

**ANNUAL REPORT  
TO CONGRESS  
—*for*—  
FISCAL YEAR 2020**

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### The Special Counsel

The Honorable Kamala D. Harris  
President of the Senate  
Washington, D.C. 20510

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

Dear President and Speaker:

I respectfully submit the Report to Congress for fiscal year 2020 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, with a large initial "H" and "J".

Henry J. Kerner

cc: The Honorable Charles Schumer, United States Senate Majority Leader

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

The Honorable Mitch McConnell, United States Senate Minority Leader

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

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

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

The Honorable Rob Portman, United States Senate Committee on Homeland Security & Governmental Affairs Ranking Member

The Honorable James Comer, United States House of Representatives Committee on Oversight and Reform Ranking Member

The Honorable Patrick Leahy, United States Senate Committee on Appropriations Chairman

The Honorable Rosa DeLauro, United States House of Representatives Committee on Appropriations Chair

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

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. Mr. Kerner was nominated by President Trump 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) 2020, through OSC's Annual Report for FY 2020. The COVID-19 pandemic has made the past year a historically challenging time for all Americans. Nonetheless, OSC managed to transition to full-time, mandatory telework and achieve unparalleled successes on behalf of federal employees and whistleblowers, all while prioritizing the health and safety of its employees.

OSC has one of the smallest budgets of any federal investigative and prosecutorial agency with government-wide jurisdiction, yet the agency continues to provide outsized returns for the federal government and achieve exceptional results for complainants. In FY 2020, OSC achieved an agency record 405 favorable outcomes for federal employees subjected to retaliation and other prohibited personnel practices (PPPs), roughly 34 percent higher than its average number of successes in the previous five years. At the same time, OSC focused its efforts on addressing whistleblower disclosures in a timely manner, thereby ensuring that fraud, waste, abuse, and violations of law were identified and remedied quickly. For FY 2020, OSC's whistleblower disclosure work resulted in 62 substantiated instances of wrongdoing and the identification and collection of millions of dollars of uncollected debts owed to the federal government. The 62 substantiated whistleblower disclosures achieved in FY 2020 represent a 19 percent increase over the previous five-year average of substantiated disclosures.

OSC also continues to attain impressive results in its handling of Hatch Act and Uniformed Service Employment and Reemployment Rights Act (USERRA) cases. OSC's Hatch Act unit issued more than 1,400 advisory opinions and achieved eight disciplinary actions. The USERRA unit obtained favorable outcomes for complainants in three cases in FY 2020.

Additionally, I am pleased that our employees reported very high levels of satisfaction with their working conditions at OSC. The agency received historically high numbers on the FY 2020 Federal Employee Viewpoint Survey which demonstrate that even under extraordinarily difficult circumstances our employees have persevered and even excelled.

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, they should feel encouraged to avail themselves of OSC as a preferred route to remedy wrongdoing. Whistleblowers and federal employees who come forward to OSC do so confidently, knowing that we are here to stand up for them and defend them from potentially unjust personnel actions. While OSC strives to address every complaint filed as quickly and efficiently as possible, the agency's limited resources will likely be unable to keep pace with the increased demand from whistleblowers and complainants in future years. Although OSC has seen an overall decrease in filings in FY 2020, undoubtedly due to the coronavirus pandemic, the agency expects the number of complaints filed to rebound when more federal employees physically return to their offices.

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 in future non-pandemic years 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 fraud, waste, and abuse. A strong OSC makes for a more efficient, accountable, and fair federal government.

Sincerely,

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

Henry J. Kerner  
June 16, 2021



# **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 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 (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 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. The agency also has a significant staffing presence in Dallas, Detroit, and Oakland, the sites of three physical offices whose leases OSC decided not to continue in FY 2021, following an efficiency review. As a result, beginning in FY 2021, OSC will maintain a small, physical office in Oakland for Field Office leadership, and both the staffs of Dallas and Detroit will continue to operate as virtual Field Offices.<sup>1</sup>

The agency includes several program and support units described below:

#### **Immediate Office of Special Counsel (IOSC)**

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

#### **Office of General Counsel**

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

#### **Case Review Division (CRD)**

The 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 can also close out certain categories of PPP allegations under the new authorities OSC received in the Reauthorization Act of 2017: those which are duplicative (5 U.S.C. § 1214(a)(6)(A)(i)(I)), filed with the MSPB (§ 1214(a)(6)(A)(i)(II)), outside of OSC's jurisdiction (§ 1214(a)(6)(A)(ii)), or more than three years old (§ 1214(a)(6)(A)(iii)).

#### **Investigation and Prosecution Division (IPD)**

IPD is comprised of attorneys and investigators at OSC's headquarters and in the field. IPD receives PPP allegations from CRD and opens a case to determine whether the evidence is sufficient to establish that a violation has occurred. If it is not, the matter is closed.

However, 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 (ADR) Unit in appropriate cases. If a meritorious case cannot be resolved through negotiation with the agency involved, IPD may bring an enforcement action before the MSPB.

#### **Disclosure Unit (DU)**

This unit receives and reviews disclosures from federal whistleblowers. DU recommends the appropriate disposition of disclosures, which may include referral to the head of the relevant agency to conduct an investigation and report its findings to the Special Counsel, informal

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<sup>1</sup> OSC staff, both at Headquarters and in the Field Offices, began full-time telework as a result of the pandemic on March 16, 2020.

referral to the Office of Inspector General (OIG) or general counsel of the agency involved, or closure without further action. Unit attorneys review each agency report of investigation to determine its sufficiency and reasonableness. The Special Counsel then sends the report, along with any comments by the whistleblower, to the president and appropriate congressional oversight committees. OSC also posts the report and whistleblower comments in its public file.

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

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

#### **Hatch Act Unit (HAU)**

This unit enforces and investigates complaints of unlawful political 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 (DOT) Unit**

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

#### **Operations Division**

The Operations 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 Office, Human Capital Office, Administrative Services Office, Information Technology Office, and Office of the Clerk. Functional areas under the Office of the Clerk include the Freedom of Information Act (FOIA), Privacy Act, Controlled Unclassified

Information, and records management. Procurement operations as well as travel are included under the Budget and Finance Office.

## **FY 2020 Budget and Staffing**

During FY 2020, OSC operated with a budget authority of \$27,500,000, all of which was from appropriated funds. The agency operated with a staff of 138 full-time equivalent (FTE) employees.

## **FY 2020 Case Activity and Results<sup>2</sup>**

OSC received 4,453 new cases in FY 2020. While this is nearly 19 percent below the level of cases received in FY 2019, and approximately 25 percent below the average caseload level received from FY 2015 to FY 2019, OSC attributes this decrease largely to the COVID-19 pandemic and the resulting alterations to the operations of most federal agencies during much of FY 2020. OSC expects a likely return to pre-pandemic caseload levels in future fiscal years, barring additional, unforeseen circumstances.

Despite the pandemic, and the resulting impact on caseload numbers, OSC continued to bring accountability, integrity, and fairness to the federal workplace in FY 2020. Specifically, the number of favorable outcomes OSC achieved increased significantly, in total and across OSC's multiple programmatic units. For example, OSC achieved an agency-record 405 favorable actions on PPP cases, approximately 34 percent above the prior five-year average. On the Hatch Act front, OSC resolved 280 Hatch Act cases, which is approximately 186 percent above the level resolved during the last presidential election cycle in FY 2016. In addition, OSC issued 34 warning letters and successfully obtained eight disciplinary actions against officials who committed Hatch Act violations. OSC also experienced increased success in its USERRA cases. OSC assisted 24 service members in asserting their employment and reemployment rights. As OSC aims to build upon this established pattern of success, future increases in resources will be necessary, as caseloads across OSC are expected to return to pre-pandemic levels.

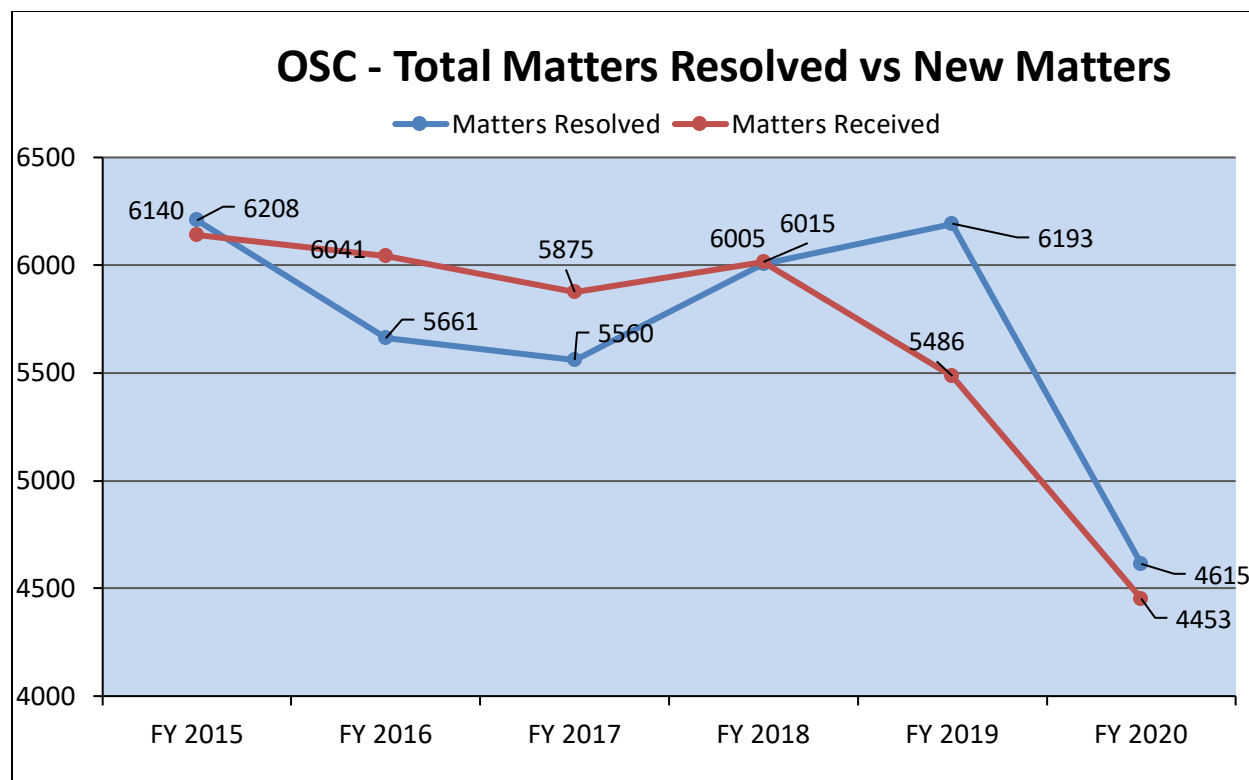
Whistleblower disclosures of wrongdoing have led to immense success in ensuring identified problems are addressed and corrected. Namely, in FY 2020, OSC worked with whistleblowers to identify and begin collections on millions of dollars of uncollected debts. OSC referred to the Secretary of the Treasury and the Secretary of Labor allegations that the Treasury Department's Bureau of Fiscal Service (BFS) and the Labor Department's Occupational Safety and Health Administration (OSHA) failed to take action on debts OSHA transferred to Treasury for collection. The Treasury and Labor investigations substantiated the allegations and led to BFS correcting a software error which had prevented the collection of approximately \$91.5 million in debts owed to OSHA. As a result, BFS is beginning to collect these outstanding debts.

In addition to receiving 4,453 new matters in FY 2020, OSC carried over 1,888 matters from the previous fiscal year, giving the agency a total of 6,341 matters in-house. In FY 2020, OSC resolved 4,615 matters, as shown in the charts below. In addition, OSC issued 1,461 Hatch Act advisory opinions. **Table 1**, below, summarizes overall OSC case intakes and dispositions in FY

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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.

2020, 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.



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

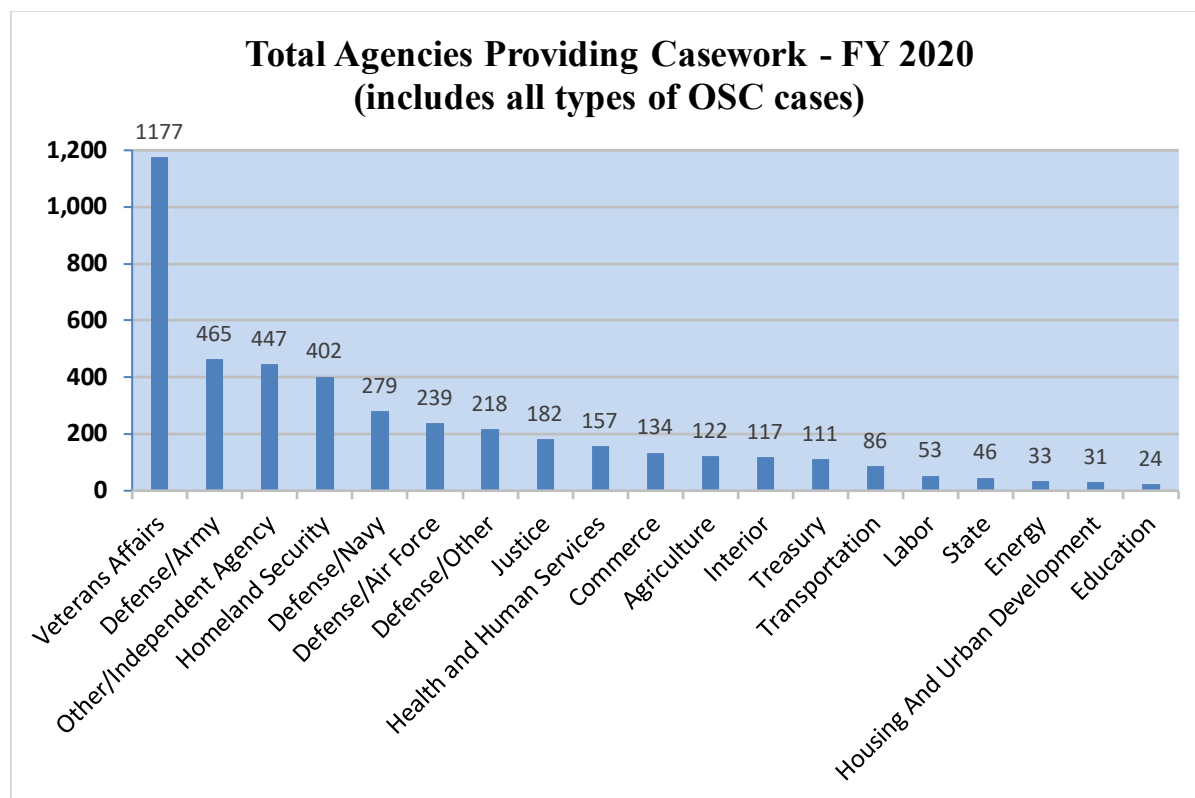
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>Matters<sup>3</sup> pending at start of fiscal year</b>	1,901	2,271	2,592	2,616	1,888
<b>New matters received</b>	6,041	5,875	6,015	5,486	4,453
<b>Matters closed<sup>4</sup></b>	5,661	5,560	6,005	6,193	4,615
<b>Matters pending at end of fiscal year</b>	2,272	2,590	2,607	1,909	1,732
<b>Hatch Act advisory opinions issued</b>	1,641	1,325	1,386	1,111	1,461

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

<sup>4</sup> OSC resolved more matters than the agency received in FY 2020, thereby reducing the agency’s backlog by 156 cases.

## OSC's Docket

OSC is responsible for addressing whistleblower complaints and PPPs from nearly every sector of the federal government. The chart below depicts the agencies whose employees file the most cases with OSC. We continue to receive far more cases from VA employees than any other agency.<sup>5</sup>



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

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

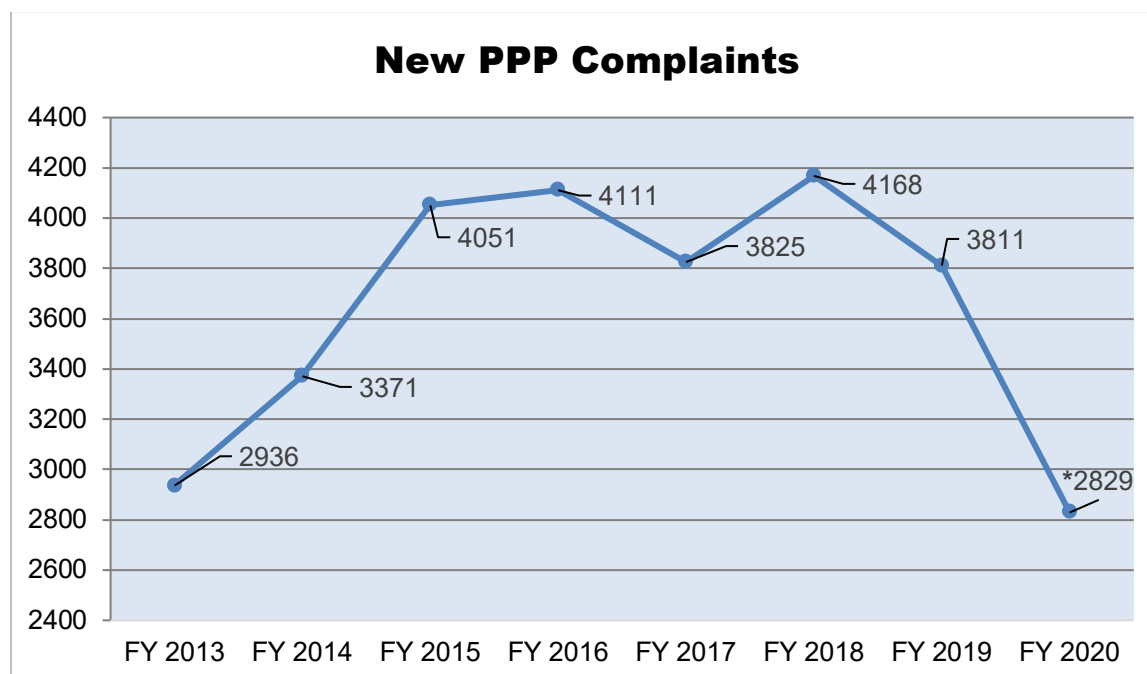
OSC received over 3,800 new PPP complaints each year from FY 2015 to FY 2019, a level unseen prior to FY 2015. While the number of PPP complaints OSC received in FY 2020 decreased to 2,829, the agency attributes much of this decrease in new PPP cases to the COVID-19 pandemic, and its impact on the operations of federal agencies. OSC expects PPP cases received in future, non-pandemic years to increase closer to levels experienced between FY 2015

<sup>5</sup> OSC counts matters received from Department of Defense components separately, due to the unique mission, culture, and filing rate of each component, in addition to each component's size. Adding matters received from the Department of the Army (465), Department of the Navy (279), Department of the Air Force (239), and Department of Defense-Other (218) equals a total 1,201 matters received, which would represent the highest number of matters received from any agency.

and FY 2019. OSC resolved 3,096 PPP cases in FY 2020. The cost for the agency to resolve a PPP matter in FY 2020 was \$5,098. This information is being reported, as required by OSC's reauthorization.

Cost of Resolving a PPP matter:	<b>\$5,098</b>
Note - This was the average cost for resolving a PPP matter in FY 2020, including direct costs and a proportionate share of overhead costs.	

Based on the data trend from the past four non-pandemic years, OSC expects the receipt of new PPP complaints to return to close to 4,000 new cases per year once the pandemic subsides. 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 a decrease in the number of PPP cases received due to the COVID-19 pandemic in FY 2020. The agency expects that the number of PPP cases will reach nearly 4,000 again in future, non-pandemic years.

## Receipts and Investigations

**Table 2**, below, contains FY 2020 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>6</sup>**

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Pending complaints carried over from prior fiscal year	1,152	1,045	1,414	1,405	1,657	1,969	2,057	1,409
New complaints received <sup>7</sup>	2,936	3,371	4,051	4,124	3,825	4,168	3,811	2,829
<i>Total complaints</i>	4,088	4,416	5,465	5,529	5,482	6,137	5,868	4,238
Total complaints processed and closed	3,041	3,003	4,058	3,870	3,512	4,073	4,447	3,096
Complaint processing times	Within 240 days	2,594	2,577	3,380	3,307	2,716	3,100	2,476
	Over 240 days	440	422	665	554	782	967	621
Percentage processed within 240 days	85%	85%	83%	85%	77%	76%	82%	80%

**Table 3** contains summary data for FY 2020 (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 an agency record of 405 favorable actions for PPP complaints in FY 2020. OSC was able to obtain this level of favorable actions despite receiving nearly 1,000 fewer PPP cases in FY 2020 than FY 2019. The 405 favorable actions achieved represent a 25 percent increase from OSC’s previous record set in FY 2017 and are approximately 53 percent more than the average number of favorable actions for PPP complaints from FY 2013 to FY 2019. Of the favorable actions in FY 2020, 317 involved instances of whistleblower retaliation. OSC negotiated 54 stays with agencies to protect employees from premature or improper personnel actions. OSC also achieved 13 disciplinary actions, upholding merit principles and sending a strong message that retaliation and other misconduct will not be tolerated.

<sup>6</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>7</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.

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

		<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>8</sup></b>	<b>FY 2020</b>
<b>Total favorable actions negotiated with agencies (all PPPs)</b>	<b>No. of actions<sup>9</sup></b>	173	177	277	273	324	314	319	405
	<b>No. of matters</b>	124	144	212	216	264	249	259	323
<b>Total favorable actions negotiated with agencies (reprisal for whistleblowing)</b>	<b>No. of actions</b>	104	138	233	215	244	236	234	317
	<b>No. of matters</b>	91	114	175	173	209	196	192	265
<b>Disciplinary actions negotiated with agencies</b>		27	23	9	15	16	22	27	13
<b>Stays negotiated with agencies</b>		28	23	62	40	45	47	31	54
<b>Stays obtained from MSPB</b>		5	2	3	7	7	2	1	0
<b>Stay extensions obtained from MSPB</b>		7	0	1	4	10	10	1	0
<b>Corrective action petitions filed with the MSPB</b>		2	0	0	0	0	1	0	0
<b>Disciplinary action complaints filed with the MSPB</b>		0	3	0	0	0	0	0	0

## Subpoenas

OSC’s recent reauthorization requires the agency to report on the number of subpoenas issued during the fiscal year. During FY 2020, no subpoenas were issued by OSC.

Subpoenas issued - FY 2020	<b>0</b>
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## Re-opened PPP Cases<sup>10</sup>

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

<sup>8</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 statistics are reported.

<sup>9</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).

<sup>10</sup> In August 2019, OSC transitioned to a new electronic case management system (eCMS). Since then, OSC has made incremental improvements to the system, and as a result, slight data discrepancies may potentially exist.

Total PPP cases that were requested to be reopened in FY 2020	<b>23</b>
• Status – Request to Reopen Denied (Previous determination was upheld)	<b>6</b>
• Status – Cases Reopened	<b>30</b>
○ Status – Reopened Cases Closed	<b>24</b>
○ Status - No determination yet/case status still open	<b>6</b>

## PPP Cases Resolved by an Agreement

Another requirement of OSC's recent 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>11</sup>

<b>Total PPP Cases Resolved by an Agreement in FY 2020 (98)</b>	
<b>Department/Agency</b>	<b>Number of Cases</b>
Agriculture	1
Commerce	3
Defense/Air Force	4
Defense/Army	11
Defense/Navy	6
Defense/Other	8
Energy	2
Health and Human Services	3
Homeland Security	10
Housing and Urban Development	1
Interior	3
Justice	5
Other/Independent Agency	9
State	1
Transportation	2
Treasury	3
Veterans Affairs	26

## 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.

- Complainant, an environmental officer, alleged that the agency investigated and removed him because he disclosed that the agency employed an abnormal review process in reviewing

<sup>11</sup> Due to OSC's move to the new electronic Case Management System in August 2019, and the continued development of the system, the data for FY 2020 will only be provided at the Department/Agency level.

a mineral license in violation of the National Environmental Protection Act. OSC concluded that the investigation and resulting removal were retaliatory prohibited personnel practices and issued a formal statutory report to the agency. After the agency failed to act on OSC's report and recommendations for corrective action, OSC petitioned the MSPB for corrective action and an indefinite stay of his removal, pending a decision. MSPB granted the stay and, at OSC's request, approved a settlement agreement for full corrective action, which included reinstatement, full back pay and benefits, a clean record, a retroactive promotion, a modified chain-of-command to protect the complainant from future retaliatory action, a time-off award, upgraded performance ratings, a two-year priority consideration for any qualified vacancy at the agency, \$180,000 in compensatory and consequential damages, and \$20,000 in attorney's fees.

- Complainant, a program manager, alleged that the agency issued her a lowered performance appraisal, denied her a bonus, subjected her to a change in duties, reprimanded her, and proposed her removal from employment in retaliation for disclosing to the Office of Inspector General (OIG) 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 complainant's proposed removal specifically referenced her threats to take legal action against her supervisor, including a grievance, complaint, and civil action. The agency agreed to remove the facially retaliatory charge from its disciplinary table of penalties. With OSC's assistance, the parties also entered into a settlement agreement. Among other provisions, the agency agreed to make a lump sum payment of \$80,000 and convert over 600 hours of leave without pay to paid on-duty administrative leave. In return, complainant withdrew her OSC and Equal Employment Opportunity (EEO) complaints.
- Complainant, an engineer, alleged that the agency proposed his removal in retaliation for a successful MSPB appeal that he filed challenging the agency's denial of his within grade step increase (WIGI). His MSPB appeal alleged, *inter alia*, that his supervisor withheld the WIGI because he had disclosed Federal Acquisition Regulation violations. The agency proposed complainant's removal shortly after the MSPB found in his favor. OSC negotiated a settlement agreement between the parties, in which the complainant took a promotion with a different agency and withdrew his complaints and the agency rescinded the proposed removal, improved three performance evaluations, and paid complainant a lump sum of \$37,500.
- Recently, IPD resolved several COVID-19 cases. In one case, complainant, a Senior Executive Service (SES) director, alleged retaliation after reporting to her chain of command and OIG that the agency failed to provide adequate training and personal protective equipment (PPE) to a team of employees assisting with the COVID-19 pandemic. Complainant further reported that members of the team improperly entered a quarantined area, and then moved freely about the community in hotels and on commercial flights. Complainant had also previously raised concerns about an improper hiring action and had filed an EEO complaint. She alleged that in retaliation for her protected disclosures and activities, she received a directed reassignment to a newly created position outside of her area of expertise and which has no supervisory authority. In a settlement agreement, the agency

agreed to rescind the reassignment, return her to her previous position, and pay a total of \$40,000 in attorney's fees.

- In another case, the complainant alleged that in retaliation for disclosing contracting improprieties, he was detailed to work in a COVID-19 screening tent. Complainant had lung issues from his service as a 9/11 first responder and his wife had a chronic lung condition. At OSC's request, the agency agreed to move the complainant to a non-COVID related detail located in an administrative area off-site. In yet another case, a medical support assistant alleged that in retaliation for filing an EEO complaint and disclosing a hostile work environment, she was not allowed to telework and had to use sick leave while self-quarantining due to COVID-19. At OSC's request, the agency agreed to change complainant's sick leave to Families First Coronavirus Response Act (FFCRA) leave.

In other whistleblower retaliation and prohibited personnel practice cases, OSC achieved numerous additional corrective actions on behalf of federal employees including stays of personnel actions, reinstatements, reassignments, backpay, appropriate damages and fees, neutral references, expungement of unlawful disciplinary actions, restoration of leave, reinstatement of duties, expungements of improper letters of reprimand and unlawful suspensions; optional telework; upgrade of performance ratings, Quality Step Increase (QSI) awards, and training. OSC also achieved disciplinary action for officials engaged in wrongdoing including the demotion of supervisor, a suspension of a supervisor, and OSC training in response to claims of whistleblower retaliation and obstruction of an employee's right to compete.

## **Amicus Curiae Briefs**

In FY 2020, OSC filed two amicus curiae briefs to clarify the scope of whistleblower protections for federal employees.

- OSC filed an amicus brief in a petition for review to the MSPB in which the appellant claimed retaliation in part for reporting a possible computer security violation to the agency's Computer Security Incident Response Center, which an administrative judge found not to be a protected activity. In its brief, OSC argued that this decision misinterpreted the new amendment to 5 U.S.C. § 2302(b)(9)(C) by creating an unwarranted distinction between agency components that investigate or review "the agency" and those that investigate or review "internal complaints and issues." To assist the MSPB in adjudicating these types of cases, OSC also proposes a fair and workable standard for identifying components of an agency with such investigation or review responsibilities.
- OSC filed an amicus brief in an appeal to the U.S. Court of Appeals for the Federal Circuit, in which an employee alleged that she faced retaliation for making protected disclosures and for engaging in protected activities. In the initial decision, the MSPB administrative judge dismissed the case for lack of jurisdiction based on a failure to make protected disclosures – without addressing the employee's allegations of retaliation for engaging in protected activities, including her OSC disclosure filing, an internal whistleblower retaliation complaint, an unfair labor practice, and her testimony in coworkers' MSPB and EEO proceedings. OSC's amicus brief argues that the plain language and legislative history of the

WPA, and its subsequent amendments, indicate that the protection against retaliation for employees who make whistleblower disclosures is separate and distinct from the protection against retaliation for employees who engage in protected activities.

## 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:

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

Complainant, a product director, made disclosures of a hostile work environment to the agency's inspector general. S/he alleged that in retaliation, agency management imposed a geographic reassignment, demotion, and a significant change in working conditions, duties, and responsibilities. Through mediation, the agency agreed to transfer the complainant to a desired new position, provide backpay and additional future compensation to balance lost wages due to the change in duties, compensatory damages, and attorney's fees.

- Complainant, a mental health worker, made disclosures regarding improper management practices pertaining to customer service; some publicity followed. As a result, the complainant believed that s/he was repeatedly not selected for jobs, career advancement stalled, and was subjected to a hostile environment. The parties worked to repair their relationship and brainstormed solutions. They engaged in a dialogue about the workplace environment; the complainant was comfortable with the commitment s/he obtained from managers to maintain a workplace free of hostility. The agency also provided the complainant a salary increase and a monetary payment which included attorneys' fees.
- Complainant, a police officer, alleged retaliation for disclosing potential wrongdoing by the chief of police. In particular, complainant resigned from his/her position because of the alleged hostile work environment and retaliation. A tentative job offer for a new position was rescinded after the complainant's former supervisor falsely informed the new potential employer that complainant had resigned in lieu of termination. Through mediation, the parties agreed to terms including compensatory damages and lost wages that resulted from the former supervisor's false statements.
- After making disclosures to leadership regarding concerns that they had lied to Congress, complainant alleged that in retaliation, agency management imposed a geographic reassignment, and, later, a significant change in working conditions, duties, and responsibilities. Through mediation, the agency agreed to transfer the complainant to a desired new position with increased salary, restore sick leave, and pay compensatory damages and attorney's fees.
- Complainant, a criminal investigator, made disclosures regarding employee misconduct and alleged retaliation when s/he received a lowered performance evaluation, was the subject of

several internal investigations, and was geographically reassigned. Through mediation, the parties were able to reach a resolution that rebuilt trust and rehabilitated the complainant's reputation. The agency provided the complainant with a monetary payment, restored leave, and issued a letter commending the complainant's accomplishments at the agency.

<b>Table 4 - ADR Program Activity – Mediation of Prohibited Personnel Practice Complaints</b>					
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Cases Reviewed for Mediation</b>	101	188	174	70	60
<b>Mediations Offered</b>	71	92	86	58	57
<b>Mediations Conducted</b>	40	65	39	39	40
<b>Cases Withdrawn Before Mediation Completed</b>	16	27	11	2	10
<b>Completed Mediations</b>	24	38	28	37	30
<b>Completed Mediations Resulting in Settlement</b>	16	31	21	24	23
<b>Percentage of Completed Mediations Resulting in Settlement</b>	67%	82%	75%	65%	77%
<b>Cases Resolved Without Need for Mediation</b>	0	1	1	0	2
<b>Carryover to Next FY – Mediations in Process</b>	18	20	19	18	22
<b>Carryover to Next FY – Cases in Review</b>	4	11	2	4	1

## **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. Specifically, in FY 2020, OSC received 1,160 disclosures. Additionally, OSC sent 89 whistleblower disclosure reports to the President and Congress, and agencies substantiated wrongdoing in 62 of those cases. OSC processed 86 percent of whistleblower disclosures within the statutorily required 45-day timeframe in FY 2020, up from 59 percent in FY 2018.

Many substantiated disclosures result in enormous and direct financial returns to the government. However, the real measure of OSC's financial contribution is preventive. By providing a safe channel for whistleblower disclosures, OSC helps address threats to public health and safety that

pose the very real risk of serious harm to the public and huge remedial and liability costs for the government.

## **Disclosure Successes**

OSC is authorized to refer 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 2020 involving whistleblower disclosures:

### **•Violation of law, rule, or regulation; gross mismanagement; a gross waste of funds**

***Treasury's Failure to Collect Over \$91.5 million in Debts Owed to Government Agencies.*** OSC referred to the Secretary of the Treasury and the Secretary of Labor allegations that Treasury's Bureau of Fiscal Service (BFS) and Labor's Occupational Safety and Health Administration (OSHA) failed to take action on debts OSHA transferred to Treasury for collection. The Treasury and Labor investigations substantiated the allegations, determining that an uncorrected software error prevented BFS from collecting approximately \$91.5 million in debts owed to OSHA. Treasury confirmed that an additional 12 agencies were affected by this error and is completing an audit to address any uncollected debts owed to the other agencies. Treasury has targeted July 31, 2021, as a completion date for the audit, and will provide OSC with a copy of the completed audit when available. BFS immediately corrected the software error, updated policies and procedures, and began collecting OSHA's outstanding debts.

### **•Violation of law, rule, or regulation; gross mismanagement; and a substantial and specific danger to public health and safety**

***Securing Reimbursement for Veterans Medical Transportation.*** OSC referred to the Secretary of Veterans Affairs allegations that the Texas Valley Coastal Bend Health Care System (VCB HCS), Harlingen, Texas, engaged in wrongdoing by failing to pay private ambulatory companies and municipalities that transported veterans to VCB HCS and failing to reimburse veterans who paid for the transportation themselves. The agency substantiated that VCB HCS failed to reimburse private ambulance providers and municipalities for the cost of special mode transportation (SMT), and did not reimburse veterans where vendors billed veterans directly due to delays in VA processing the vendors' claims. The agency attributed the failure to make the payments to confusion around the entity responsible for the payments. The VCB HCS instructed vendors and staff that the Financial Service Center would receive and pay invoices going forward. In response to these findings, the report recommended that all SMT claims from the date following the conclusion of the pilot program be reviewed and processed in a timely manner and that VCB HCS contact SMT vendors to verify that any veterans who paid vendor bills for SMT be reimbursed upon payment from the VA to the vendors. The agency did not substantiate the allegation that VCB HCS lacked a processing system to receive invoices and dispense payments for emergency transportation.

In July 2020, the VA provided an update on the report's recommendations which confirmed that all invoices had been paid and new invoices were being paid in fewer than 14 days. Further,



VCB HCS implemented training on SMT processing and payment procedures and all Beneficiary Travel staff had completed training as of February 2020.

**•Violation of law, rule, or regulation and a substantial and specific danger to public health and safety**

***Violation of Firearms Safety Protocols in Rapid-Response Drills.*** OSC referred to the Secretary of Veterans Affairs allegations of wrongdoing at the Butler Healthcare Center Police Service (Police Service) in Butler, Pennsylvania. The whistleblower disclosed that the Police Service leadership ran active-threat training without providing police officers advance notice, and while the responding officers were on-duty and carrying loaded-duty weapons. The whistleblower also alleged that this dangerous practice had been reported to the facility's Associate Director of Operations, but no corrective action had been taken.

The agency substantiated the allegations finding that Police Service supervisors were conducting rapid-response drills (RRDs) in a manner that simulated an actual duty call, in other words, live-action, scenario-based training exercises rather than RRDs. It is a violation of firearms safety protocols to conduct live-action, scenario-based training exercises with on-duty, armed officers. In response to the investigation, the Police Service suspended all RRDs pending revision of the relevant standard operating procedures. The updated standard operating procedures were issued on April 13, 2020. In addition, the VA Office of Security and Law Enforcement and the Veterans Health Administration are conducting a comprehensive review of security and law enforcement programs and functions to evaluate the need for a centralized management entity across the Department. The Special Counsel determined that the report contains the information required by statute and the findings appear reasonable.

**•Violation of Law, Rule or Regulation**

***CBP's Improper Denial of Entry to Asylum Seekers.*** OSC referred to the Secretary of Homeland Security allegations of misconduct at the Customs and Border Protection (CBP), Tecate Port of Entry in California, specifically, that CBP managers directed officers to deny aliens seeking asylum entry into the U.S. at the Tecate Port of Entry. The whistleblower also disclosed that no record or physical documentation of asylum seekers was generated by CBP officers at the Tecate Port of Entry when they encounter asylum seekers, contrary to the requirements of agency policy. The agency substantiated several of the allegations. However, the agency also concluded that certain metering practices used at the Tecate Port of Entry, and other U.S. ports of entry, were permissible. The constitutionality of these practices is currently under review by federal courts.

In addition to these cases, OSC referred allegations of the following: VA violations of federal health and sterility standards regarding sterile compound rooms; VA misconduct, including understaffing leading to unnecessary delays in care at VA Medical Center in Florida and the failure of a dialysis unit of a VA Medical Center in Wisconsin to meet space, infection control, and PPE standards and requirements; and serious violations of Federal Aviation Administration (FAA) policy leading to safety concerns. These are just a few of the many cases in which OSC substantiated allegations and effectuated remediation of government wrongdoing.

**Table 5**, below, contains FY 2020 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>12</sup></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>FY 2020</b>
<b>Pending disclosures carried over from prior fiscal year</b>	225	193	433	449	497	493	421	317
<b>New disclosures received</b>	1,129	1,554	1,965	1,717	1,781	1,559	1,374	1,160
<b>Total disclosures</b>	1,354	1,747	2,398	2,166	2,278	2,052	1,795	1,477
<b>Disclosures referred to agency heads for investigation and report</b>	51	92	62	40	59	139	73	81
<b>Referrals to agency IGs</b>	2	0	0	0	1	0	0	0
<b>Agency head reports sent to President and Congress</b>	54	26	72	78	66	41	64	89
<b>Results of agency investigations and reports</b>	<b>Disclosures substantiated in whole or in part</b>	49	25	63	68	50	36	43
	<b>Disclosures unsubstantiated</b>	5	1	9	10	15	5	21
<b>Disclosure processing times</b>	<b>Within 15 days</b>	575	731	830	654	733		
	<b>Over 15 days</b>	585	584	1,117	1,015	1,056		
	<b>Within 45 days<sup>13</sup></b>						968	1,188
	<b>Over 45 days</b>						656	291
<b>Percentage of disclosures processed within 15 days</b>	49%	55%	42%	39%	40%			
<b>Percentage of disclosures processed within 45 days</b>						59%	80%	86%
<b>Disclosures processed and closed</b>	1,160	1,315	1,947	1,669	1,789	1,624	1,479	1,213

## **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 1,400 advisory opinions, issued 34 warning letters, and obtained 12 corrective actions and eight 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

<sup>12</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>13</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.

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 2020, OSC responded to 1,461 requests for advisory opinions, including 56 formal written advisory opinions.

## Hatch Act Unit Successes

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

### MSPB Litigation

- OSC litigated a case against a U.S. Department of Justice immigration judge who violated the Hatch Act when she promoted then-Presidential candidate Hillary Clinton's plan for immigration reform during a deportation hearing over which she presided in March 2016. The individual at the immigration hearing was facing deportation and a subsequent ten-year bar on reentry into the United States, which the judge called "a pretty harsh thing" that Clinton intended to change, provided "the Senate becomes a Democratic body and there's some hope that they can actually pass immigration legislation." The judge said the Republicans, on the other hand, "aren't going to do anything" about immigration "if they can help it," other than to "try to deport everybody." The Administrative Law Judge (ALJ) found the judge's actions merited "a considerable sanction given the public nature of her position" and imposed a fine of \$1,000, the maximum possible civil penalty, along with a 30-month debarment from federal service because the judge had since retired. The decision is final.
- OSC litigated a case against a VA doctor who violated the Hatch Act by running for the U.S. Senate, using the VA logo in campaign materials, including on campaign business cards, encouraging fellow VA employees to campaign for them and view their campaign website and video, and having a patient provide a testimonial for their campaign video. OSC charged the employee with 15 different Hatch Act violations. The ALJ found that OSC proved 11 of the 15 charges and imposed the maximum available penalty: a civil fine of \$1,000 and a five-year debarment from federal service. Removal was not an option because the employee left federal employment after OSC filed the complaint. The employee filed a petition for review with the MSPB, which is pending.
- OSC filed a complaint charging a Navy civilian employee with violating the Hatch Act's prohibitions against engaging in political activity while on duty or in the federal workplace and knowingly soliciting political contributions. OSC alleged that the employee, an elected party official, used social media to solicit contributions for political candidates and used federal agency computers to compose, review, and edit party-related materials, such as a "social media strategy" directed toward the success or failure of partisan political candidates. In addition, the employee sent dozens of emails soliciting political contributions, composed and published several online articles soliciting party contributions, and used agency computers to update a party Facebook account during the workday. The employee retired

after OSC filed the complaint and, in a settlement agreement, agreed to pay a civil fine of \$1,000 and to accept a three-year debarment from federal employment.

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

- After filing a complaint with the MSPB, OSC settled a case against a Department of Energy employee who used their position to provide a guided tour of a federal facility to a candidate seeking a partisan political office. The purpose of the tour, which was not open to the general public, was to provide the candidate with information to be used for the campaign. For example, photographs taken during the tour were posted to the campaign's social media pages. As disciplinary action for the violation, the employee agreed to resign from their job and accept a three-year debarment from future federal employment.
- OSC entered into a settlement agreement with a Defense Logistics Agency 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 they were aware of the Hatch Act and that their supervisor had counseled them 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 entered into a settlement agreement with another Defense Logistics Agency employee who violated the Hatch Act by displaying the words "Vote Republican" on a PowerPoint presentation they 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 they 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 settled a case against a Food and Drug Administration employee who solicited political contributions despite receiving advice from OSC that the Hatch Act prohibited them from engaging in that activity. The employee authorized the creation of a social media page featuring their name and image that was used several times to solicit political contributions, including at least one that the employee admitted they posted personally. The employee also co-hosted a fundraiser for a candidate for partisan political office and allowed their name to be used in connection with two other political fundraising events, all in violation of the Hatch Act. The employee agreed to a 120-day suspension without pay.

**Table 6**, below, contains FY 2020 summary data (with comparative data for the seven previous fiscal years) on OSC's Hatch Act enforcement activities.

**TABLE 6 – Summary of Hatch Act Complaint and Advisory Opinion Activity**

		<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>FY 2020</b>
<b>Formal written advisory opinion requests received</b>		107	64	64	45	26	52	46	60
<b>Formal written advisory opinions issued</b>		129	60	60	43	24	46	52	56
<b>Total advisory opinions issued<sup>14</sup></b>		1,767	1,382	1,023	1,641	1,325	1,155	1,111	1,461
<b>New complaints received<sup>15</sup></b>		277	151	106	197	253	263	281	440
<b>Complaints processed and closed</b>		465	182	131	98	234	286	245	280
<b>Warning letters issued</b>		150	44	28	21	37	49	49	34
<b>Corrective actions taken by cure letter recipients</b>	<b>Withdrawal from partisan races</b>	5	7	8	4	6	5	4	2
	<b>Resignation from covered employment</b>	2	0	3	1	2	2	2	0
	<b>Other</b>	4	1	0	5	2	3	5	10
	<b>Total</b>	11	8	11	10	10	10	11	12
<b>Disciplinary action complaints filed with MSPB</b>		2	1	2	3	0	2	0	4
<b>Disciplinary actions obtained (by negotiation or ordered by MSPB)</b>		7	15	9	5	4	6	5	8
<b>Complaints pending at end of fiscal year</b>		96	65	40	139	156	133	168	323

## **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 24 new cases in FY 2020 and negotiated corrective actions for three 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:

- An Air Traffic Controller (ATC) trainee left his position within a federal civilian agency for long-term active duty in the U.S. Navy in 2010 after giving proper notice to his agency.

<sup>14</sup> All oral, e-mail, and written advisory opinions issued by OSC.

<sup>15</sup> Includes cases that were reopened.

When he notified his former manager that he wished to return to the agency after concluding his Navy service in early 2015, the manager told him she could not assist him despite his entitlement to prompt reemployment under USERRA. The agency's Human Resources Office then erroneously told him he would have to apply for open positions listed on the "USA Jobs" website. After submitting multiple applications, he eventually received a tentative job offer as an ATC in early 2016, over a year after he first requested reemployment. However, before he onboarded into his new position, the agency medically disqualified him to perform ATC duties based on information in his Naval medical records. He appealed the disqualification but had to work in part-time and temporary jobs to pay his bills while his appeal was pending. After OSC received his USERRA complaint and intervened on his behalf, his agency expedited the appeals process, which was decided in his favor, and restored him to duty as an ATC. OSC and the agency are currently negotiating compensation for lost wages due to the agency's failure to promptly reemploy him and/or to find alternative employment for him while his appeal was pending.

- A Security Guard at a U.S. Army Garrison in New York was not given proper credit toward his seniority due to his absence while performing service in the Marine Corps Reserve. As a result, his within-grade salary increase was delayed several months, leading to a loss of pay. At OSC's request, the Army agreed to adjust his seniority, make his pay increase retroactive, and award him all corresponding back pay.
- A Supervisory Information Technology Specialist with the U.S. Navy returned from duty in the Navy Reserve to find that he was reemployed at a lower-status job than the one he had prior to his departure, which was violation of USERRA. Namely, the employee went from overseeing over 100 employees to five. After several disputed workplace incidents, the Navy subsequently suspended his access to classified information and placed him on indefinite suspension without pay. Lacking income, he was forced to seek additional employment over the next several months. He also appealed his suspension, and the appeal was ultimately decided in his favor after more than two years. Not wishing to return to civilian employment with the Navy, he agreed to a settlement whereby he received several months' worth of back pay and paid leave in exchange for his resignation.

In addition to resolving individual USERRA cases, OSC also provides outreach and technical assistance to help federal agencies better comply with USERRA, often in conjunction with the Department of Labor. OSC also maintains telephonic and email hotlines to answer USERRA questions from service members and employers nationwide.

**Table 7**, below, contains FY 2020 summary data with comparative data and disposition of USERRA referral cases.

**TABLE 7 – Summary of USERRA Referral and Litigation Activity<sup>16</sup>**

	<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>FY 2020</b>
<b>Pending referrals carried over from prior fiscal year</b>	11	6	7	4	5	3	6	5
<b>New referrals received from VETS during fiscal year</b>	7	14	18	16	17	25	21	24
<b>Referrals closed</b>	12	13	21	15	19	22	22	26
<b>Referrals closed with corrective action</b>	2	2	2	0	3	2	2	3
<b>Referrals closed with no corrective action</b>	10	11	19	15	16	20	20	23
<b>Referrals pending at end of fiscal year</b>	6	7	4	5	3	6	5	3
<b>Litigation cases carried over from prior fiscal year</b>	0	0	0	0	0	0	1	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	1	1	1

## **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 2020, 129 agencies and agency components are either certified or registered for certification. As noted above, OSC also conducts formal and informal training/outreach

<sup>16</sup> This table has been reorganized with some categories and figures changed from prior reports to correct discrepancies and more clearly present relevant information.

presentations to educate the federal workforce in each of the areas within OSC's jurisdiction, as well as train supervisors on their obligations under the relevant statutes. OSC conducted **188** training presentations in FY 2019, followed by **207** presentations in FY 2020.

OSC was forced to cease all in-person trainings for much of FY 2020 due to COVID-19. Despite this cessation, OSC worked diligently to significantly transform its training procedures and began providing trainings in a virtual environment. OSC maintained a rigorous training schedule by switching to virtual trainings. In fact, OSC exceeded its FY 2020 target and met its highest level of training and outreach, outperforming all prior fiscal years.

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 it 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 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 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.

OSC updated its statutory survey in FY 2020 based on lessons learned from the agency's FY 2019 pilot project survey. OSC distributed the updated survey by email to target populations of individuals who had filed complaints with, or requested advisory opinions from, OSC during FY 2020.

The results of this survey are in Appendix 2.



## **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.<sup>17</sup>

### *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)

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<sup>17</sup> OSC suspended the acceptance of paper Form 14 documents temporarily during the COVID-19 pandemic, due to a majority of the agency's employees teleworking. While this suspension is still currently in place, OSC expects to accept paper forms again as employees return to the office. In place of accepting paper forms, OSC allows complainants to file Form 14 via email, by submitting completed forms to [info@osc.gov](mailto:info@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

# 2020 OSC FEVS Core Survey Results

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

OSC employees reported very high job satisfaction on the 2020 FEVS Core Survey, despite the challenges brought about by the pandemic. Overall, 36 questions received a higher percentage of positive responses from OSC employees on the 2020 survey when compared to the 2019 survey. Only one question had a lower percent of positive responses on the 2020 survey when compared to the 2019 survey. OSC will continue to assess FEVS scores in future years to ensure the continuation of very high levels of employee job satisfaction.

Question 1; N=96						
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 %
79.9%	42.8%	37.1%	12.9%	5.0%	2.2%	7.2%

Note- "N" is the number of respondents to the question

Question 2; N=94						
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 %
83.9%	45.4%	38.6%	9.0%	6.0%	1.1%	7.1%

Question 3; N=95						
My work gives me a feeling of personal accomplishment.						
Percent Positive %	Strongly Agree/ Very	Agree/ Good/	Neither Agree nor Disagree/	Disagree/ Poor/	Strongly Disagree/ Very Poor/	Percent Negative %

	Good/ Very Satisfied %	Satisfied %	Fair/ Neither Satisfied nor Dissatisfied %	Dissatisfied %	Very Dissatisfied %	
89.3%	48.9%	40.4%	9.7%	0%	1%	1%

Question 4; N=95						
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 %
95.7%	56.7%	39.0%	3.2%	0.0%	1.1%	1.1%

Question 5; N=96						
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 %
64.6%	21.5%	43.1%	9.2%	19.8%	6.4%	26.1%

Question 6; N=94						
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	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %

			Dissatisfied %			
75.3%	33.3%	42.0%	13.7%	7.3%	3.7%	11.0%

Question 7; N=95						
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 %
94.4%	60.2%	34.2%	3.3%	0.0%	2.4%	2.4%

Question 8; N=94						
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 %
73.7%	40.3%	33.4%	16.0%	3.9%	6.4%	10.3%

Question 9; N=96						
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 %
97.0%	79.1%	17.9%	0.9%	1.0%	1.1%	2.0%

Question 10; N=63						
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 %
63.7%	21.9%	41.8%	28.5%	4.6%	3.3%	7.9%

Question 11; 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
16.5%	18.3%	8.1%	3.0%	54.2%

Question 12; 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 %
76.3%	26.5%	49.8%	17.5%	4.9%	1.3%	6.2%

Question 13; N=95						
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	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %

			Dissatisfied %			
95.0%	65.6%	29.4%	3.9%	0.0%	1.1%	1.1%

Question 14; N=95						
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 %
84.8%	44.7%	40.2%	7.0%	7.1%	1.1%	8.2%

Question 15; N=94						
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 %
95.1%	62.4%	32.7%	4.0%	1.0%	0.0%	1.0%

Question 16; N=95						
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 %
92.7%	47.3%	45.4%	7.3%	0.0%	0.0%	0.0%

Question 17; N=96						
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 %
87.4%	49.4%	37.9%	8.6%	1.9%	2.2%	4.1%

Question 18; N=91						
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 %
71.0%	33.6%	37.4%	17.3%	8.4%	3.3%	11.7%

Question 19; N=96						
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 %
95.7%	75.4%	20.3%	0.0%	2.1%	2.2%	4.3%

Question 20; N=89						
My supervisor is committed to a workforce representative of all segments of society.						
Percent Positive %	Strongly Agree/ Very	Agree/ Good/	Neither Agree nor Disagree/	Disagree/ Poor/	Strongly Disagree/ Very Poor/	Percent Negative %



	Good/ Very Satisfied %	Satisfied %	Fair/ Neither Satisfied nor Dissatisfied %	Dissatisfied %	Very Dissatisfied %	
89.2%	70.8%	18.5%	8.4%	1.2%	1.2%	2.3%

Question 21; N=95						
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 %
93.3%	65.7%	27.6%	3.2%	2.3%	1.1%	3.4%

Question 22; N=96						
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 %
92.5%	73.5%	19.0%	6.4%	1.1%	0.0%	1.1%

Question 23; N=96						
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	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %

			Dissatisfied %			
94.4%	83.0%	11.4%	3.5%	1.0%	1.1%	2.0%

Question 24; N=95						
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 %
89.6%	72.8%	16.8%	7.0%	1.0%	2.5%	3.5%

Question 25; N=96						
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 %
89.8%	74.2%	15.5%	5.1%	4.1%	1.1%	5.2%

Question 26; N=96						
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 %
77.5%	38.3%	39.3%	10.7%	9.5%	2.3%	11.8%

Question 27; N=94						
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 %
81.5%	44.2%	37.3%	11.8%	3.4%	3.3%	6.7%

Question 28; N=96						
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 %
86.9%	45.3%	41.7%	8.6%	2.1%	2.3%	4.4%

Question 29; N=94						
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 %
77.4%	33.6%	43.8%	16.0%	3.1%	3.5%	6.6%

Question 30; N=91						
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 %
83.1%	56.7%	26.4%	10.9%	2.4%	3.5%	6.0%

Question 31; N=97						
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 %
82.1%	52.3%	29.8%	10.3%	5.3%	2.3%	7.6%

Question 32; N=91						
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 %
86.0%	65.0%	21.1%	7.2%	4.3%	2.5%	6.8%

Question 33; N=96						
How satisfied are you with your involvement in decision 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 %
73.8%	29.7%	44.1%	13.9%	11.3%	0.9%	12.3%

Question 34; N=96						
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 %
76.1%	31.7%	44.4%	12.3%	7.4%	4.2%	11.5%

Question 35; N=95						
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 %
79.7%	46.7%	32.9%	11.5%	7.7%	1.1%	8.8%

Question 36; N=95						
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 %
89.6%	41.1%	48.6%	6.0%	3.3%	1.1%	4.4%

Question 37; N=95						
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 %
75.6%	27.7%	47.9%	11.6%	9.4%	3.4%	12.8%

Question 38; N=96						
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 %
83.3%	46.3%	37.0%	12.1%	4.7%	0.0%	4.7%

Question 39; N=97					
During the COVID-19 pandemic, on average what percentage of your work time have you been physically present at your agency worksite (including headquarters, bureau, field offices, etc.)?					
100% of my work time	At least 75% but less than 100%	At least 50% but less than 75%	At least 25% but less than 50%	Less than 25%	I have not been physically present at my agency worksite during the pandemic
2.9%	3.7%	1.2%	1.1%	36.6%	54.6%

Question 40; N=97			
Please select the response that BEST describes your teleworking schedule (1) BEFORE the COVID-19 pandemic, (2) DURING the PEAK of the pandemic, and (3) AS OF the date you responded to this survey.			
Telework Amount	Before the COVID-19 pandemic	During the PEAK of the pandemic	As of the date you responded to this survey
I telework everyday	5.3%	96.7%	90.7%
I telework 3 or 4 days per week	6.0%	2.2%	6.9%
I telework 1 or 2 days per week	48.2%	1.1%	2.4%
I telework, but only about 1 or 2 days per month	3.7%	0.0%	0.0%
I telework very infrequently, on an unscheduled or short-term basis	13.2%	0.0%	0.0%
I do not telework because I have to be physically present on the job	5.2%	0.0%	0.0%
I do not telework because of technical issues	0.0%	0.0%	0.0%
I do not telework because I did not receive approval to do so, even though I have the kind of job where I can telework	8.8%	0.0%	0.0%

I do not telework because I choose not to telework	9.7%	0.0%	0.0%
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Question 41; N= 97

What type(s) of leave have you used because of the pandemic?

Leave under the Emergency Paid Sick Leave Act	Annual Leave	Sick Leave	Weather and Safety Leave	Administrative Leave	Other Paid Leave (comp time, credit hours)	Unpaid Leave (LWOP)	I have not used leave because of the pandemic
8.2%	31.8%	30.5%	2.7%	15.9%	10.2%	0.0%	55.4%

Question 41a; N=43

During the COVID-19 pandemic, what percentage of your total work time have you used leave because of the pandemic?

100% of my work time	At least 75% but less than 100%	At least 50% but less than 75%	At least 25% but less than 50%	Less than 25%
0.0%	2.1%	2.7%	15.1%	80.1%

Question 42; N=96

How have you changed your participation in alternative work schedules (AWS) because of the COVID-19 pandemic? Examples of AWS include compressed work and flexible work schedule.

I began an alternative work schedule	I ended my usual alternative work schedule	No change because of the pandemic
5.1%	2.1%	92.8%

Question 43; N=96

How has your organization supported your well-being needs during the COVID-19 pandemic? For each support listed, choose the best response from one of the 3 columns: (1) those supports you needed and have been available to you, (2) those needed but not available to you, and (3) those supports you have not currently needed.

Support Type	Needed and available to me	Needed, but not available to me	Not needed by me now
Expanded Telework	93.5%	1.4%	5.1%
Expanded work schedule flexibilities	76.9%	1.9%	21.3%
Expanded leave policies	55.2%	3.2%	41.6%
More information on available leave policies	58.6%	8.6%	32.8%



Expanded mental health resources	44.7%	3.8%	51.5%
Expanded physical health resources	10.5%	6.2%	83.3%
Timely communication about possible COVID-19 illness at my agency worksite	79.6%	4.8%	15.6%
Protection of employees at higher risk for severe illness from COVID-19 exposure	35.2%	3.0%	61.8%
Limited access to my agency worksite buildings/facilities	75.3%	3.0%	21.7%
Social distancing	72.4%	1.0%	26.7%
Rearranged workspaces to maximize social distancing	42.9%	4.1%	53.0%
Encouraged use of personal protective equipment or other safety equipment in my agency worksite	64.4%	2.8%	32.7%
Cleaning and sanitizing supplies available to reduce risk of illness in my agency worksite	68.7%	3.0%	28.3%
Training for all employees on health and safety protocols	49.9%	11.2%	38.9%

Question 44; N=96						
During the COVID-19 pandemic my organization's senior leaders have demonstrated commitment to employee health and safety.						
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 %

96.6%	85.1%	11.5%	2.1%	0.0%	1.2%	1.2%
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Question 45; N=96						
During the COVID-19 pandemic my organization's senior leaders have supported policies and procedures to protect employee health and safety.						
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 %
94.2%	83.9%	10.3%	2.1%	2.5%	1.2%	3.7%

Question 46; N=96						
During the COVID-19 pandemic my organization's senior leaders have provided effective communications about the pandemic.						
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 %
91.7%	74.2%	17.5%	6.0%	1.1%	1.2%	2.3%

Question 47; N=97						
During the COVID-19 pandemic my supervisor has shown concern for my health and safety.						
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 %
95.8%	85.5%	10.3%	3.1%	0.0%	1.1%	1.1%

Question 48; N=96						
During the COVID-19 pandemic my supervisor has supported my efforts to stay healthy and safe while working.						
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%	82.6%	14.1%	1.1%	1.2%	1.1%	2.3%

Question 49; N=87						
During the COVID-19 pandemic my supervisor has created an environment where I can voice my concerns about staying healthy and safe.						
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 %
92.7%	78.6%	14.1%	4.0%	2.1%	1.1%	3.2%

Question 50; N=95			
How has your organization supported your work during the COVID-19 pandemic? For each support listed choose the best response from one of the 3 columns: (1) those supports you needed and have been available to you, (2) those you needed but not available to you, and (3) those supports you have not currently needed.			
Type of Support	Needed and available to me	Needed, but not available to me	Not needed by me now
Consistent communication	90.9%	5.0%	4.1%
Training for new/changed work or work processes because of the pandemic	48.5%	10.9%	40.6%

Reallocation of resources to support changes in work because of the pandemic	36.9%	21.8%	41.3%
Help with commuting issues	21.2%	8.2%	70.6%
Options for work/business travel	11.9%	6.5%	81.6%
Information on remote work policies, procedures, and expectations	79.2%	6.3%	14.4%
Training on how to work remotely	43.0%	9.0%	48.1%
Equipment and technology for working remotely	70.8%	21.7%	7.5%
Expanded collaboration tools	91.1%	2.8%	6.0%
Expanded training for using remote work tools and applications	58.7%	18.7%	22.6%
Expanded Information Technology (IT) support	58.7%	29.3%	12.0%
Information about data security policies and procedures	80.0%	10.5%	9.5%

Question 51; N=95		
Does the type of work you do require you to be physically present at a worksite?		
Yes	No	Other
1.3%	95.2%	3.5%

Question 52; N=97				
How disruptive has the COVID-19 pandemic been to your ability to do your work?				
Extremely	Very	Somewhat	Slightly	Not at All
5.4%	9.1%	26.4%	23.4%	35.7%

Question 53; N=96
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How have your work demands changed because of the COVID-19 pandemic				
Greatly Increased	Somewhat Increased	About the Same	Somewhat Decreased	Greatly Decreased
7.4%	30.8%	58.7%	3.1%	0.0%

Question 54; N=97					
Prior to the COVID-19 pandemic, my work unit:					
	Always	Most of the Time	Sometimes	Rarely	Never
Met the needs of our customers	56.8%	42.1%	1.1%	0.0%	0.0%
Contributed positively to my agency's performance	79.7%	20.3%	0.0%	0.0%	0.0%
Produced high-quality work	80.4%	19.6%	0.0%	0.0%	0.0%
Adapted to changing priorities	74.9%	25.1%	0.0%	0.0%	0.0%
Successfully collaborated	75.9%	18.9%	3.2%	2.0%	0.0%
Achieved our goals	68.3%	31.7%	0.0%	0.0%	0.0%

Question 55; N=97					
During the COVID-19 pandemic, my work unit:					
	Always	Most of the Time	Sometimes	Rarely	Never
Met the needs of our customers	55.3%	39.3%	5.3%	0.0%	0.0%
Contributed positively to my agency's performance	78.7%	20.3%	1.0%	0.0%	0.0%
Produced high-quality work	77.7%	21.4%	1.0%	0.0%	0.0%
Adapted to changing priorities	77.0%	19.7%	3.3%	0.0%	0.0%
Successfully collaborated	74.8%	15.2%	7.9%	2.1%	0.0%

Achieved our goals	69.7%	29.3%	1.0%	0.0%	0.0%
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Question 56; N=97						
In the phased return of employees to the agency worksite, my organization has made employee safety a top priority.						
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%	72.5%	22.8%	3.2%	0.0%	1.5%	1.5%

Question 57; N=97						
Based on my organization's handling of the COVID-19 pandemic, I believe my organization will respond effectively to future emergencies.						
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 %
90.0%	70.2%	19.8%	8.6%	1.4%	0.0%	1.4%

Question 58; N=96							
How satisfied are you with the telework program in your agency?							
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 %	Did not participate in this program <sup>18</sup>

<sup>18</sup> Employees had the option of selecting three options if they did not participate in the telework program: 1) I chose not to participate; 2) the program is unavailable to me; and 3) I am unaware of the program. For question 58, all employees who did not participate in the telework program selected 2) the program is not available to me.

91.4%	66.9%	24.5%	3.1%	1.9%	2.6%	4.5%	1.1%
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Question 59; N=97					
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	Child Care Programs	Elder Care Programs	None Listed
71.6%	47.4%	3.8%	4.9%	1.2%	14.1%

Question 60; N=96							
How satisfied are you with the following Work-Life programs in your agency? Alternative Work Schedules (for example, compressed work schedule, flexible work schedule)							
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 %	Did not participate in these programs <sup>19</sup>
85.8%	70.7%	15.1%	2.0%	2.7%	1.4%	4.1%	8.1%

Question 61; N=95							
How satisfied are you with the following Work-Life programs in your agency? Health and Wellness Programs (for example, onsite exercise, flu vaccination, medical screening, CPR training, health and wellness fair)							
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 %	Did not participate in these programs <sup>20</sup>
65.8%	38.3%	27.5%	11.4%	2.8%	1.1%	3.9%	19.1%

<sup>19</sup> Employees had the option of selecting three options if they did not participate in this Work-Life program: 1) I chose not to participate; 2) the program is unavailable to me; and 3) I am unaware of the program. For question 60, all employees who did not participate in alternative work schedules selected option 1) they chose not to participate.

<sup>20</sup> Employees had the option of selecting three options if they did not participate in this Work-Life program. For question 61, employees responded with the following: 9.2% said 1) I chose not to participate; 3.0% said 2) the program is unavailable to me; and 6.9% said 3) I am unaware of the program.

Question 62; N=95							
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, education 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 %	Did not participate in these programs <sup>21</sup>
19.7%	9.6%	10.1%	16.5%	1.0%	1.1%	2.1%	61.7%

Question 63; N=95							
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)							
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 %	Did not participate in these programs <sup>22</sup>
12.7%	5.6%	7.1%	5.3%	1.9%	1.1%	3.0%	78.9%

Question 64; N=94							
How satisfied are you with the following Work-Life programs in your agency? Elder Care Programs (for example, elder/adult care, support groups, resources)							
Percent Positive %	Strongly Agree/ Very Good/	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very	Percent Negative %	Did not participate

<sup>21</sup> Employees had the option of selecting three options if they did not participate in this Work-Life program. For question 62, employees responded with the following: 59.8% said 1) I chose not to participate and 1.9% said 3) I am unaware of the program.

<sup>22</sup> Employees had the option of selecting three options if they did not participate in this Work-Life program. For question 63, employees responded with the following: 40.2% said 1) I chose not to participate; 15.4% said 2) the program is unavailable to me; and 23.3% said 3) I am unaware of the program.



	Very Satisfied %		Neither Satisfied nor Dissatisfied %		Dissatisfied %		in these programs <sup>23</sup>
4.8%	3.7%	1.1%	6.2%	0.9%	1.1%	2.0%	86.9%

Question 65; N=95	
Which of the following paid and unpaid child care arrangements have you used to perform your work responsibilities during the COVID-19 pandemic? (Mark all that apply)	
Category	Percent
I do not have any child care responsibilities	65.6%
No arrangements needed to manage child care responsibilities (e.g., older children)	6.6%
Child care in my own home (e.g., other parent, relative, nanny, au pair)	15.7%
Alternative work arrangement (e.g., telework, flexible work schedule)	20.2%
Child care center	5.9%
Paid leave	15.5%
Unpaid leave	1.2%
Child care in someone else's home (e.g., relative or neighbor, professional child care provider)	8.1%
Respite care (temporary care of a sick or disabled child, providing relief for their usual caregiver)	1.0%
Agency emergency back-up care program	0.0%
Resource and referral services for dependent child care	0.0%
Other services/arrangements	2.1%

Question 66; N=95	
Which of the following paid and unpaid elder/adult care arrangements have you used to perform your work responsibilities during the COVID-19 pandemic? (Mark all that apply)	
Category	Percent
I do not have any elder/adult care responsibilities	85.6%
No arrangements needed to manage elder/adult care responsibilities (e.g., elder can manage tasks of everyday living)	2.8%
Alternative work arrangement (e.g., telework, flexible work schedule)	4.2%
Elder/adult day care center	0.0%
Paid leave	7.5%
Unpaid leave	0.0%
Long-term care insurance	1.2%
Respite care (temporary care of a sick or disabled adult/elder, providing relief for their usual caregiver)	1.2%
Other services/arrangements	3.5%

<sup>23</sup> Employees had the option of selecting three options if they did not participate in this Work-Life program. For question 63, employees responded with the following: 36.3% said 1) I chose not to participate; 15.1% said 2) the program is unavailable to me; and 35.5% said 3) I am unaware of the program.

Question 67; N=96						
During the COVID-19 pandemic, how disruptive have school closures/changes been to your ability to do your work?						
I do not have responsibility for school-aged children %	Extremely %	Very %	Somewhat %	Slightly %	Not at All %	Does Not Apply %
58.3%	8.3%	5.2%	10.4%	7.3%	2.1%	8.3%

Question 68; N=96						
During the COVID-19 pandemic, how disruptive have changes to your children's day care been to your ability to do your work?						
I do not have responsibility children who need day care %	Extremely %	Very %	Somewhat %	Slightly %	Not at All %	Does Not Apply %
63.5%	9.4%	4.2%	8.3%	1.0%	3.1%	10.4%

## Appendix 2: Results of OSC's FY2020 Annual Survey

The following pages contain the results from OSC's FY2020 Annual Survey. The results are broken down by responses per unit, and are listed in the following order: PPP, Whistleblower Disclosure, Hatch Act, and USERRA.

### 2020 ANNUAL SURVEY QUESTIONS: PPP/RDU

369

Responses

11:33

Average time to complete

Closed

Status

1. Did the agency against which you filed your OSC complaint inform you about your rights and responsibilities with regard to prohibited personnel practices?

Yes	106
No	191
I do not recall	67
I am not a federal employee	5



2. What was the primary issue involved in your OSC complaint? (Check all that apply)

Retaliation for whistleblowing ...	268
Illegal hiring or selection pract...	138
Discrimination	142
Other	83

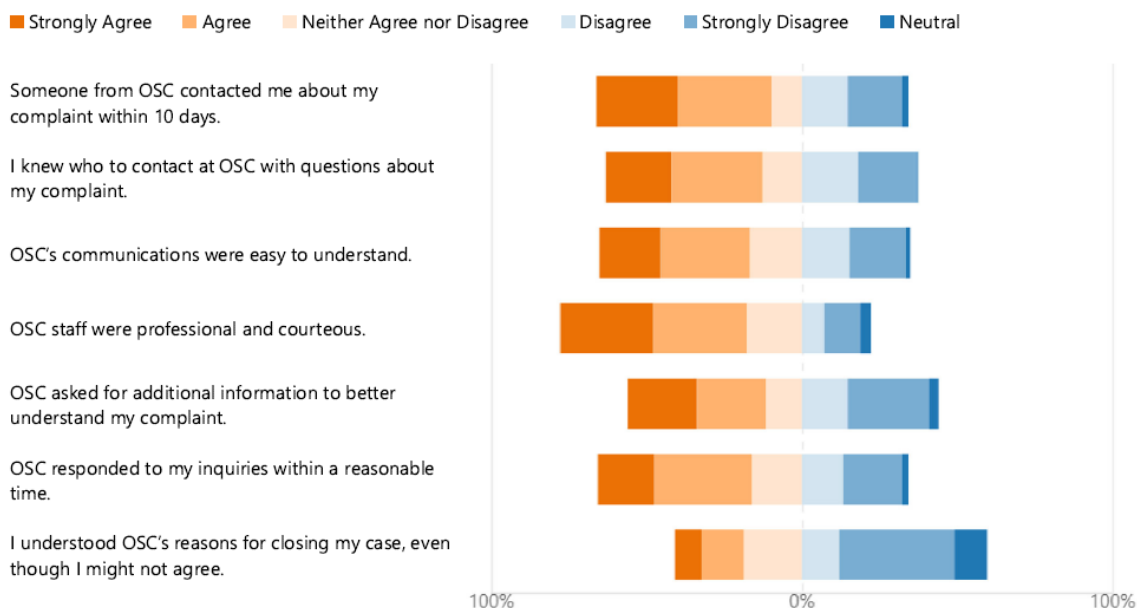


3. Please identify the stage of review or investigation of your OSC complaint.

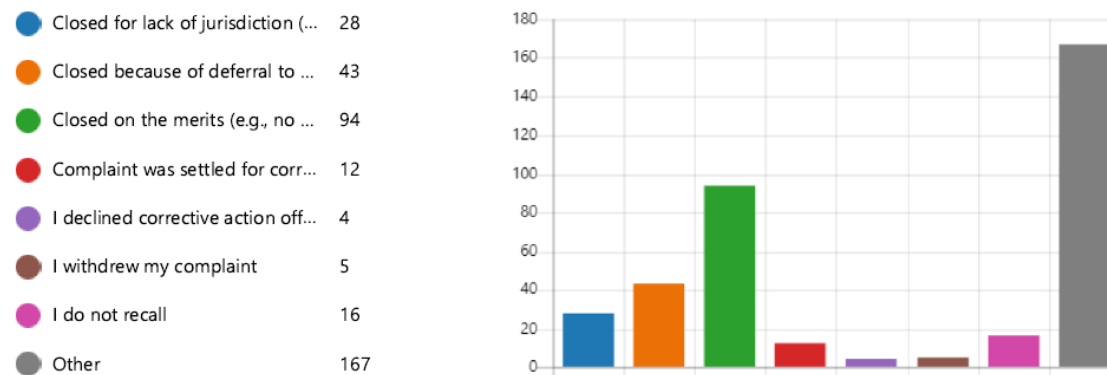
OSC received my complaint	58
OSC is working on my compla...	60
OSC is trying to resolve or me...	7
OSC anticipates closing or has...	244



4. Please indicate the level of agreement with each of the following statements about your experience with OSC.



5. How was your OSC complaint resolved?



6. If other please write below

244  
Responses

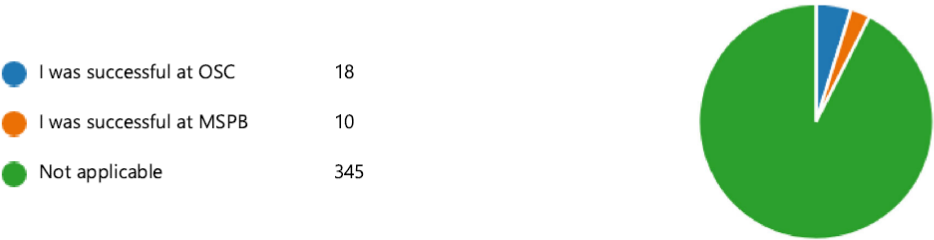
Latest Responses

"I have received an email from Mr Bruce Fong on March 18, 2020 for ...  
"Whistleblower Retaliation: I was told that OSC "must also show that p...

7. After filing your complaint with OSC, did you (or do you intend to) file a complaint with the Merit Systems Protection Board (MSPB) regarding the same matter?



8. If your OSC complaint is closed, please check all that apply.



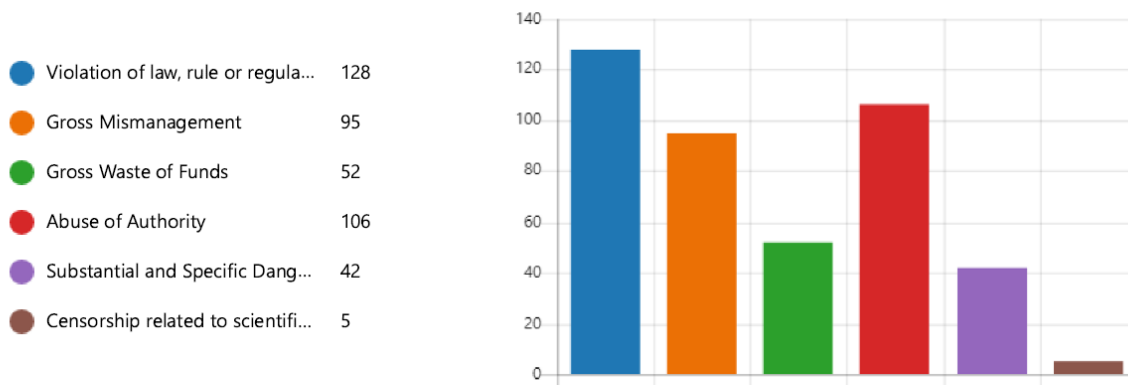
## 2020 ANNUAL SURVEY QUESTIONS: Disclosure Unit

154  
Responses

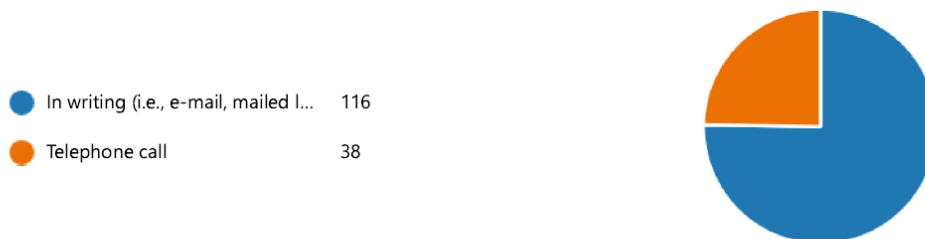
07:47  
Average time to complete

Closed  
Status

1. Which of the following allegations did you allege in your disclosure? (Select all that apply).



2. How did an OSC staff member first contact you in order to substantively discuss your claims?



3. If you contacted OSC during the pendency of your disclosure, approximately how many days passed before an OSC staff member responded?

Same day	11
Next day	7
1-3 days	53
Over 3 days	66
I did not receive a response	17



4. When speaking with OSC staff member(s) about your disclosure, did you understand the information provided to you?

Yes	104
No	30
Other	20



5. During the pendency of your matter could you (or can you) reach the OSC staff member assigned to your disclosure by email or telephone?

Yes	114
No	25
I do not recall	15



6. Did you understand the written communications (i.e., e-mail, letter) you received from OSC?

Yes	104
No	28
Indifferent	22



7. When you received a letter regarding the determination on your disclosure, did you take the opportunity to ask OSC staff member(s) questions about it?

Yes	82
No	72



8. Why or why not?

154  
Responses

Latest Responses  
*"I asked questions when needed "*  
*"Never received"*  
*"I have not received a response yet. However, when I do, I will ask ques..."*

9. Approximately how many days passed before the OSC staff member responded to your inquiry about the determination in your disclosure?

Same day	13
Next day	8
1-3 days	24
Over 3 days	74
I did not receive a response	35



10. Please rate your overall experience with OSC

154  
Responses

2.58  
Average Number

11. Please let us know how well we did or how we can improve.

154  
Responses

Latest Responses  
*"It would be nice if the process for disclosing all information and timeli..."*  
*"A return call would have been a start"*  
*"I have not received a determination yet on my disclosure."*



## 2020 ANNUAL SURVEY QUESTIONS: Hatch Act

**43**  
Responses

**01:14**  
Average time to complete

**Closed**  
Status

1. OSC acknowledged receipt of my Hatch Act advisory request or complaint in a timely fashion.

Strongly Agree	17
Agree	16
Neither Agree nor Disagree	5
Disagree	3
Strongly Disagree	2



2. While my advisory request or complaint was pending, the assigned OSC employee sufficiently communicated with me about my matter.

Strongly Agree	6
Agree	12
Neither Agree nor Disagree	2
Disagree	11
Strongly Disagree	11



3. The communications I received from OSC about my advisory request or complaint were clear and easy to understand.

Strongly Agree	9
Agree	14
Neither Agree nor Disagree	5
Disagree	7
Strongly Disagree	7



4. I received my requested Hatch Act advisory opinion or resolution of my complaint in a timely fashion.

Strongly Agree	8
Agree	10
Neither Agree nor Disagree	3
Disagree	7
Strongly Disagree	15



5. My experience with OSC's Hatch Act Unit was satisfactory.

Strongly Agree	10
Agree	9
Neither Agree nor Disagree	5
Disagree	7
Strongly Disagree	12



## 2020 ANNUAL SURVEY QUESTIONS: USERRA

7  
Responses

11:40  
Average time to complete

Closed  
Status

1. After requesting that DOL-VETS refer your USERRA case to OSC, did you receive an acknowledgment letter or email from OSC confirming it had received your case file?

Yes	3
No	2
I do not recall	2



2. What was (were) the primary issue(s) involved in your USERRA case referred to OSC? (Please check all that apply)

Discrimination	7
Reemployment	2
Retaliation	5
Other	2

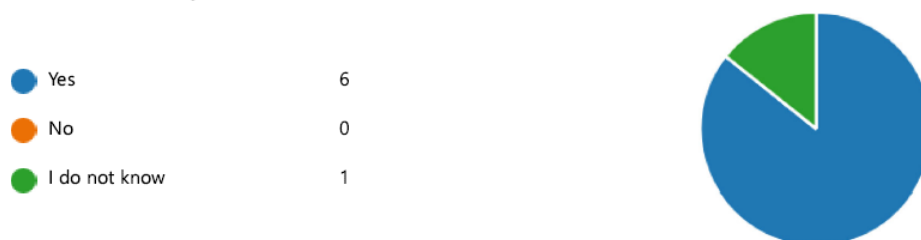


3. Please identify the current status of your USERRA case referred to OSC:

OSC is reviewing my case	0
OSC is trying to resolve my ca...	0
OSC has closed my case	6
OSC is representing me befor...	0
I do not know	1

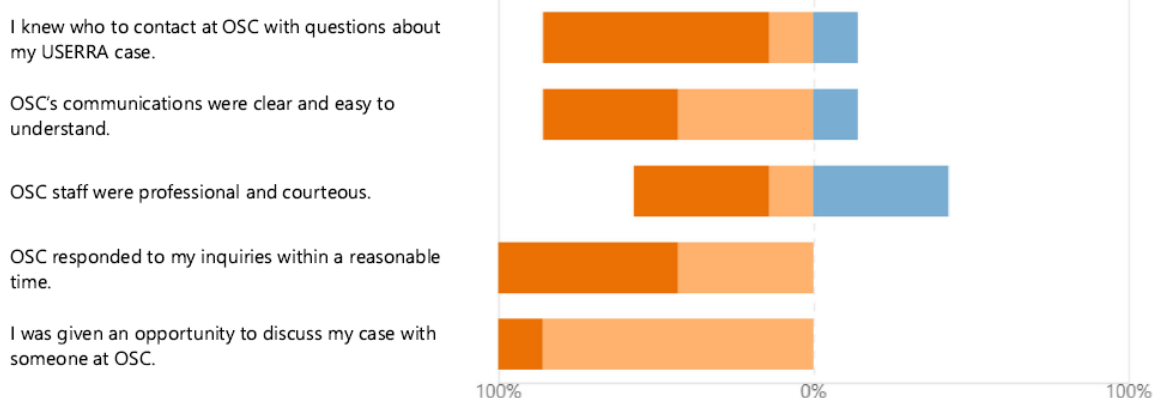


4. Within 60 days of receiving your USERRA case from DOL-VETS, did OSC either: (1) notify you that it was closing your USERRA case, or (2) request an extension of time to further review/resolve your USERRA case?

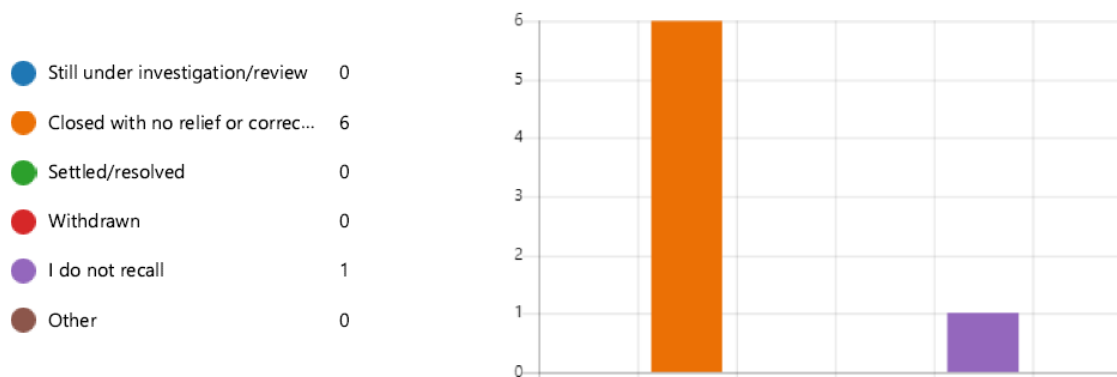


5. What is your level of agreement with each of the following statements about your experience with OSC (please circle or underline one category for each statement below):

Agree Disagree Neutral N/A



6. Please provide the outcome of your USERRA case referred to OSC:



7. Other

3

Responses

Latest Responses

"I respectfully disagree with OSC in closing my case as as the DEA Spe...

"October 12, 2019 I wrote an online inquiry to OSC, and also complain...

8. If OSC closed your USERRA case, did you (or do you intend to) file an appeal with the MSPB?

Yes	5
No	2
I do not know	0



9. If you filed an appeal with the MSPB in your USERRA case, what is the current status?

Still pending	0
Decided in my favor	0
Not decided in my favor	1
I do not know	3
Other	3



10. Other

4

Responses

Latest Responses

"Since I am currently on military active duty orders, I have requested U...

"I provide updates with the DOL, OAS, VETS, Regional Administrator Jo...