Protection Board, in which an employee alleged that she was terminated at least in part for disclosing improper private banking practices that she discovered as part of her job. The initial decision declined to consider her disclosures about non-governmental wrongdoing as part of her whistleblower retaliation claim. OSC's *amicus brief* argues that the WPA, as amended, protects a whistleblower’s disclosure without any limitation on the entity alleged to have committed the wrongdoing, particularly where—as in this case—the wrongdoing is uncovered as part of the whistleblower’s federal employment.
- OSC participated in oral argument as an amicus curiae before the U.S. Court of Appeals for the Ninth Circuit in a case where the Merit Systems Protection Board found that an Appellant failed to exhaust administrative remedies before OSC with respect to certain disclosures about nepotism. OSC argued that the MSPB’s requirement that individuals provide the “precise” details of each element of their whistleblower retaliation claims is contrary to the statute and Congress’s clear intent to provide whistleblowers with strong protections backed by effective remedies. OSC also argued that the Board’s approach fails to recognize that

most whistleblowers do not have attorneys during the administrative process, and they lack access to agency information needed to provide the “precise” details. Additionally, OSC argued that the MSPB’s approach undermines administrative efficiency.

- OSC filed an amicus brief in support of an appellant’s petition for review at the Merit Systems Protection Board involving an allegation that an agency terminated an employee in retaliation for refusing to obey an unlawful order. Although the Follow the Rules Act (FRA) protects federal employees from this type of retaliation, it was not enacted until after the personnel actions in this case occurred. The initial decision analyzed the claim under the law as it existed at the time of the events at issue, holding that the FRA did not apply retroactively to the appellant’s termination. In its amicus brief, OSC argued that the initial decision erroneously misinterpreted the FRA: congressional intent clearly indicates that it should be applied retroactively to include personnel actions that occurred prior to June 14, 2017.

*Subpoenas*

OSC’s 2017 reauthorization requires the agency to report on the number of subpoenas issued during the fiscal year. During FY 2019, no subpoenas were issued by OSC.

Subpoenas issued - FY 2019	<b>0</b>
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*Re-opened PPP Cases<sup>8</sup>*

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 requested to be reopened in FY 2019	<b>43</b>
• Status – Request to Reopen Denied (Previous determination was upheld)	<b>21</b>
• Status – Cases Reopened	<b>39</b>
• Status – Reopened Cases Closed	<b>30</b>
• Status - No determination yet/case status still open	<b>8</b>

*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.<sup>9</sup>

<sup>8</sup> In August 2019, OSC transitioned to a new electronic case management system (eCMS). As a result, OSC is in the process of determining the best way to report this data in the Annual Report using the new eCMS system, thus slight data discrepancies may potentially exist.

<sup>9</sup> Due to OSC’s move to the new electronic Case Management System in August 2019, and the subsequent data migration process, the data for FY 2019 will only be provided at the Agency level.

Total PPP cases resolved by an agreement in FY 2019 (70)	
Agency	Count of Cases
Agriculture	4
Commerce	1
Defense/Air Force	4
Defense/Army	6
Defense/Navy	1
Defense/Other	2
Energy	1
Health and Human Services	5
Homeland Security	10
Housing and Urban Development	1
Interior	3
Justice	10
Other/Independent Agency <sup>10</sup>	6
Treasury	2
Veterans Affairs	14

**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, a human resources (HR) director, alleged that Navy-OIG suspended and debarred him in retaliation for disclosures regarding gross mismanagement and abuse of authority. OSC reviewed a voluminous record and interviewed the Navy inspector general, who was an Admiral, as well as the general counsel and several other high-level officials. After multiple attempts to resolve the case, including a settlement conference involving the Navy deputy general counsel, the parties ultimately agreed to settle. The Navy agreed to pay \$200,000 for damages and fees, and to provide a clean record, in exchange for complainant’s resignation from federal service.
- Complainant, an Assistant HR Chief, alleged that VA proposed her removal in retaliation for disclosing that the Chief Financial Officer (CFO) and other high-level officials repeatedly pressured her to qualify the CFO’s husband for a VA position (for which he was not qualified). OSC obtained an informal stay of the proposed removal and a new supervisor for complainant. After conducting an onsite investigation, OSC presented our findings to the VA and the parties agreed to a settlement. VA agreed to pay \$55,000 in a lump sum and \$38,000 in attorney’s fees, and to rescind the proposed removal (complainant has since moved to another job). VA also sought to remove the CFO for committing PPPs, but she resigned from federal service.

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<sup>10</sup> This includes cases from the Peace Corps (3), Small Business Administration (1), and General Services Administration (2).

- MSPB referred its findings that USDA retaliated against a lead forestry technician after he made disclosures about mistreatment by his supervisor and violated his due process rights in removing him from federal service. After reviewing the record and discussing potential resolution with USDA, OSC sent an informal PPP report seeking disciplinary action. USDA issued proposed suspensions for both subject officials and a letter of reprimand for the consulting HR specialist. Both suspensions were mitigated to some extent based on the exemplary performance records of the subject officials, among other considerations.
- Complainant, a criminal investigator, alleged he was issued a letter of reprimand, suspended for one day, and geographically reassigned after he disclosed potentially fraudulent representations by his superiors concerning a failure to get firearms recertification, as well as retaliation for filing an agency grievance. With OSC's assistance, the parties executed a settlement agreement in which the agency agreed to expunge the letter of reprimand; expunge the suspension and provide the Complainant with back pay; reassign the Complainant to his original duty location with the option to telework; provide the Complainant a separate workspace or work area from his former second-level supervisor; provide compensatory damages and attorney's fees; and agreed that his former first and second-level supervisors will not serve in his supervisory chain of command. In exchange, the Complainant agreed to withdraw his OSC complaint.
- Complainant, a cybersecurity specialist, alleged the agency changed his duties and threatened to terminate him from employment in reprisal for disclosing contracting violations and mishandling of classified information. The Complainant left his employment voluntarily and the agency withdrew its proposed termination and agreed to pay him a lump sum. The agency also agreed to counsel the involved officials to prevent recurrence.
- Complainant, a security manager, alleged that the agency denied leave requests, suspended telework, suspended him for five days, and significantly changed his duties, responsibilities, and working conditions in reprisal for his protected disclosures and his refusal to obey an order that would violate a law. The agency and complainant executed a settlement agreement, whereby the agency agreed to pay appropriate damages and fees, to expunge disciplinary actions and related records, to restore certain leave, to reinstate Complainant's duties and responsibilities as specified in the position description, and to realign his chain of command.
- Complainant, a program manager, alleges that she was issued a lowered performance appraisal, denied a bonus, subjected to a change in duties, reprimanded, and proposed for removal from employment in reprisal for disclosing to the Office of Inspector General and others, violations of pay regulations and gross waste and mismanagement of disaster relief funds. Complainant also alleged that her supervisor accessed her medical records in furtherance of her proposed removal. Additionally, a charge in the Complainant's proposed removal specifically referenced her threats to take legal action against her supervisor, including a grievance, complaint, and civil action. In settlement, the agency agreed to rescind the proposed removal and expunge other materials. The agency also agreed to take systemic

corrective actions to include removing language from its Table of Penalties that are inconsistent with merit system principles, and to receive PPP training.

- Complainant, a human resources manager, alleged that the agency denied him awards and bonuses and twice investigated him, resulting in a recommendation to terminate his employment, in reprisal for disclosing hiring and other irregularities. In settlement, the agency agreed to expunge retaliatory personnel actions and related documents, to pay appropriate damages and fees, to restore certain leave, and to take other corrective actions consistent with the WPA.
- Complainant, a law enforcement officer, alleged that the agency failed to give her in-band pay increases, awards, and recognize her as a senior officer after she disclosed to the Office of Inspector General and others, instances of gross mismanagement, and violations of laws and regulations. In settlement, the agency agreed to provide recompense for pay increased and awards, and to appropriately recognize the officer's senior status.
- In a referral from the MSPB, OSC established that a managing and a supervising physician retaliated against an employee who credibly alleged public corruption and threats to patient health and safety. Upon the presentation of OSC's findings to the agency, the agency agreed to propose the removals of the offending physicians.
- Complainant, a safety specialist, alleged that he was fired during the probationary period in retaliation for disclosing fall hazards and failure to follow OSHA reporting requirements. After OSC provided a report of its findings, the agency provided complainant with \$150,000 in backpay, compensatory damages and other monetary considerations.
- A Council of the Inspectors General on Integrity and Efficiency (CIGIE) referral to OSC contained allegations that an Inspector General directed staff to place the Complainant, a special agent, on administrative leave after she reported the IG's alleged political bias to OSC and CIGIE, and later to propose her removal. The agency rescinded the proposed removal, and agreed to pay appropriate damages and fees.

#### *Improper Selection Practices and Other Violations*

- Complainant, an ethics official, alleged that a supervisor submitted a subordinate's performance appraisal that he knew had been ghost written by the subordinate's spouse, who also was a supervisor at the agency. With OSC's permission, the agency suspended the supervisor who permitted the ghost-written appraisal for seven days.
- A referral from an Office of Inspector General contained allegations that that an agency official allowed a job applicant to edit the position description for a position to which he applied. The agency agreed to remove the responsible official from federal employment.
- A stakeholder group complaint alleged that an agency displayed certain anti-leak posters that violated section 2302(b)(13). The posters, which were part of the agency's Insider Threat

Program, featured the slogan “Every Leak Makes Us Weak,” but did not contain any mention of whistleblower protections. The agency agreed to remove the posters and to not use them in any of their publications. An unrelated agency that created the poster and distributed it government-wide also agreed to remove the poster from its website and added language asking all organizations to discontinue its use. That agency also agreed to receive PPP training. Lastly, OSC updated its public guidance on non-disclosure agreements.

- A referral from OPM to OSC contained allegations that an agency gave a Schedule C political appointee an unlawful preference when it selected him for a competitive service position. OSC’s investigation found that the agency created a public affairs specialist competitive service position for the political appointee. At his supervisor’s request, the political appointee modified the position description to add many of his then-duties to the competitive service position. Thereafter, the agency issued a vacancy announcement and selected the political appointee for the competitive service position. The employee primarily responsible for the violation is no longer in federal service and other involved employees are no longer with the agency. The agency agreed to receive prohibited personnel practice training.

#### *Stays of Personnel Actions*

- Complainant, a secretary, alleged that she received a proposed termination because she disclosed that the agency improperly responded to sexual assault allegations, falsified an employment survey, and conducted illegal hiring and because she filed an IG complaint. At OSC’s request, the agency agreed to stay the removal while OSC investigated.

#### **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 scientist, alleged that he was reassigned to a lower tiered position for disclosing a hostile work environment. Through mediation, the agency agreed to reassign Complainant, provide restored leave, provide a monetary payment to offset a pay band change, and arrange in-person whistleblower training for agency staff.
- Complainant, an accountant, disclosed disparate time and attendance treatment for allegedly favored employees. In retaliation, Complainant claims that the agency reassigned him and failed to select him for another position. In mediation the parties worked through their concerns and differences. As a result, the agency agreed to reassign Complainant to a mutually agreeable alternative position.
- Complainant, a program manager, made disclosures of improper management processes. He alleged that in retaliation, agency management proposed a suspension, issued a negative performance evaluation, significantly changed his duties and finally issued a proposed termination. After a thorough airing of each parties’ perspectives on the issues, they came to

an agreement that provided for Complainant to be transferred to a desired new position, to retire several years into the future and a monetary payment for attorney’s fees.

- Complainant, a program specialist, alleged discrimination and retaliation for whistleblowing when he complained about agency decision-making policies in processing claims. Complainant claimed that in retaliation, the agency reassigned him. Through mediation, the parties were able to resolve their differences. The agency agreed to restore some of Complainant’s leave, conduct a desk audit to determine whether Complainant was at the proper pay level, make a monetary payment and pay attorney’s fees.
- Complainant, a firefighter, alleged that in retaliation for making disclosures, he was denied training, received a letter of counseling and oral admonishment, and the agency changed his working conditions, duties, responsibilities, and pay. The parties had a full discussion of viewpoints and issues during mediation and in follow up discussions were able to reach an agreement for both individual and systemic corrective action. The agency agreed to provide Complainant priority consideration for a future position, provide a monetary payment and attorney’s fees. The agency also agreed to WPA training for all employees within Complainant’s department.
- Complainant alleged that after making disclosures regarding irregularities in a care referral program, he was subjected to a retaliatory investigation, detailed to a different position, and experienced a significant change in duties. Through mediation, the agency agreed to reassign the complainant to a telework-eligible position that would allow him to fulfill his family obligations and career goals, and accommodate health issues exacerbated by the stress of the alleged retaliation. In addition, the agency provided restoration of sick and annual leave, a payment of compensatory damages and attorney’s fees.

<b>Table 4 - ADR Program Activity – Mediation of Prohibited Personnel Practice Complaints</b>					
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Cases Reviewed for Mediation</b>	143	101	188	174	70
<b>Mediations Offered</b>	80	71	92	86	58
<b>Mediations Conducted</b>	37	40	65	39	39
<b>Cases Withdrawn Before Mediation Completed</b>	12	16	27	11	2
<b>Completed Mediations</b>	25	24	38	28	37
<b>Completed Mediations Resulting in Settlement</b>	20	16	31	21	24
<b>Percentage of Completed Mediations Resulting in Settlement</b>	80%	67%	82%	75%	65%
<b>Cases Resolved Without Need for Mediation</b>	1	0	1	1	0
<b>Carryover to Next FY – Mediations in Process</b>	17	18	20	19	18



Carryover to Next FY – Cases in Review	2	4	11	2	4
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## **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 2,900 whistleblower disclosures in FY 2018 and FY 2019 combined. In FY 2019 specifically, OSC sent 64 whistleblower disclosure reports to the President and Congress. Agencies substantiated wrongdoing in 43 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 2019 involving whistleblower disclosures:

#### *Violation of Law, Rule or Regulation, Gross Mismanagement, and a Substantial and Specific Danger to Public Safety*

- **Mismanagement of Navy Software Program Leading to Vulnerabilities.** On December 19, 2018, the Special Counsel transmitted to the President and Congress a Department of the Navy (Navy) report based on disclosures of wrongdoing at the Naval Air Warfare Center Weapons Division (NAWCWD), China Lake, California. The whistleblower disclosed that software known as KILSWITCH/APASS, developed and widely distributed by the Navy’s Digital Precision Strike Suite had significant security vulnerabilities that could render it vulnerable to unauthorized intrusion.

The investigation substantiated the allegations, finding that the software had significant cybersecurity vulnerabilities making it susceptible to hacking. The investigation further found that starting in 2012, the software was impermissibly distributed to a wide variety of special operations units across multiple branches of the U.S military and potentially to U.S. allies, who used it in operational and combat settings. In response to these findings, the Navy

directed the Chief of Naval Operations and the Commandant of the Marine Corps to ensure the software is only used with appropriate security measures in place. Additional inquiries by OSC prompted the distribution of notice across the U.S. Special Operations Command, which required commanders to notify any foreign non-U.S. military personnel to mitigate potential cybersecurity vulnerabilities. Despite these corrective actions, significant concerns remain relating to the extensive and apparently unregulated distribution of the software, and the circulation of notice concerning its shortcomings.

*Violation of Law, Rule or Regulation, Gross Mismanagement, and a Substantial and Specific Danger to Public Health*

- **Improper Backlog of Patients for Follow-Up Endoscopy Procedures.** On March 28, 2019, the Special Counsel transmitted to the President and Congress, a matter involving the VA Eastern Kansas Health Care System. The whistleblower disclosed that the Dwight D. Eisenhower and Colmery-O'Neil VA Medical Centers (Eisenhower and O'Neil VAMCs, respectively) had a combined improper backlog of approximately 7,000 patients who did not receive a timely follow-up endoscopy procedure.

The agency substantiated that between the two VAMCs 1,107 patients had not received timely follow-up endoscopies. The VA found that while the Eisenhower VAMC had availability for new clinic appointments, the O'Neil VAMC did not. The agency also found that the GI clinics did not notify patients of their endoscopy results timely, per VA policy, consistently remind patients to schedule follow-up appointments, or monitor the quality of colonoscopies as mandated by VHA Directive-1-O-15. Thus, the VA is implementing several recommendations including that these VAMC's GI clinics receive a consultative site visit from the National GI Program Office, continue to refer new consults to Community Care while decreasing the backlog and wait times, audit staff training files and retrain as needed, monitor the quality of colonoscopies per VA policy, update and reissue relevant local policies, and appropriately staff the GI clinics. The Special Counsel determined that the agency report met the statutory requirements and the findings appear reasonable.

*Violation of Law, Rule or Regulation, Gross Waste of Funds, and Abuse of Authority*

- **Fraudulently Obtaining Travel Reimbursements.** A whistleblower alleged that a FEMA logistics manager based in the New York metropolitan area falsified documents to fraudulently obtain significant government travel reimbursements and that FEMA managers were aware of this fraud. The agency fully substantiated the allegations and determined that officials generated false documents to ensure travel reimbursement for an employee during FEMA's disaster response to Hurricane Irene. The falsified documents created the appearance that the employee met agency reimbursement eligibility requirements. As a result of this deception, the employee received approximately \$31,500 in reimbursed temporary duty location expenses. The agency investigation concluded that the repayment was improper.

In response, the agency carried out a variety of disciplinary and corrective actions, including the issuance of notices of termination for several employees. This matter was also presented

to the Department of Justice for criminal prosecution, but prosecution was declined. FEMA indicated that it will pursue civil action with the Department of the Treasury to recoup the improper payments. FEMA is also in the process of updating its travel manual to include specific reimbursement compliance requirements.

*Gross Mismanagement*

- **Gross Mismanagement of Home Healthcare Consults.** An investigation substantiated gross mismanagement of home healthcare consults at the Indianapolis VA, which resulted in significant delays in veteran care. One veteran required a below-the-knee leg amputation as a result of the delay. The Medical Center updated and implemented the home health care consult standard operating procedures, including processes for monitoring consults and post-discharge follow-ups. In addition, the Medical Center made personnel changes to the Social Work Service leadership team.
- **Improper Storage of Medications.** An investigation substantiated that VA facilities failed to ensure medications for home-based patients were stored at appropriate temperatures during transit. The VA developed new guidelines and training, and purchased new transport coolers and thermometers.

**Table 5**, below, contains FY 2019 summary data (with comparative data for the seven previous fiscal years) on the receipt and disposition of whistleblower disclosure cases.

<b>TABLE 5 – Summary of Whistleblower Disclosure Activity – Receipts and Dispositions<sup>11</sup></b>									
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	
<b>Pending disclosures carried over from prior fiscal year</b>	132	225	193	433	449	497	493	421	
<b>New disclosures received</b>	1,148	1,129	1,554	1,965	1,717	1,781	1,559	1,373	
<b>Total disclosures</b>	1,280	1,354	1,747	2,398	2,166	2,278	2,052	1,794	
<b>Disclosures referred to agency heads for investigation and report</b>	39	51	92	62	40	59	139	73	
<b>Referrals to agency IGs</b>	6	2	0	0	0	1	0	0	
<b>Agency head reports sent to President and Congress</b>	36	54	26	72	78	66	41	64	
<b>Results of agency investigations and reports</b>	<b>Disclosures substantiated in whole or in part</b>	31	49	25	63	68	50	36	43
	<b>Disclosures unsubstantiated</b>	5	5	1	9	10	15	5	21
<b>Disclosure processing times</b>	<b>Within 15 days</b>	583	575	731	830	654	733		
	<b>Over 15 days</b>	470	585	584	1,117	1,015	1,056		
	<b>Within 45 days<sup>12</sup></b>							968	1,188

<sup>11</sup> 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.

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

	<b>Over 45 days</b>							656	291
<b>Percentage of disclosures processed within 15 days</b>	55%	49%	55%	42%	39%	40%			
<b>Percentage of disclosures processed within 45 days</b>								59%	80%
<b>Disclosures processed and closed</b>	1,053	1,160	1,315	1,947	1,669	1,789	1,624	1,479	

## **PART 5 – HATCH ACT**

### **Overview**

OSC aims to reduce prohibited political activities by: (1) educating and warning employees about unlawful partisan political activity; and (2) bringing disciplinary actions against federal employees who violate the Hatch Act. To achieve these goals, this year OSC issued over 1,100 advisory opinions, issued 49 warning letters, and obtained eleven corrective actions and five disciplinary actions, either by negotiation or MSPB orders.

### **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. HAU advises individuals on whether they are covered by the Hatch Act and whether their political activities are permitted. In FY 2019, OSC responded to 1,111 requests for advisory opinions under the Hatch Act, including 52 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:

#### *Litigation*

- OSC litigated a case against a U.S. Department of Justice (DOJ) immigration judge who violated the Hatch Act by promoting then-presidential candidate Hillary Clinton’s plan for immigration reform during a deportation hearing over which she presided in March 2016. The administrative law judge found that the employee’s actions merited “a considerable sanction given the public nature of her position” and, because the employee retired before the decision was issued, imposed a fine of \$1,000, the maximum possible civil penalty, along with a 30-month debarment from federal service. The administrative law judge also concluded, however, that the employee’s violation warranted a 120-day suspension, which would have been the ordered penalty had she not already retired.
- OSC litigated a case against a U.S. Postal Service (USPS) employee who twice ran as a candidate for partisan political office despite receiving guidance and warnings from OSC about her Hatch Act violation. OSC filed a motion for default judgment after the employee

failed to file an answer to the complaint or respond to the Merit Systems Protection Board judge's order. The judge concluded that the employee violated the Hatch Act and ordered her removal from her USPS employment.

#### *Disciplinary Action Obtained through Settlement Negotiations*

- OSC entered into a settlement agreement with a Defense Logistics Agency (DLA) employee who violated the Hatch Act on numerous occasions by sending partisan political emails and making political Facebook posts while at work. The employee also used Facebook to solicit political contributions nearly two dozen times in violation of the Hatch Act. During OSC's investigation, the employee admitted he was aware of the Hatch Act and that his supervisor had counseled him about the Act prior to engaging in the prohibited activity. In a settlement agreement, the employee agreed to a 90-day suspension without pay.
- OSC settled a case involving another DLA employee who violated the Hatch Act by displaying the words "Vote Republican" on a PowerPoint presentation that he gave while on duty and in the federal workplace. The employee had received extensive Hatch Act training and was explicitly told prior to giving the presentation that certain images he planned to use, including the "Vote Republican" image, would be problematic. In a settlement agreement, the employee agreed to a 30-day suspension without pay for his violation.
- OSC engaged in settlement discussions with a VA employee who sent multiple emails to VA colleagues, while on duty and in the federal workplace, soliciting volunteers for partisan political efforts. The employee admitted that she knew about the Hatch Act prior to sending the emails. OSC, VA, and the employee agreed to settle the case for a 14-day unpaid suspension, but the employee ultimately resigned before serving the suspension.
- OSC entered into a settlement agreement with a USPS employee who violated the Hatch Act by being a candidate in the 2018 partisan election for the U.S. House of Representatives. There was evidence that the employee knew about the Hatch Act's prohibitions before becoming a candidate. As disciplinary action for his violation, the employee agreed to accept a letter of reprimand.
- OSC investigated and substantiated allegations that a U.S. Army Corps of Engineers (USACE) employee, while at work, solicited coworkers to sign a candidacy petition in support of her friend's campaign for mayor. After the investigation, OSC engaged in settlement negotiations with the employee and USACE to reach an agreement in which the employee would receive significant disciplinary action for her Hatch Act violations. In the middle of those discussions, the employee opted to retire from her USACE employment.

#### *Investigations Involving High-Level Officials*

- In June 2019, OSC sent an investigative report to President Donald J. Trump finding that Counselor to the President, Kellyanne Conway, violated the Hatch Act during ten television interviews in which she appeared in her official capacity and by engaging in political activity on her Twitter account, which she also uses for official purposes. In the media interviews,

Conway advocated against the Democratic Party’s presidential candidates and for President Trump’s reelection. Conway engaged in prohibited political activity, despite receiving significant Hatch Act training and being subject to a similar disciplinary action recommendation in March 2018. 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.

- OSC investigated numerous allegations that White House employees violated the Hatch Act by engaging in political activity on their official social media accounts. While OSC found in several cases that the evidence did not support a conclusion that the employees violated the Hatch Act, OSC also found that at least seven employees had violated the Hatch Act and issued those employees warning letters.
- OSC investigated allegations that a high-level presidential appointee violated the Hatch Act when he wore socks depicting President Donald Trump and the campaign slogan “Make America Great Again!” to an official event. The appointee later posted a picture of his socks to an official Twitter account. Although the tweet was removed, OSC concluded that the appointee violated the Hatch Act and issued him a warning letter.
- OSC investigated several additional allegations of prohibited political activity by cabinet and other high-level officials. The allegations involved, for example, use of official travel for political purposes and use of official position to support a candidate. After investigating those allegations, OSC determined that the evidence did not support a conclusion that the appointees violated the Hatch Act, and OSC closed the cases.

**Table 6**, below, contains FY 2019 summary data (with comparative data for the seven previous fiscal years) on OSC’s Hatch Act enforcement activities.

<b>TABLE 6 – Summary of Hatch Act Complaint and Advisory Opinion Activity</b>									
		<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Formal written advisory opinion requests received</b>		257	107	64	64	45	26	52	46
<b>Formal written advisory opinions issued</b>		262	129	60	60	43	24	46	52
<b>Total advisory opinions issued<sup>13</sup></b>		3,448	1,767	1,382	1,023	1,641	1,325	1,155	1,111
<b>New complaints received<sup>14</sup></b>		503	277	151	106	197	253	263	281
<b>Complaints processed and closed</b>		449	465	182	131	98	234	286	245
<b>Warning letters issued</b>		142	150	44	28	21	37	49	49
<b>Corrective actions taken by cure letter recipients</b>	<b>Withdrawal from partisan races</b>	5	5	7	8	4	6	5	4

<sup>13</sup> All oral, e-mail, and written advisory opinions issued by OSC.

<sup>14</sup> Includes cases that were reopened.

	<b>Resignation from covered employment</b>	2	2	0	3	1	2	2	2
	<b>Other</b>	4	4	1	0	5	2	3	5
	<b>Total</b>	11	11	8	11	10	10	10	11
<b>Disciplinary action complaints filed with MSPB</b>		0	2	1	2	3	0	2	0
<b>Disciplinary actions obtained (by negotiation or ordered by MSPB)</b>		4	7	15	9	5	4	6	5
<b>Complaints pending at end of fiscal year</b>		286	96	65	40	139	156	133	132

## **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 21 new cases in FY 2019 and negotiated corrective actions for two complainants. Also, 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:

- In April 2019, OSC won a favorable decision from MSPB in a USERRA appeal it filed on behalf of a USPS letter carrier and Lieutenant Colonel (Ret.) in the Maine Air National Guard (MANG). After the September 11, 2001, terror attacks, the Lieutenant Colonel served continuously with the MANG for approximately 14 years in support of the Global War of Terror. During his absence, the Lieutenant Colonel regularly provided copies of his military orders to USPS, maintained his employee benefits, and told USPS officials and co-workers that he intended to return to work there once his service ended. However, after he was released from duty and requested reemployment, USPS refused to reemploy the Lieutenant Colonel, asserting that he “abandoned” his civilian job in favor of a military career. OSC believed that because he satisfied all statutory requirements, the Lieutenant Colonel was entitled to reemployment under USERRA, and represented him before the MSPB. In its ruling, the MSPB found that USPS violated the Lieutenant Colonel’s USERRA rights, and ordered it to reinstate him with back pay. USPS has since appealed that ruling.
- A disabled U.S. Navy veteran working for the Department of Veterans Affairs in Durham, North Carolina, applied for a promotion in July 2017, and, following interviews, was ranked second among the eight finalists referred to the selecting official. Nevertheless, the selecting official twice bypassed the veteran to select lower-ranked candidates because she believed the veteran had “skipped the line” based on her disabled veteran status, despite her strong qualifications. After OSC found that the Department of Veterans Affairs’ actions likely violated USERRA, it sought relief on the veteran's behalf. The Department of Veterans

Affairs agreed to retroactively promote the veteran to the higher-graded position, effective July 2017, with all associated back pay, and to pay her an additional \$35,000 in damages to resolve her USERRA complaint.

- A U.S. Army Reservist working for the Department of Labor in Phoenix, Arizona, as a GS-11 investigator believed he was not promoted to the GS-12 level as quickly as his co-workers due to his Reserve duty. In January 2017, his first-level supervisor allegedly promised him a GS-12 promotion in the coming months. However, at a meeting with his first- and second-level supervisors in June 2017, his second-level supervisor stated that his “military duty has impeded his progress” and that he would not be promoted. After an investigation corroborated the Reservist’s allegations, OSC requested relief on his behalf, and the agency agreed to retroactively promote him to the GS-12 level, as of April 2017, with corresponding back pay and pay raises.

**Table 7**, below, contains FY 2019 summary data with comparative data and disposition of USERRA referral cases.

<b>TABLE 7 – Summary of USERRA Referral and Litigation Activity<sup>15</sup></b>								
	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Pending referrals carried over from prior fiscal year</b>	17	11	6	7	4	5	3	6
<b>New referrals received from VETS during fiscal year</b>	24	7	14	18	16	17	25	21
<b>Referrals closed</b>	30	12	13	21	15	19	22	22
<b>Referrals closed with corrective action</b>	4	2	2	2	0	3	2	2
<b>Referrals closed with no corrective action</b>	26	10	11	19	15	16	20	20
<b>Referrals pending at end of fiscal year</b>	11	6	7	4	5	3	6	5
<b>Litigation cases carried over from prior fiscal year</b>	0	0	0	0	0	0	0	1
<b>Litigation cases closed</b>	0	0	0	0	0	0	0	0
<b>Litigation closed with corrective action</b>	0	0	0	0	0	0	0	0
<b>Litigation closed with no corrective action</b>	0	0	0	0	0	0	0	0
<b>Litigation pending at end of fiscal year</b>	0	0	0	0	0	0	1	1

<sup>15</sup> 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**

### **Overview**

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. As of the end of FY 2019, 156 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 **198** training presentations in FY 2018, followed by **188** presentations in FY 2019.

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/Reports>).

## **Annual Survey Program**

Each year as per our statutory authorization requirement, OSC surveys people who have contacted the agency for assistance during the previous fiscal year.

For FY 2019, Congress authorized OSC to undertake a pilot project, in the form of a survey designed for the purpose of collecting information and improving service at various stages of OSC's review or investigation of a submission to the agency.

OSC created the one-time survey, obtained OMB approval, and distributed it by email it to the target population of individuals who had filed complaints with, or requested advisory opinions from, OSC in FY 2019.

The results of this survey are in Appendix 3.

## **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](mailto: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/Pages/File-Complaint.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/Pages/File-Complaint.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](mailto:hatchact@osc.gov)

A Hatch Act complaint can be filed electronically with OSC (<https://osc.gov/Pages/File-Complaint.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/Pages/File-Complaint.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](mailto:userra@osc.gov)

## *Diversity, Outreach and 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](mailto: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**

**2019 OSC FEVS Core Survey Results**

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

Question 1; N=89						
*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 %
62.9%	30.2%	32.7%	19.4%	15.6%	2.1%	17.7%

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

Question 2; N=89						
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 %
83.2%	30.1%	53.1%	6.9%	6.4%	3.5%	9.9%

Question 3; N=89						
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 %
71.5%	34.6%	36.9%	11.4%	11.6%	5.5%	17.1%

Question 4; N=89						
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 %
77.7%	38.8%	39.0%	13.6%	6.6%	2.0%	8.6%

Question 5; N=89						
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 %
86.0%	45.6%	40.4%	9.6%	2.0%	2.4%	4.4%

Question 6; N=87						
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 %
83.9%	43.5%	40.4%	4.0%	9.0%	3.1%	12.1%

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 %
99.0%	76.9%	22.1%	0.0%	0.0%	1.0%	1.0%

Question 8; N=89						
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 %
98.1%	61.6%	36.5%	0.9%	0.0%	1.0%	1.0%

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 %
41.2%	13.2%	28.0%	12.9%	31.3%	14.7%	45.9%

Question 10; N=88						
*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 %
44.6%	16.4%	28.2%	16.9%	23.0%	15.6%	38.6%

Question 11; N=88						
*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%	21.1%	36.6%	13.1%	14.1%	15.2%	29.3%

Question 12; N=88						
*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 %
90.1%	49.0%	41.0%	4.3%	3.5%	2.1%	5.6%



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 %
94.4%	65.1%	29.4%	2.5%	2.1%	1.0%	3.1%

Question 14; N=89						
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 %
78.1%	36.0%	42.0%	11.0%	8.8%	2.2%	10.9%

Question 15; N=85						
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 %
86.8%	42.5%	44.3%	7.5%	3.5%	2.2%	5.7%

Question 16; N=87						
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 %
90.3%	41.0%	49.3%	5.2%	2.4%	2.1%	4.5%

Question 17; N=86						
*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 %
64.7%	33.6%	31.2%	17.8%	6.9%	10.5%	17.4%

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 %
58.4%	26.6%	31.8%	18.0%	19.3%	4.4%	23.6%

Question 19; N=82						
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 %
83.5%	42.9%	40.5%	12.8%	0.0%	3.7%	3.7%

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 %
90.8%	60.3%	30.5%	2.4%	4.8%	2.1%	6.9%

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 %
74.5%	17.7%	56.8%	15.1%	6.9%	3.6%	10.5%

Question 22; N=85						
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 %
60.1%	24.0%	36.1%	23.6%	6.8%	9.5%	16.3%

Question 23; N=73						
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 %
53.6%	18.9%	34.7%	27.4%	13.4%	5.6%	18.9%

Question 24; N=80						
*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 %
49.7%	16.4%	33.4%	25.8%	16.0%	8.4%	24.5%

Question 25; N=81						
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 %
61.9%	13.6%	48.3%	23.5%	5.9%	8.8%	14.6%

Question 26; N=89						
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 %
96.7%	62.5%	34.2%	1.3%	1.1%	1.0%	2.1%

Question 27; N=85						
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 %
78.1%	40.7%	37.3%	15.7%	4.0%	2.2%	6.2%

Question 28; N=89						
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 %
95.9%	69.2%	26.7%	3.1%	0.0%	1.0%	1.0%

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 %
96.9%	57.6%	39.3%	1.0%	0.0%	2.1%	2.1%

Question 30; N=85						
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 %
65.8%	19.7%	46.1%	11.8%	13.0%	9.4%	22.4%

Question 31; N=86						
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 %
73.8%	27.5%	46.3%	9.7%	9.8%	6.7%	16.5%

Question 32; N=84						
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 %
55.8%	22.5%	33.3%	21.5%	10.0%	12.7%	22.8%

Question 33; N=76						
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 %
39.6%	13.3%	26.3%	32.0%	15.0%	13.4%	28.4%

Question 34; N=78						
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 %
58.6%	22.2%	36.5%	27.7%	6.7%	7.0%	13.7%

Question 35; N=85						
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 %
83.1%	35.2%	47.9%	9.7%	2.5%	4.6%	7.1%

Question 36; N=87						
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 %
83.3%	27.0%	56.3%	10.1%	1.0%	5.6%	6.6%



Question 37; N=86						
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 %
66.8%	30.8%	36.0%	17.2%	5.5%	10.5%	16.0%

Question 38; N=85						
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 %
72.5%	37.4%	35.0%	15.7%	2.3%	9.5%	11.8%

Question 39; N=85						
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 %
79.3%	37.4%	41.9%	11.4%	5.8%	3.5%	9.3%

Question 40; N=87						
*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 %
78.0%	36.3%	41.8%	8.4%	6.3%	7.3%	13.6%

Question 41; N=80						
*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 %
58.2%	27.2%	31.0%	19.0%	11.7%	11.0%	22.7%

Question 42; N=87						
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 %
95.3%	68.1%	27.3%	0.0%	2.4%	2.2%	4.7%

Question 43; N=87						
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 %
73.4%	49.9%	23.5%	16.9%	2.9%	6.8%	9.7%

Question 44; N=85						
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 %
82.6%	56.4%	26.2%	8.5%	4.6%	4.4%	9.0%

Question 45; N=83						
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 %
77.9%	58.6%	19.2%	15.5%	3.0%	3.7%	6.7%

Question 46; N=87						
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 %
78.3%	52.7%	25.6%	11.5%	4.4%	5.8%	10.2%

Question 47; N=87						
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 %
82.4%	57.2%	25.2%	9.6%	0.0%	8.0%	8.0%

Question 48; N=87						
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 %
92.1%	67.1%	25.0%	3.6%	2.1%	2.2%	4.3%

Question 49; N=87						
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 %
92.4%	70.9%	21.5%	3.0%	1.0%	3.5%	4.6%

Question 50; N=86						
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 %
91.8%	61.2%	30.6%	2.3%	3.8%	2.2%	5.9%

Question 51; N=87						
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 %
85.0%	64.5%	20.5%	9.5%	1.0%	4.6%	5.5%

Question 52; N=88						
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 %
87.6%	68.4%	19.2%	7.8%	1.1%	3.5%	4.6%

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 %
63.0%	27.8%	35.2%	15.1%	9.1%	12.8%	21.9%

Question 54; N=85						
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 %
71.6%	37.3%	34.3%	17.1%	1.6%	9.7%	11.3%

Question 55; N=84						
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 %
81.3%	39.3%	42.0%	10.2%	5.0%	3.5%	8.5%

Question 56; N=86						
*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 %
78.0%	34.0%	44.0%	12.4%	2.5%	7.2%	9.6%

Question 57; N=85						
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 %
80.3%	35.4%	44.9%	11.1%	2.5%	6.1%	8.6%

Question 58; N=84						
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 %
67.8%	32.4%	35.3%	16.7%	8.3%	7.2%	15.5%

Question 59; N=85						
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 %
68.3%	32.2%	36.1%	19.4%	4.8%	7.5%	12.3%

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 %
73.8%	48.5%	25.2%	16.4%	6.2%	3.7%	9.8%



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 %
71.6%	35.8%	35.8%	14.3%	5.8%	8.3%	14.1%

Question 62; N=86						
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 %
70.9%	39.8%	31.1%	14.2%	6.6%	8.4%	15.0%

Question 63; N=87						
*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 %
55.8%	22.1%	33.7%	16.6%	21.9%	5.7%	27.6%

Question 64; N=87						
*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 %
69.2%	22.0%	47.2%	15.7%	9.7%	5.4%	15.1%

Question 65; N=87						
*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 %
59.9%	25.6%	34.3%	20.8%	12.6%	6.7%	19.3%

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 %
58.8%	19.8%	39.1%	16.7%	14.4%	10.1%	24.5%

Question 67; N=86						
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 %
43.6%	16.1%	27.5%	23.9%	17.6%	14.9%	32.6%

Question 68; N=86						
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 %
51.9%	23.6%	28.4%	27.8%	15.7%	4.6%	20.3%

Question 69; N=87						
*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 %
78.1%	27.3%	50.8%	8.7%	6.6%	6.5%	13.1%

Question 70; N=87						
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 %
64.1%	20.6%	43.4%	22.2%	9.3%	4.4%	13.7%

Question 71; N=87						
*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 %
77.3%	32.3%	45.0%	12.0%	3.7%	7.0%	10.7%

Question 72; N=64				
Currently, in my work unit poor performers usually:				
Remain In Work Unit And Improve Over Time	Remain In Work Unit And Continue To Underperform	Leave Work Unit - Removed or Transferred	Leave Work Unit - Quit	No Poor Performers In Work Unit
16.3%	25.2%	15.0%	2.8%	40.7%

Question 73; N=88				
Which of the following best describes the impact of the partial government shutdown (December 22, 2018 – January 25, 2019) on your working/pay status?				
No Impact On Working/ Pay Status	No Work And No Pay Until After Shutdown	Worked Some But No Pay Until After Shutdown	Worked Entire Shutdown But No Pay Until After	Other
2.7%	87.9%	5.9%	1.3%	2.3%

Question 74; N=83				
How was your everyday work impacted during (if you worked) or after the partial government shutdown?				
No Impact	Slightly Negative Impact	Moderately Negative Impact	Very Negative Impact	Extremely Negative Impact
8.4%	7.3%	26.7%	31.9%	25.8%

Question 75; N=76									
In what ways did the partial government shutdown negatively affect your work? (Check all that apply)									
Unmanageable Workload	Missed Deadlines	Unrecoverable Loss of Work	Reduced Customer Service	Delayed Work	Reduced Work Quality	Cutback Of Critical Work	Time Lost In Restarting Work	Unmet Statutory Requirements	Other
65.2%	70.1%	20.4%	72.6%	94.5%	38.1%	27.7%	79.9%	71.8%	17.4%

Question 76; N=88			
Are you looking for another job because of the partial government shutdown?			
Looking Specifically Because Of Shutdown	Looking But Shutdown Is Only One Of The Reasons	Looking But Shutdown Had No Influence	Not Looking Currently
0.0%	10.4%	17.6%	72.1%

Question 77; N=86				
My agency provided the support (e.g., communication, assistance, guidance) I needed during the partial government shutdown.				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
39.0%	39.9%	15.0%	3.4%	2.6%

Question 78; N=88								
Please select the response below that BEST describes your current teleworking schedule.								
Telework					Do Not Telework			
Very Infrequently	Only 1-2 Days Per Month	1-2 Days Per Week	3-4 Days Per Week	Every Work Day	Must Be Physically Present	Technical Issues	Not Approved To Telework	Choose Not To Telework
19.6%	4.6%	48.7%	4.3%	4.4%	2.8%	0.0%	7.6%	7.9%

Question 79; N=79				
How satisfied are you with the Telework program in your agency?				
Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied
39.6%	32.0%	10.8%	12.6%	5.1%

Question 80; N=88					
Which of the following Work-Life programs have you participated in or used at your agency within the last 12 months? (Mark all that apply):					
Alternative Work Schedules	Health and Wellness Programs	Employee Assistance Program - EAP	Child Care Programs	Elder Care Programs	None Listed
75.3%	43.8%	2.1%	3.4%	0.0%	14.8%

Question 81; N=80				
How satisfied are you with the following Work-Life programs in your agency? Alternative Work Schedules (for example, compressed work schedule, flexible work schedule)				
Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied
66.6%	24.8%	3.6%	2.5%	2.4%

Question 82; N=68				
How satisfied are you with the following Work-Life programs in your agency? Health and Wellness Programs				
Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied
30.1%	42.5%	17.6%	5.7%	4.2%

Question 83; N=28				
How satisfied are you with the following Work-Life programs in your agency? Employee Assistance Program - EAP (for example, short-term counseling, referral services, legal services, information services)				
Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied
6.4%	24.6%	62.3%	3.0%	3.8%

Question 84; N=18				
How satisfied are you with the following Work-Life programs in your agency? Child Care Programs (for example, child care center, parenting classes and support groups, back-up care, subsidy, flexible spending account)				
Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied
9.4%	15.8%	65.9%	4.6%	4.3%

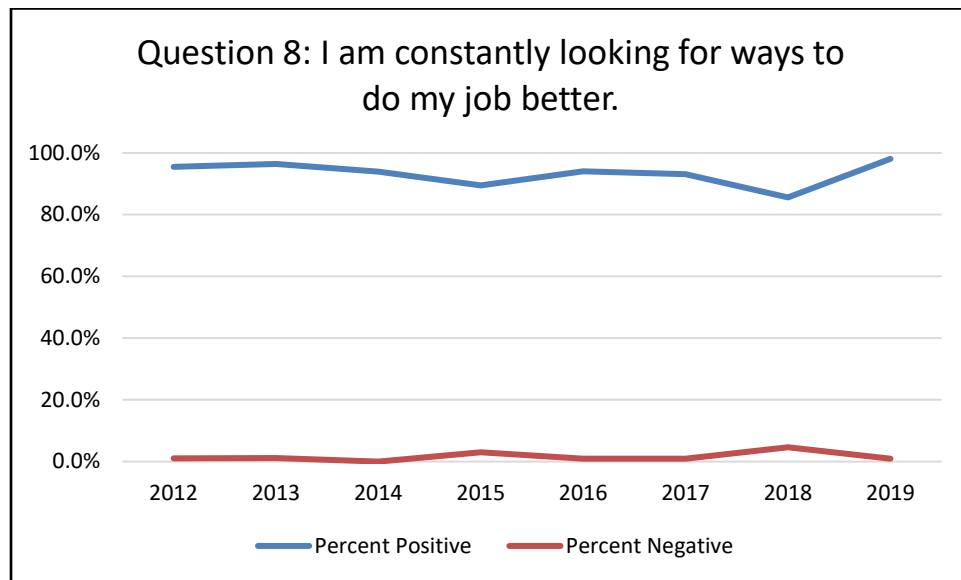
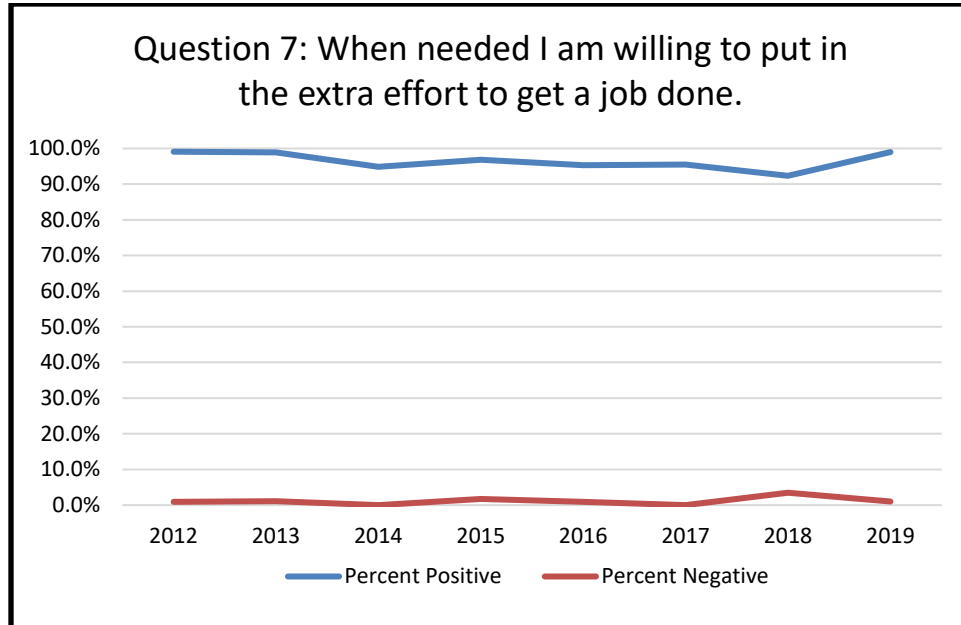
Question 85; N=88				
How satisfied are you with the following Work-Life programs in your agency? Elder Care Programs (for example, elder/adult care, support groups, resources)				
Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied
0.0%	0.0%	94.3%	5.7%	0.0%

*Of Note:*

Per the 2019 FEVS Results Spreadsheet, answers to 63 questions increased (i.e. had a higher percent of positive responses) from 2018 to 2019, while answers to only five questions decreased in the same time period. Below are graphs showing a seven-year trend for questions identified on the 2019 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 2018 to 2019, and (4) questions with the largest negative change from 2018 to 2019.

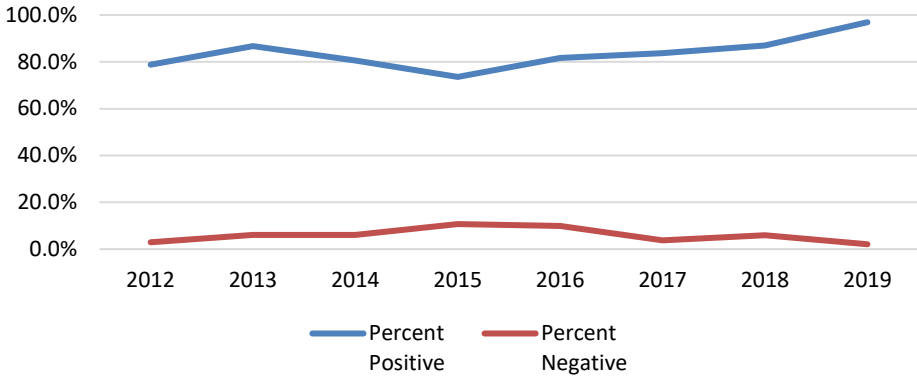
**APPENDIX 2 – Charts of the Highest Positive and Negative FEVS Responses**

**Section 1 – Questions With The Highest Positive Response Rate:**

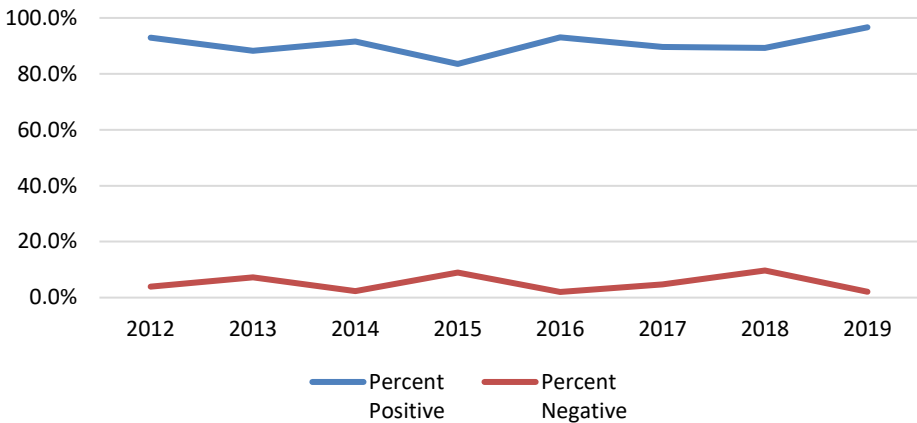


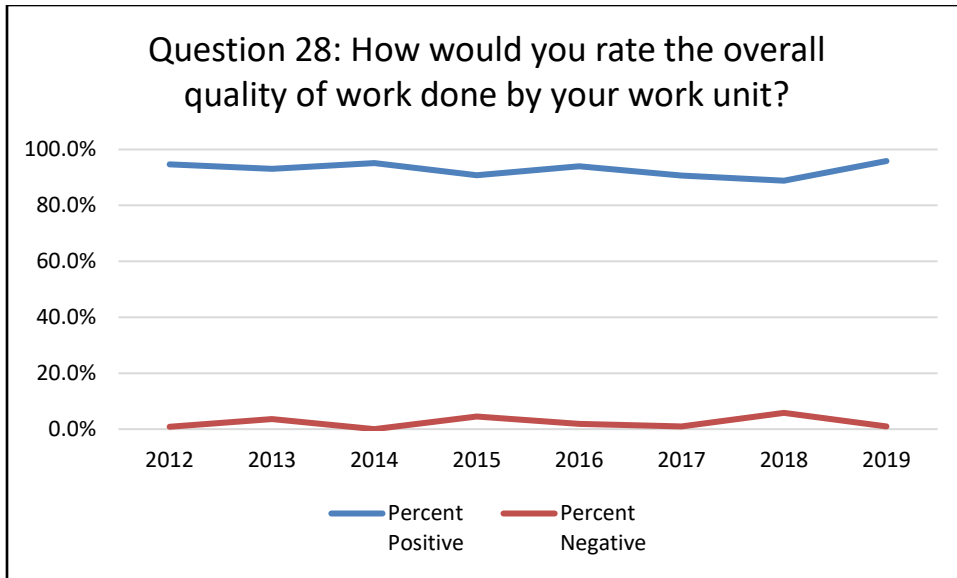


Question 29: The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.

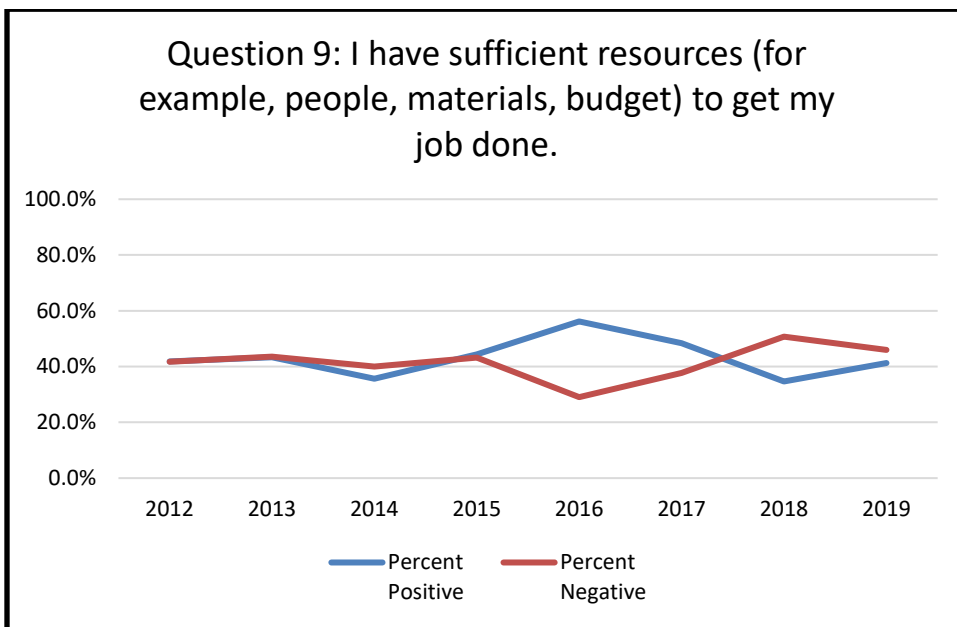


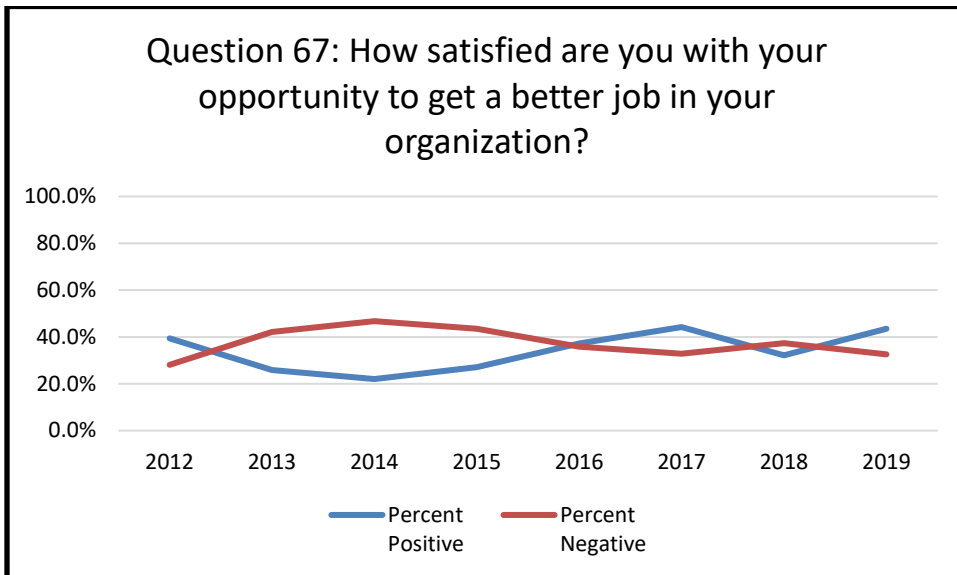
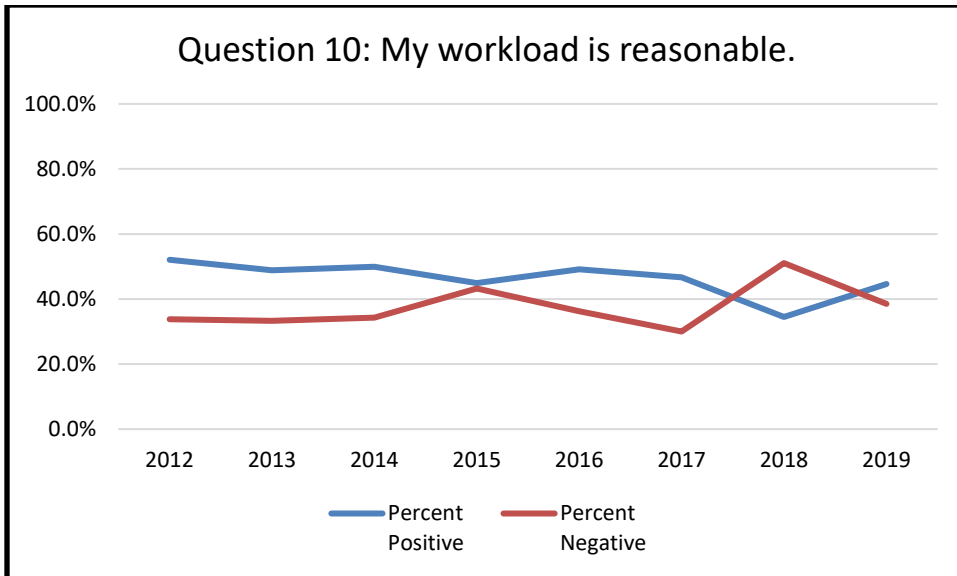
Question 26: Employees in my work unit share job knowledge with each other.

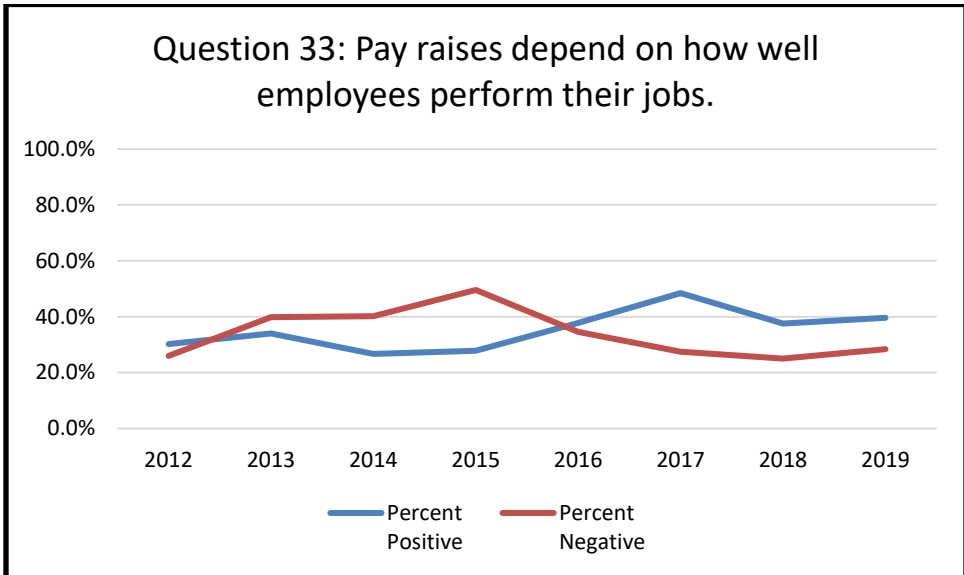
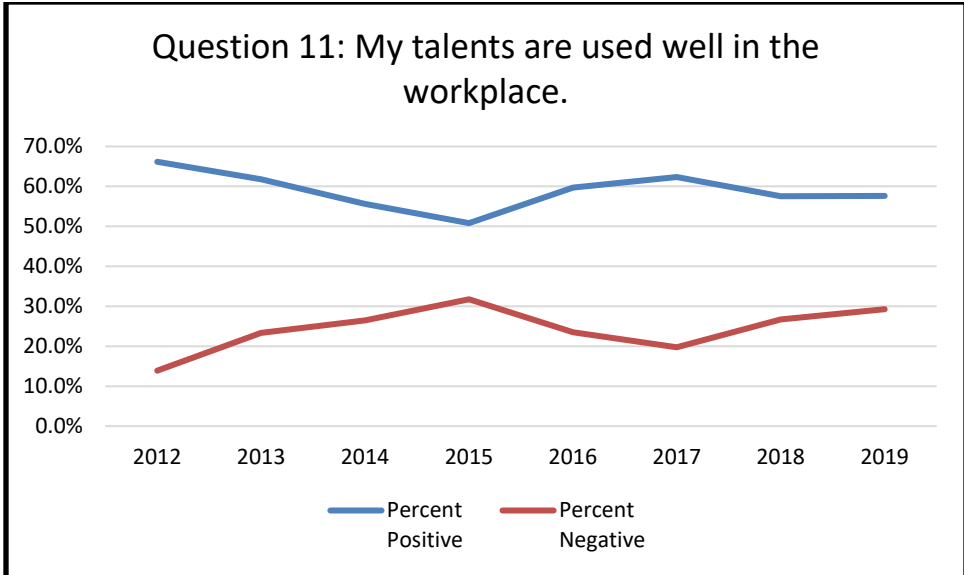




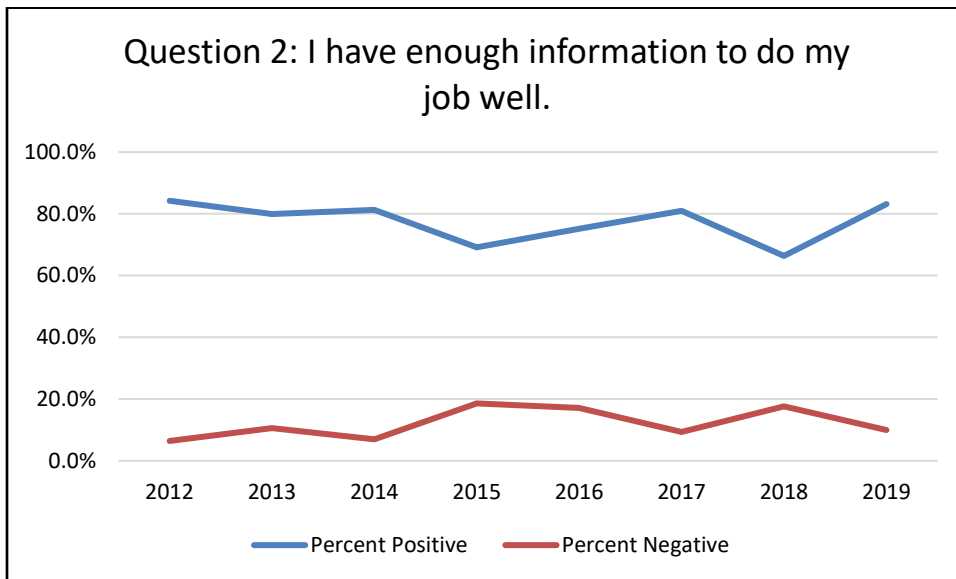
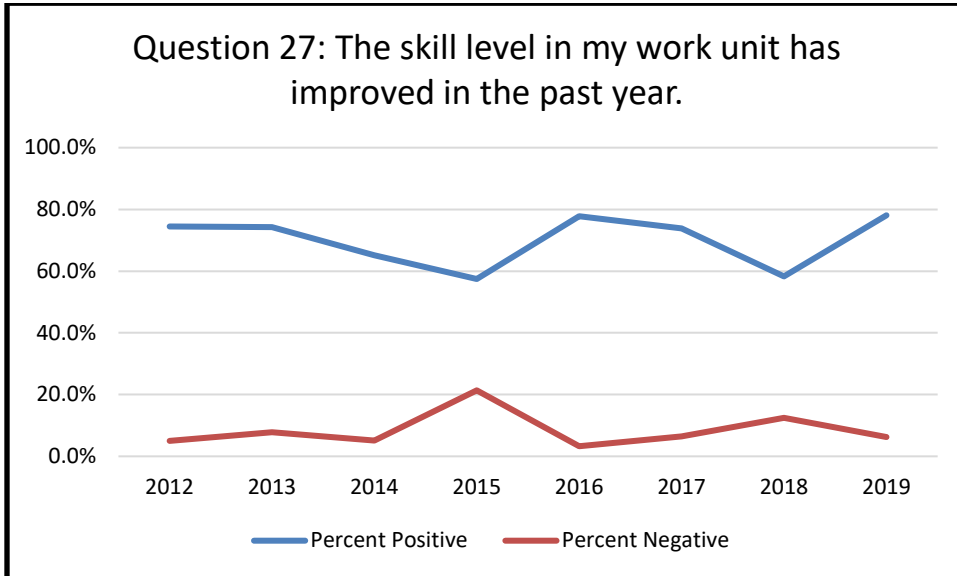
**Section 2 – Questions With The Highest Negative Response Rate:**

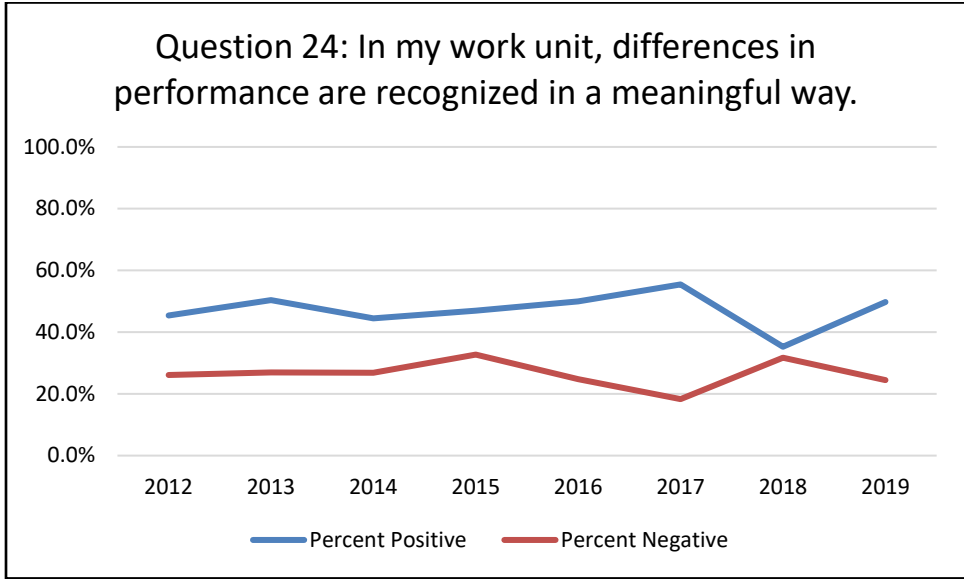
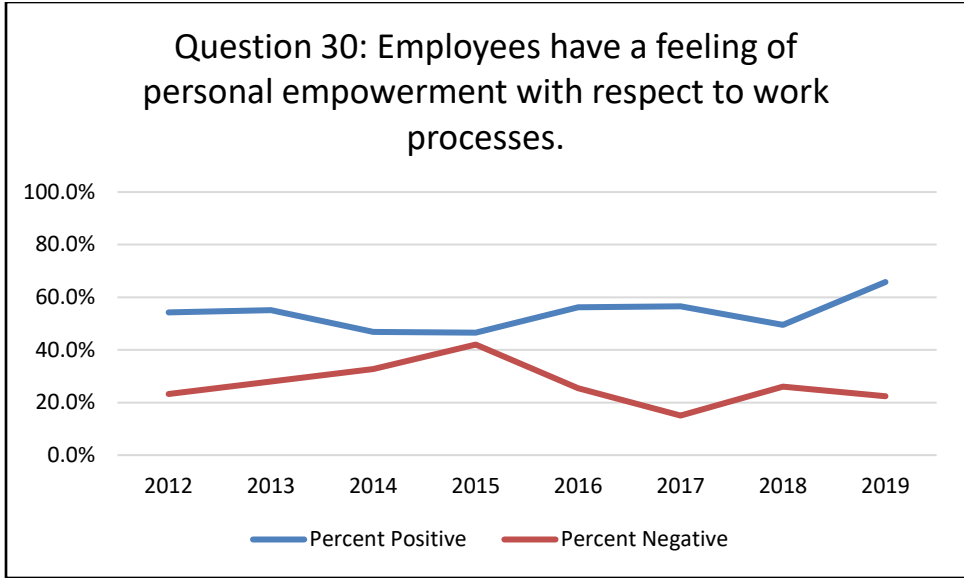


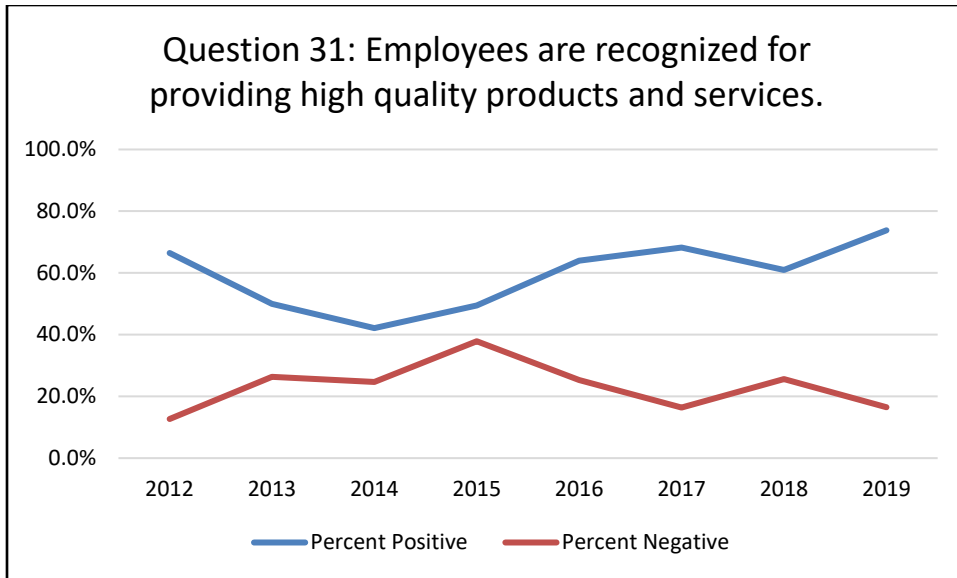




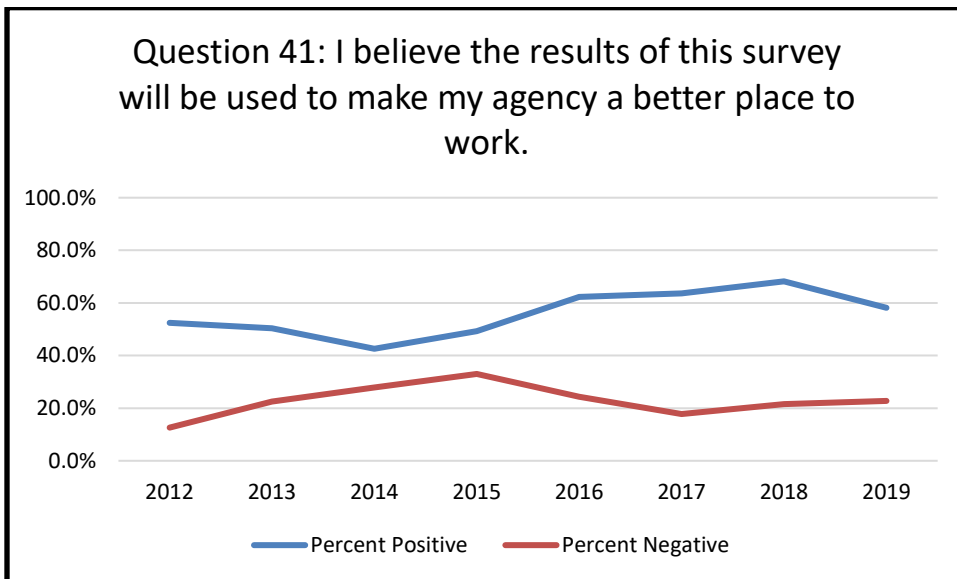
**Section 3 – Questions With The Largest Positive Change In Response Rate From 2018 To 2019:**

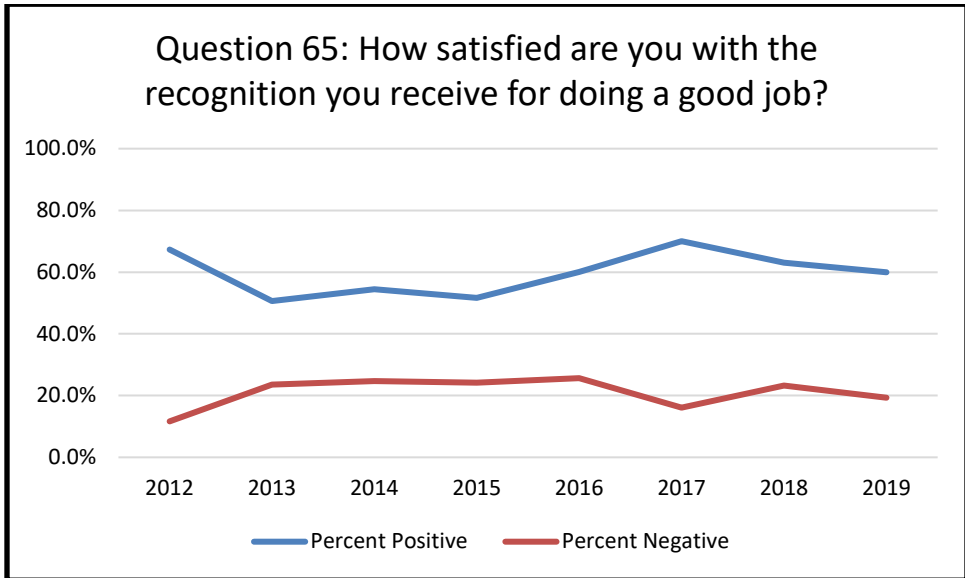
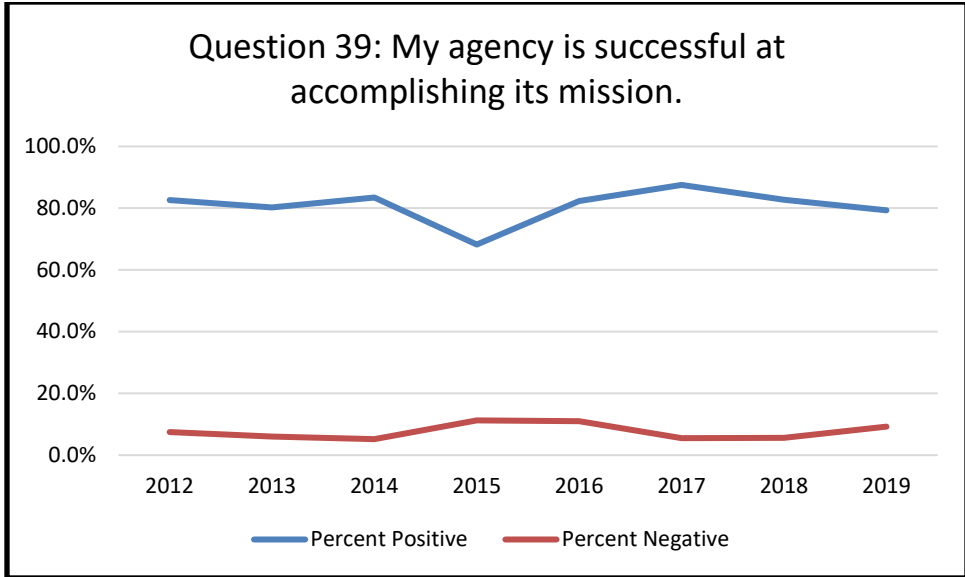






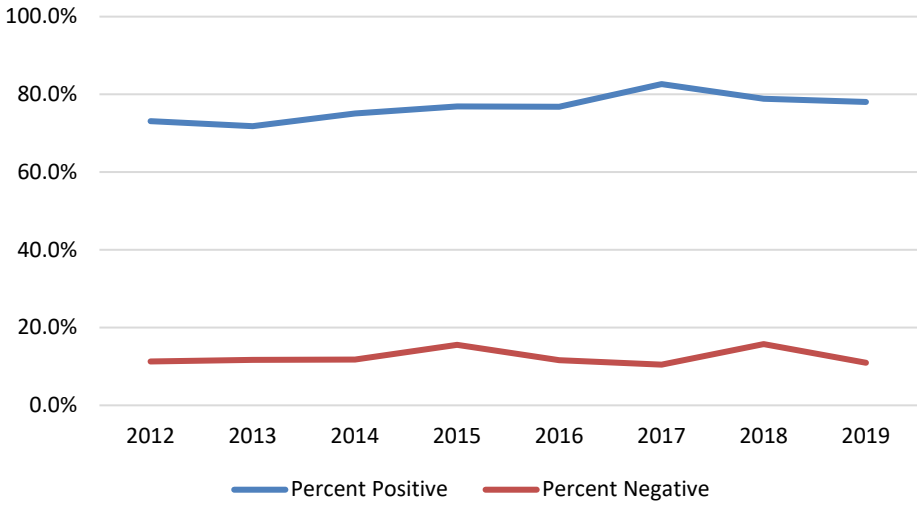
**Section 4 – Questions With The Largest Negative Change In Response Rate From 2018 To 2019:**



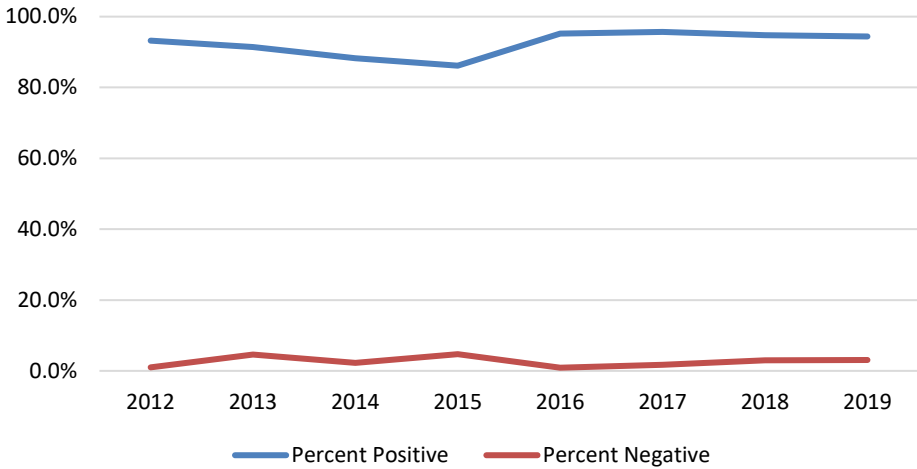




Question 14: Physical conditions (for example, noise level, temperature, lighting, cleanliness in the workplace) allow employees to perform their jobs well.



Question 13: The work I do is important.



**Appendix 3**

# OSC Statutory Survey 2019- OMB Control No: 3255-0007

**Q1**

Please identify the stage of review or investigation of your complaint, disclosure or advisory request.

Answered: 754 Skipped: 9

<b>ANSWER CHOICES</b>	<b>RESPONSES</b>
I have received notice from OSC that my complaint, disclosure, or advisory has been received and is in the queue to be reviewed	14.19% 107
I have received notice from OSC that my complaint, disclosure, or advisory is being actively reviewed	11.41% 86
I have been notified that OSC is taking action in my case such as referring my disclosure for investigation, seeking corrective action for a prohibited personnel practice, or issuing an advisory opinion.	7.56% 57
I received a preliminary notice that OSC is closing my case	11.54% 87
OSC has closed my case	52.65% 397
My case was referred for consideration by the Alternative Dispute Resolution section	2.65% 20
<b>TOTAL</b>	<b>754</b>

Q2

If OSC closed your case, what was the outcome? (Choose all that apply)

Answered: 748 Skipped: 15

<b>ANSWER CHOICES</b>	<b>RESPONSES</b>
OSC did not have jurisdiction	6.82% 51
OSC deferred to the EEO process	12.43% 93
OSC did not find a prohibited personnel practice or a personnel action	15.24% 114
OSC did not find a substantial likelihood of wrongdoing	12.97% 97
Not applicable	24.73% 185
Other	41.58% 311
<b>TOTAL</b>	<b>748</b>

Q3

Please rate your first interaction with OSC staff.

Answered: 759 Skipped: 4

<b>ANSWER CHOICES</b>	<b>RESPONSES</b>
Extremely positive	14.36% 109
Positive	18.84% 143

ANSWER CHOICES	RESPONSES
Neutral	27.14% 206
Negative	16.07% 122
Extremely negative	19.76% 150
Not applicable	3.82% 29
TOTAL	759

#### Q4

We would like to know if OSC was responsive to your calls or emails. Please rate your interaction with OSC staff during the time your case was open.

Answered: 759 Skipped: 4

ANSWER CHOICES	RESPONSES
Extremely positive	12.52% 95
Positive	18.31% 139
Neutral	26.75% 203
Negative	20.69% 157

<b>ANSWER CHOICES</b>	<b>RESPONSES</b>
Extremely negative	17.39% 132
Not applicable	4.35% 33
<b>TOTAL</b>	<b>759</b>

**Q5**

Did you have an opportunity to provide additional information to support your complaint or disclosure?

Answered: 758 Skipped: 5

<b>ANSWER CHOICES</b>	<b>RESPONSES</b>
Yes	57.92% 439
No	34.96% 265
Not applicable	7.12% 54
<b>TOTAL</b>	<b>758</b>

Q6

We are interested in whether OSC provided regular updates on your complaint or disclosure. Please rate your satisfaction with the frequency of updates.

Answered: 757 Skipped: 6

<b>ANSWER CHOICES</b>	<b>RESPONSES</b>
Exceeded expectations	5.55% 42
Met expectations	21.93% 166
Below expectations	72.52% 549
TOTAL	757

Q7

We are interested in whether OSC provided clear communication about your complaint or disclosure. Please rate your satisfaction with the quality of OSC's communication.

Answered: 759 Skipped: 4

<b>ANSWER CHOICES</b>	<b>RESPONSES</b>
Extremely helpful	8.17% 62
Very helpful	10.28% 78
Somewhat helpful	18.84% 143
Not so helpful	28.19% 214
Not at all helpful	34.52% 262
<b>TOTAL</b>	<b>759</b>

Q8

When you received written communication from OSC regarding the decision in your case, did OSC offer you an opportunity to ask questions about it?

Answered: 759 Skipped: 4

<b>ANSWER CHOICES</b>	<b>RESPONSES</b>
Yes	31.09% 236

ANSWER CHOICES	RESPONSES
No	43.48% 330
Not applicable	25.43% 193
TOTAL	759

Q9

Was the OSC staff member responsive to your questions about the decision in your case?

Answered: 760 Skipped: 3

ANSWER CHOICES	RESPONSES
Yes	23.55% 179
No	43.68% 332
Not applicable	32.76% 249
TOTAL	760



Q10

OSC may not have been able to help you with your complaint or disclosure. Regardless of the outcome, please rate your overall interaction with OSC.

Answered: 752 Skipped: 11

<b>ANSWER CHOICES</b>	<b>RESPONSES</b>
Extremely professional	13.30% 100
Very professional	24.34% 183
Somewhat professional	25.66% 193
Not so professional	16.76% 126
Not at all professional	19.95% 150
<b>TOTAL</b>	<b>752</b>

Q11

Overall, were you satisfied or dissatisfied with your interaction with OSC?

Answered: 760 Skipped: 3

<b>ANSWER CHOICES</b>	<b>RESPONSES</b>
Very satisfied	10.00% 76
Satisfied	11.32% 86
Neither satisfied nor dissatisfied	17.89% 136
Dissatisfied	23.42% 178
Very dissatisfied	37.37% 284
<b>TOTAL</b>	<b>760</b>

### Q12

What could we do to improve your experience with us?\*

Answered: 666 Skipped: 97

\*These are open-ended comments the respondents provide; answers not listed here