

**ANNUAL REPORT
TO CONGRESS
—for—
FISCAL YEAR 2022**



U.S. OFFICE OF SPECIAL COUNSEL
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The Special Counsel

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

The Honorable Kevin McCarthy
Speaker of the House of Representatives
Washington, D.C. 20515

Dear President and Speaker:

I respectfully submit the Report to Congress for fiscal year 2022 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 long horizontal stroke at the end.

Henry J. Kerner

cc: The Honorable Charles Schumer, Majority Leader, U.S. Senate
The Honorable Mitch McConnell, Minority Leader, U.S. Senate

The Honorable Steve Scalise, Majority Leader, U.S. House of Representatives
The Honorable Hakeem Jeffries, Minority Leader, U.S. House of Representatives

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

The Honorable James Comer, Chair, House Committee on Oversight and Accountability
The Honorable Jamie Raskin, Ranking Member, House Committee on Oversight and
Accountability

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

The Honorable Kay Granger, Chair, House Committee on Appropriations
The Honorable Rosa DeLauro, Ranking Member, House Committee on Appropriations

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THE SPECIAL COUNSEL

Henry J. Kerner was sworn in to serve as Special Counsel on October 30, 2017.

Mr. Kerner 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 unanimously confirmed by the Senate in October of that same year.

Since coming to OSC, Special Counsel Kerner has implemented new processes and procedures to dramatically increase OSC's responsiveness to whistleblower complaints and focus on customer service. For example, OSC has prioritized meeting a 45-day statutory deadline to determine whether there is a "substantial likelihood" of wrongdoing in whistleblower disclosure cases. Furthermore, Special Counsel Kerner oversaw a significant restructuring of OSC's programmatic units to streamline the handling of prohibited personnel practice investigations. This reorganization involved combining units with overlapping responsibilities to make OSC's processes more efficient. Over the last two fiscal years, despite unprecedented challenges, OSC has set new agency records for the number of favorable actions achieved on behalf of whistleblowers.

A MESSAGE FROM SPECIAL COUNSEL HENRY J. KERNER

It is my pleasure to provide this overview of the work completed by the U.S. Office of Special Counsel (OSC) in fiscal year (FY) 2022 through OSC's Annual Report. The COVID-19 pandemic has made the past few years historically challenging for all Americans. Nonetheless, OSC continued to achieve significant successes on behalf of federal employees and whistleblowers—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 achieve exceptional results for the federal government and complainants, alike. In FY 2022, OSC achieved a record 417 favorable actions in prohibited personnel practice (PPP) cases. This agency record represents a 19 percent increase over the previous five-year average, despite an unprecedented drop in cases received in recent years due to the COVID-19 pandemic. Simultaneously, 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 2022, OSC's whistleblower disclosure work resulted in 45 substantiated instances of wrongdoing and the collection of millions of dollars of debts owed to the federal government. The 45 substantiated whistleblower disclosures achieved in FY 2022 represent a small decrease from the previous five-year average. However, this figure is still notable considering OSC received 33 percent fewer disclosures in FY 2022 than the previous five-year average, largely due to the continued impact of COVID-19.

OSC also continues to attain impressive results in its enforcement of the Hatch Act and the Uniformed Services Employment and Reemployment Rights Act (USERRA). In FY 2022, OSC's Hatch Act Unit issued more than 750 advisory opinions and obtained eight disciplinary actions for violations of the Hatch Act. In addition, the USERRA unit worked to defend employment and reemployment rights for veterans in 15 cases during FY 2022.

Additionally, I am pleased that our employees reported very high levels of satisfaction with their working conditions at OSC. The agency again received high marks on the FY 2022 Federal Employee Viewpoint Survey, demonstrating that even under extraordinarily difficult circumstances, our employees have persevered and even excelled. As a matter of fact, OSC ranked third for small agencies in the 2022 Best Places to Work in the Federal Government report produced by the Partnership for Public Service and Boston Consulting Group.

The agency's many successes continue to increase awareness of OSC among federal employees. As employees see the positive results, they 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 unjust personnel actions. OSC strives to address every complaint filed as quickly, accurately, and efficiently as possible. Although OSC has seen an overall decrease in filings in from FY 2020-FY 2022, because of the lasting impacts of the coronavirus pandemic, the agency

expects the number of complaints filed to rise. For instance, OSC received 16 percent more cases in the second half of FY 2022 than it did in the first half of the year.

I look forward to maintaining our collaborative relationship with Congress to identify how OSC can perform its vital mission even better. OSC represents one of the most cost-effective methods of promoting good government, safeguarding the merit system, and protecting taxpayers. When OSC succeeds, good government and taxpayers are the true winners. 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.

Sincerely,

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

Henry J. Kerner
June 26, 2023

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

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

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

The following year, Congress enacted the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). USERRA protects the civilian employment and reemployment rights of those who serve or have served in the Armed Forces, including the National Guard and Reserve, and other uniformed services. It prohibits employment discrimination based on past, present, or future military service; requires prompt reinstatement in civilian employment upon return from military service; and prohibits retaliation for exercising USERRA rights. Under USERRA, OSC may seek corrective action for service members whose rights have been violated by federal agencies (*i.e.*, where a federal agency is the civilian employer).

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

The Whistleblower Protection Enhancement Act of 2012 (WPEA) was signed into law in November 2012 and strengthened the WPA. This law overturned legal precedents that narrowed protections for government whistleblowers; provided whistleblower protections to

employees who were not previously covered, including Transportation Security Administration (TSA) officers; 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 commits suicide when there is credible evidence that, before the employee's death, a personnel action was taken against the employee after they made a protected disclosure. The Act also requires agencies to train supervisors how to handle complaints of whistleblower retaliation and mandates disciplinary action for supervisors who violate specific sections of the WPEA. Finally, the Act requires agencies to prioritize the transfer requests of employees who have been granted stays of personnel actions by the MSPB.

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

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 job rights of federal employees who are veterans or members of the National Guard or Reserve; and (2) to provide a safe channel for federal employees, applicants, and former employees to disclose wrongdoing at their agencies. In addition, through its Hatch Act enforcement role, OSC helps secure public trust in government by upholding the nonpolitical nature of the civil service and federal programs. These responsibilities work in tandem to maintain the integrity and fairness of the federal workplace and to make the government more accountable.

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, in FY 2021, OSC started maintaining a small, physical office in Oakland for Field Office leadership, and the staff of Dallas and Detroit began operating as virtual Field Offices.¹

The agency includes several program and support units described below:

Immediate Office of Special Counsel (IOSC)

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

Office of General Counsel (OGC)

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

Case Review Division (CRD)

This division serves as the initial intake point for all PPP and disclosure cases. CRD screens all new allegations to ensure that PPPs and disclosures are directed to the appropriate OSC component. CRD also closes allegations that are duplicative, filed with MSPB, outside of OSC's jurisdiction, or untimely.

Additionally, the prior Clerk's Office functional areas are now within CRD, including Freedom of Information Act (FOIA), Privacy Act, Controlled Unclassified Information, and records management. In FY 2022, the agency processed 140 FOIA requests, which reduced the FOIA backlog to only 11 requests as of September 30, 2022. In addition, OSC did not receive any new FOIA-related lawsuits in FY 2022.

OSC's Privacy Program also has published a system of records notice (SORN) for reasonable accommodations, and finalized the agency's regulations, which received OMB approval in December 2021. Further, in FY 2022, the Records Management team also successfully

¹ OSC staff, both at Headquarters and in the Field Offices, began full-time telework as a result of the pandemic on March 16, 2020. OSC Headquarters staff began working one day per week in the office in March 2022, and began working two-to-three days per week in the office in May 2022.

transferred over 560 cases to the National Archives and Records Administration (NARA) for the preservation and documentation of government records. Lastly, OSC continued to use paperless recordkeeping in FY 2022, after transitioning in February 2021.

Investigation and Prosecution Division (IPD)

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

Disclosure Unit (DU)

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

Retaliation and Disclosure Unit (RDU)

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

Hatch Act Unit (HAU)

This unit enforces and investigates complaints of unlawful political activities by government employees under the Hatch Act 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.

USERRA Unit

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

Alternative Dispute Resolution Unit (ADR)

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

Diversity, Outreach and Training Unit (DOT)

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

Operations Division

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

FY 2022 Budget and Staffing

During FY 2022, OSC operated with a budget authority of \$30,385,000, all of which was from appropriated funds.² The agency operated with a staff of approximately 136 full-time equivalent (FTE) employees.

FY 2022 Case Activity and Results³

OSC received 3,458 new cases in FY 2022. While this is nearly 22 percent below the level of cases received in FY 2020, and approximately 32 percent below the average level of cases received from FY 2017 to FY 2021, OSC attributes this decrease largely to the continued COVID-19 pandemic and the resulting alterations to the operations of most federal agencies during much of FY 2022. OSC expects a 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 2022. Specifically, OSC

² OSC also received funds from an OSC employee on a reimbursable detail at CIGIE.

³ Due to the continuous development and evolving nature of eCMS, some datapoints reported on previous documents may differ slightly from the case tables in the FY 2022 Annual Report.

achieved an impressive number of favorable outcomes, in total and across OSC’s multiple programmatic units. For example, OSC achieved 417 favorable actions on PPP cases, an agency record eclipsing the previous one set in FY 2020, and approximately 20 percent above the prior five-year average. On the Hatch Act front, OSC resolved 313 Hatch Act cases, which is approximately 10 percent above the average of the five prior years. In addition, OSC issued 73 warning letters and successfully obtained disciplinary actions in eight cases against officials who committed Hatch Act violations. OSC also experienced success in its USERRA cases. OSC assisted 15 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. In FY 2022, OSC worked with whistleblowers to identify millions of dollars in wasteful spending and to prevent further waste.

For example, a FY 2020 case continues to pay significant dividends for the American taxpayer. In this case, a whistleblower alleged that deficient software used by the Treasury Department resulted in \$91.5 million in uncollected debts owed to the Occupational Safety and Health Administration (OSHA). Following OSC’s referral to Treasury and the Department of Labor, the agencies investigated and substantiated the allegation. Treasury immediately corrected the software error and began conducting an audit to determine the extent that the software error impacted other agencies. The audit confirmed the faulty software resulted in more than \$470 million in uncollected debts across 28 different agencies. Because of OSC’s referral, Treasury is now working to collect these outstanding debts, and as of May 2022 has collected over \$13 million.

In addition to receiving 3,458 new matters in FY 2022, OSC carried over 1,526 matters from the previous fiscal year, giving the agency a total of 4,984 matters in-house. In FY 2022, OSC resolved 3,677 matters, as shown in the charts below, which resulted in yet another reduction to the agency’s case backlog, bringing the backlog to over 50 percent below its total from the end of FY 2018. Further, OSC issued 757 Hatch Act advisory opinions.

Table 1, below, summarizes overall OSC case intakes and dispositions in FY 2022, with comparative data for the previous five fiscal years. More detailed data can be found in **Tables 2-7**, relating to the four specific components of OSC’s mission—PPP cases, Hatch Act matters, whistleblower disclosures, and USERRA cases.

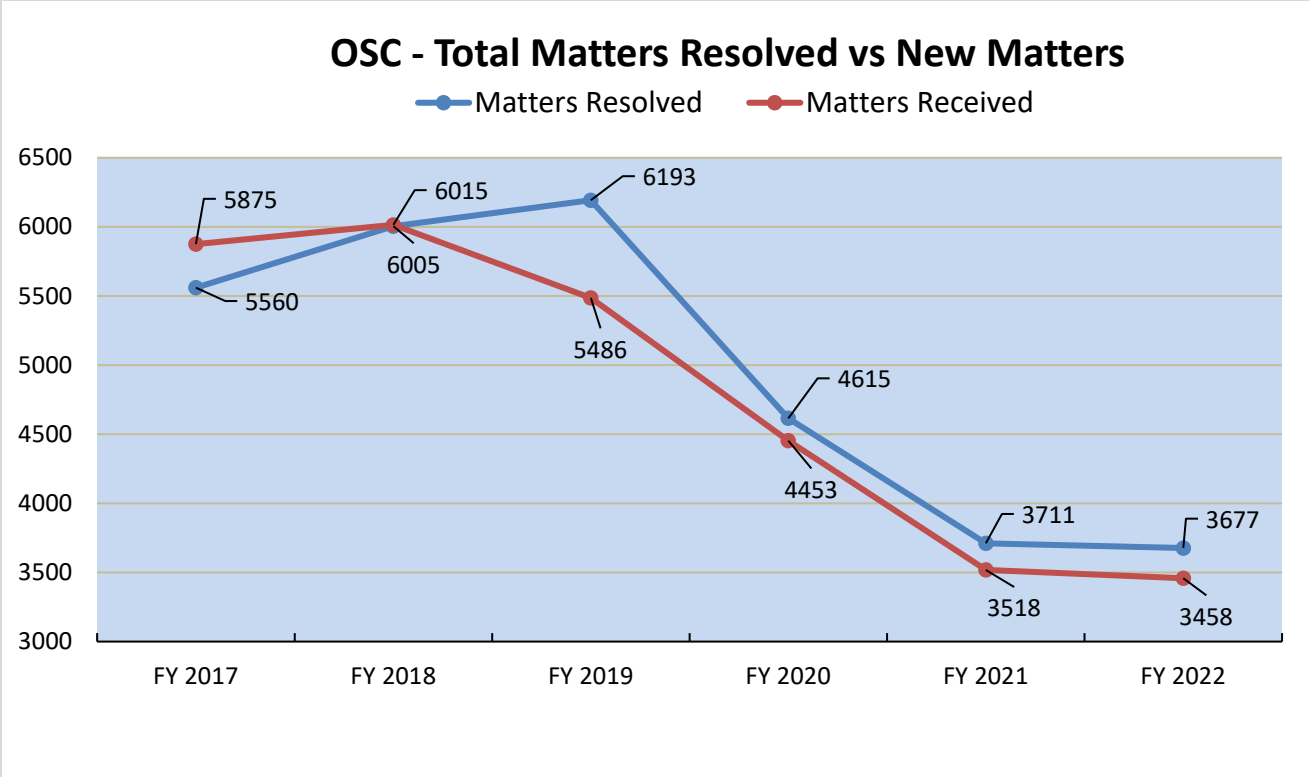


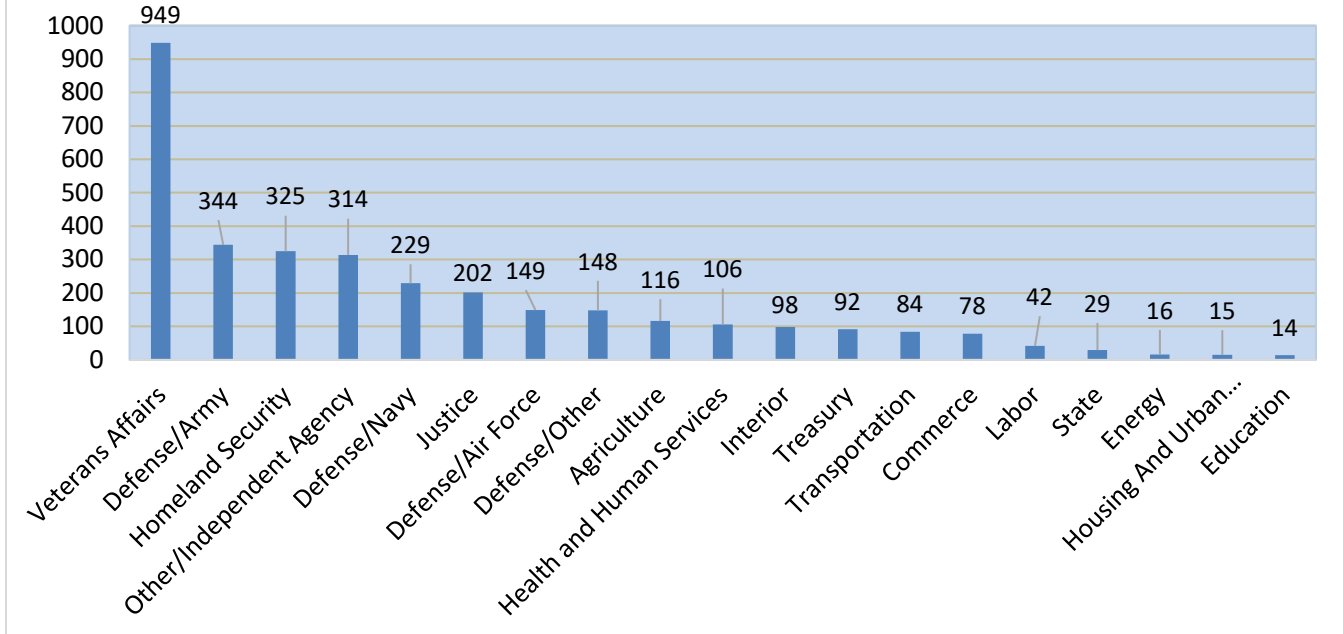
TABLE 1 - Summary of All OSC Case Activity						
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Matters ⁴ pending at start of fiscal year	2,271	2,592	2,616	1,888	1,736	1,526
New matters received	5,875	6,015	5,486	4,453	3,518	3,458
Matters closed	5,560	6,005	6,193	4,615	3,711	3,677
Matters pending at end of fiscal year	2,590	2,607	1,909	1,732	1,551	1,303
Hatch Act advisory opinions issued	1,325	1,386	1,111	1,461	1,043	757

OSC’s Docket

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

⁴ “Matters” in this table includes prohibited personnel practice cases, whistleblower disclosures, USERRA cases, and Hatch Act cases.

Total Agencies Providing Casework- FY 2022 (includes all types of OSC cases)



PART 3 – PROHIBITED PERSONNEL PRACTICES

Summary of Workload, Activity, Costs, and Results

OSC received an average of nearly 3,800 new PPP complaints per year from FY 2016 to FY 2020, a level unseen prior to FY 2015. The number of PPP complaints OSC has received since FY 2020 has decreased, largely due to the COVID-19 pandemic, and its impact on the operations of federal departments and agencies. For example, OSC received 2,287 PPP complaints in FY 2022. However, OSC expects PPP cases received in future, non-pandemic years to increase closer to levels experienced between FY 2015 and FY 2020. OSC resolved 2,382 PPP cases in FY 2022. The cost for the agency to resolve a PPP matter in FY 2021 was \$7,459. This information is being reported as required by OSC’s reauthorization.

Cost of Resolving a PPP matter:	\$7,459
Note - This was the average cost for resolving a PPP matter in FY 2022, 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 rise above the lower levels in recent, pandemic-affected years, as more employees return to the office. 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.

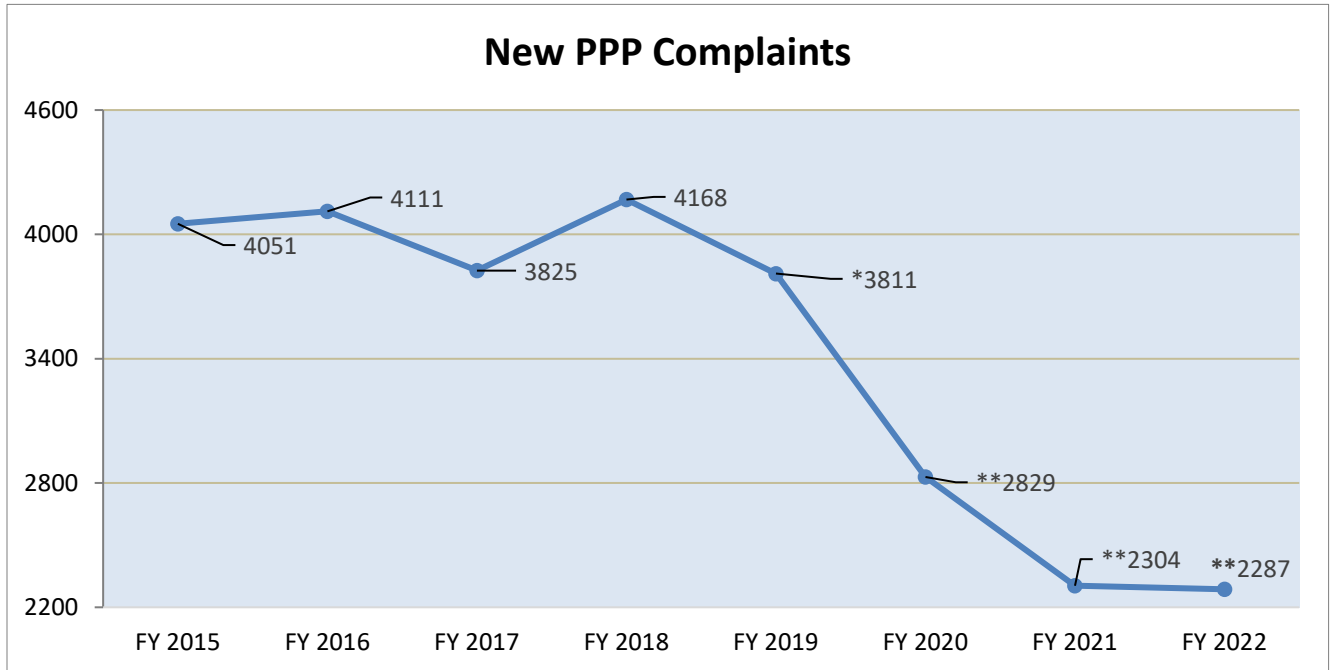


Figure 1:

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

**OSC experienced a significant reduction in PPP complaints, primarily because of the COVID-19 pandemic.

Receipts and Investigations

Table 2, below, contains FY 2022 summary data (with comparative data for the four previous fiscal years) on OSC’s receipt and processing of all PPP complaints.

TABLE 2 – Summary of All Prohibited Personnel Practice Complaints Activity – Receipts and Processing⁵						
		FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Pending complaints carried over from prior fiscal year		1,969	2,057	1,409	1,147	1,046
New complaints received⁶		4,168	3,811	2,829	2,304	2,287
Total complaints		6,137	5,868	4,238	3,451	3,333
Total complaints processed and closed		4,073	4,447	3,096	2,390	2,382
Complaint processing times	Within 240 days	3,100	3,659	2,476	1,883	1,870
	Over 240 days	967	788	621	499	522
Percentage processed within 240 days		76%	82%	80%	79%	79%

⁵ Complaints frequently contain more than one type of allegation. This table, however, records all allegations received in a complaint as a single matter.

⁶ “New complaints received” includes a few re-opened cases each year, as well as prohibited personnel practice cases referred by the MSPB for possible disciplinary action.

Table 3 contains summary data for FY 2022 (with comparative data for the four previous fiscal years) on all favorable actions obtained in connection with OSC’s processing of whistleblower reprisal and other prohibited personnel practice complaints.

TABLE 3 - Summary of All Favorable Actions – Prohibited Personnel Practice Complaints						
		FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Total favorable actions negotiated with agencies (all PPPs)	No. of actions⁷	314	319	405	393	417
	No. of matters	249	259	323	295	305
Total favorable actions negotiated with agencies (reprisal for whistleblowing)	No. of actions	236	234	317	304	320
	No. of matters	196	192	265	223	257
Disciplinary actions negotiated with agencies		22	27	13	33	37
Stays negotiated with agencies		47	31	54	38	39
Stays obtained from MSPB		2	1	0	0	2
Stay extensions obtained from MSPB		10	1	0	0	2
Corrective action petitions filed with the MSPB		1	0	0	0	2
Disciplinary action complaints filed with the MSPB		0	0	0	0	0

As seen on **Table 3**, OSC continues to provide complainants with positive outcomes, having achieved 417 favorable actions for PPP complaints in FY 2022, an agency record (OSC achieved its previous agency record in FY 2020). The 417 favorable actions achieved represent approximately a 19 percent increase from OSC’s prior five-year average. Of the favorable actions in FY 2022, 320 involved instances of whistleblower retaliation. OSC negotiated 39 stays with agencies to protect employees from premature or improper personnel actions. OSC also achieved 37 disciplinary actions, upholding merit system principles and sending a strong message that retaliation and other misconduct will not be tolerated.

Subpoenas

OSC’s recent reauthorization requires the agency to report on the number of subpoenas issued during the fiscal year. During FY 2022, one subpoena was issued by OSC.

Subpoenas issued - FY 2022	1
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⁷ 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 (*i.e.*, one case/matter may have multiple favorable actions).

Re-opened PPP Cases⁸

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.

Total PPP cases that were requested to be reopened in FY 2022 ⁹	24
• Status – Request to Reopen Denied (Previous determination was upheld)	17
• Status – Cases Reopened	23
○ Status – Reopened Cases Closed	16
○ Status - No determination yet/case status still open	7

PPP Cases Resolved by an Agreement

Another requirement of OSC’s recent reauthorization is for OSC to provide a list of PPP complaints that were resolved by an agreement between the individual and their employing agency, organized by agency and agency component.¹⁰

TOTAL PPP Cases Resolved by an Agreement in FY 2022 (118)	
Department/Agency	Count of Cases
Agriculture	4
Commerce	3
Defense/Air Force	7
Defense/Army	10
Defense/Navy	14
Defense/Other	5
Education	2
Health and Human Services	4
Homeland Security	7
Interior	9
Justice	3
Other/Independent Agency	7
Transportation	3
Treasury	1
Veterans Affairs	39

⁸ 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.

⁹ These numbers may not match because some cases are still in “reopen” status following a request for reopening in the prior fiscal year. Further, some cases are reopened without a request for reopening.

¹⁰ 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 2022 will continue to be provided at the department/agency level.

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 administrative assistant, alleged that the agency suspended her access to classified information and indefinitely suspended her because she disclosed that the agency failed to follow Department of Defense (DOD) directives to quarantine troops returning from high-risk COVID areas. Although OSC lacks jurisdiction over security clearance determinations, the DOD Office of Inspector General investigated the clearance suspension, concluded it was retaliatory, and recommended status quo ante relief. Because DODIG's relief did not include consequential or compensatory damages, OSC facilitated settlement negotiations between the parties. In addition to a clean record and back pay and benefits, the agency agreed to award complainant \$217,817.86 in damages.
- Complainant, a safety manager, alleged that the agency suspended him for two weeks because he disclosed to OSHA that exposed powerlines posed a danger to public safety and that the agency delayed mitigating the threat. Following OSC's investigation, the agency agreed to rescind the suspension and to pay complainant \$166,000; complainant agreed to resign.
- Complainant, an Environmental Protection Specialist, alleged that the agency violated due process by constructively suspending him and proposing his removal for being AWOL, after the agency had forced his AWOL by debarring him from the facility. The debarment order was based on a criminal conviction that had been overturned and expunged from complainant's record. The agency based its proposed removal only on the debarment condition it had created, rather than the underlying alleged criminal misconduct, for which he was legally innocent. Complainant was therefore denied notice and an opportunity to challenge the merits underlying his discipline. While his case was pending, complainant secured employment at a different federal agency. In a settlement facilitated by OSC, the agency agreed to pay complainant \$50,000, restore 200 hours of leave, rescind the debarment order, and give CP a clean record.
- Complainant, a member of the Senior Executive Service, alleged violations of 5 U.S.C. § 2302(b)(12). After conducting an investigation, OSC presented the agency with findings that (1) the agency denied Complainant an opportunity for meaningful higher-level review of her unsatisfactory performance appraisal that resulted in her reassignment; (2) the agency denied Complainant due process in lowering her performance rating when it relied on investigations of which Complainant was not the focus and during which she was not interviewed; and (3) the agency did not provide Complainant with a timely performance plan and, ultimately, a performance rating for the following year. The agency executed a global settlement agreement with Complainant in which the agency agreed to, inter alia, correct Complainant's performance ratings for the two years at issue, with attendant

monetary benefits, and pay Complainant approximately \$400,000, inclusive of damages and attorneys' fees.

- Complainant, an Education Services Specialist with the Air Force, disclosed to the OIG and other parties that her supervisor created a hostile work environment and instituted a non-disclosure policy in violation of 5 U.S.C. § 2302(b)(13). In retaliation for her disclosures and protected activities, her supervisor issued two failing evaluations, a reprimand, a demotion, a denial of a WIGI and a five-day suspension. When OSC intervened, the agency had corrected some of the actions (the reprimand, one evaluation, the non-disclosure agreement, and the demotion). OSC negotiated correction of the second failing evaluation and a settlement of \$42,779.71, which covered the loss of a WIGI, annual leave, other costs and \$20,000 in compensatory damages.
- Complainant is a psychologist and program coordinator with the U.S. Department of Veterans Affairs (VA). Complainant made disclosures about patient care and engaged in protected activity, including filing complaints with the OSC and the VA Office of Inspector General (OIG). After her protected activities and disclosures, VA suspended Complainant's privileges and proposed her removal. With OSC's assistance, the parties executed a settlement agreement, whereby VA agreed to rescind the proposed removal and suspension of privileges; provide a lump sum payment of \$100,000; restore 66 hours of annual leave and 280 hours of sick leave; compress Complainant's work schedule; reassign her to a specialist psychologist position and a new program coordinator role; and distribute a letter in support of her appointment to her new role.
- Complainant, a senior human resources employee, alleged that the Office of Human Resources Director, Deputy Director, and Branch Chief retaliated against her for blowing the whistle and refusing to follow orders that would violate a law, rule, or regulation. Specifically, Complainant disclosed: hiring hundreds of employees who lacked minimum educational requirements, and passing over veterans and/or influencing them to withdraw from the Pathways Program, improperly. Shortly after Complainant refused to classify a position at her supervisor's requested grade, the agency issued Complainant a management directed reassignment, effectively a constructive demotion, and significant change in working conditions, duties, and responsibilities. With OSC's assistance, the parties entered into a written settlement agreement in which the agency agreed to a lump sum payment, restoration of sick and annual leave, expungement of the improper personnel actions, and other relief.

Amicus Curiae Briefs

In FY 2022, OSC filed one amicus curiae brief to clarify the scope of whistleblower protections for federal employees.

- OSC's filed an amicus brief in *Besanceney v. Department of Homeland Security (DHS)*, which was recently appealed to the U.S. Court of Appeals for the Federal Circuit. Besanceney alleged that DHS took several personnel actions in retaliation for his protected disclosures and/or activity, including disclosures made to an OIG. The MSPB found that Besanceney's disclosures were not protected because he did not have a reasonable belief that they evidenced wrongdoing as defined by § 2302(b)(8). The MSPB further held that Besanceney did not engage in protected activity under § 2302(b)(9)(C) by going to his OIG because the information he provided did not meet the standards for whistleblowing under § 2302(b)(8). OSC argues in its brief that claimants are not required to meet the standards for whistleblowing under § 2302(b)(8) to be protected for the action of going to their OIG under § 2302(b)(9)(C), and that by imposing such a requirement, the MSPB went against both the clear language of the statute and congressional intent. OSC further argues that the MSPB's finding threatens to undermine the work of oversight entities by discouraging employees from engaging in activity that Congress has found to be in the public interest.

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 alleged that they were terminated during their probationary period after advising upper managers that they intended to cooperate with an ongoing OIG investigation into the office. Through OSC's mediation program, the parties were able to discuss what had occurred and the problems with the office at the time of the termination. The agency agreed to change the termination to a resignation, provide monetary payment for loss of salary and benefits as well as pain, suffering, and damage to reputation. The parties agreed to further discussions between the complainant and higher-level management so that agency leaders could be further briefed on the Complainant's observations after the mediation was concluded.
- Complainant alleged that in retaliation for making disclosures to leadership and filing an OIG complaint, they received a lowered performance appraisal, were detailed from their leadership position for over two years and did not receive performance appraisals during the detail. Through mediation discussions, the parties agreed to reassign Complainant to a different leadership position with new supervisors in their area of expertise. The agency will also support Complainant's application for a leadership and career-building training program. Additionally, the agency agreed to correct and issue Complainant's performance

appraisals, and to provide them with the associated performance awards, additional awards for work done while on detail, a monetary payment, and attorney’s fees.

- Complainant alleged that a supervisor engaged in retaliation when, after they complained about a hostile work environment and reported a coworker’s inappropriate behavior to law enforcement, their supervisor issued Complainant a notice of termination during Complainant’s probationary period. Through OSC’s mediation program, the parties entered into a global settlement agreement for corrective action that included a monetary payment, a neutral reference, and a change from a termination to a voluntary resignation.

Table 4 - ADR Program Activity – Mediation of Prohibited Personnel Practice Complaints						
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Cases Reviewed for Mediation	188	174	70	60	39	65
Mediations Offered	92	86	58	57	39	45
Mediations Conducted	65	39	39	40	30	38
Cases Withdrawn Before Mediation Completed	27	11	2	10	3	6
Completed Mediations	38	28	37	30	28	32
Completed Mediations Resulting in Settlement	31	21	24	23	16	27
Percentage of Completed Mediations Resulting in Settlement	82%	75%	65%	77%	57%	84%
Cases Resolved Without Need for Mediation	1	1	0	2	1	0
Carryover to Next FY – Mediations in Process	20	19	18	22	17	13
Carryover to Next FY – Cases in Review	11	2	4	1	2	3

PART 4 – WHISTLEBLOWER DISCLOSURES

Overview

OSC provides a safe and secure channel for whistleblowers, who are often in the best position to detect wrongdoing by government agencies and disclose allegations of 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 2022, OSC received 928 disclosures. Additionally, OSC sent 74 whistleblower disclosure reports to the President and Congress, and agencies substantiated wrongdoing in 45 of those cases. OSC processed 88 percent of whistleblower disclosures within the statutorily required 45-day timeframe in FY 2022, a significant increase from the 59 percent achieved 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 to the head of an agency for investigation whistleblower disclosures of wrongdoing in six areas: (1) violations of a law, rule, or regulation; (2) gross mismanagement; (3) gross waste of funds; (4) abuse of authority; (5) substantial and specific danger to public health or safety; and (6) censorship related to research, analysis, or technical information. The following are examples of OSC successes in FY 2022 involving whistleblower disclosures:

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

Treasury Department's Failure to Collect 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 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 Treasury 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 held by other agencies.

Treasury immediately corrected the software error, updated policies and procedures, and began collecting OSHA's outstanding debts. Treasury will provide OSC with an additional report upon completion of its audit. The audit will include a breakdown of the monetary value of any outstanding debts owed to the 12 additional agencies affected by the software error. The

Special Counsel determined that the findings of the reports appear reasonable and the reports meets all statutory requirements.

Update on Identification of Debts Owed to Government Agencies. In a supplemental report provided to OSC in July 2022, Treasury confirmed that the software error prevented the Fiscal Service from collecting approximately \$472 million dollars in debts owed to 28 Federal agencies. The report summarizes the Office of Inspector General’s (OIG) audit of Fiscal Service, initiated in response to OSC’s referral, to assess the magnitude of the collection error caused by the software. Treasury noted that as of May 2022, nearly \$10 million owed to OSHA and over \$3 million owed to other agencies has been recovered. The OIG audit found that a lack of internal communication prevented Fiscal Service from timely communicating with affected agencies, which impeded collection efforts. Further, Fiscal Service did not sufficiently assess or track the risks associated with the transition to the affected software and lacked the policies and procedures necessary to identify, evaluate, and mitigate risk as well as documented standard operating procedures and guidance on job responsibilities.

In addition to correcting the software error, Treasury agreed to take a number of corrective actions, including establishing formal standard operating procedures for risk management; developing criteria and procedures for reporting and addressing software issues; instituting policies and procedures for internal and external communications; and developing and updating written policies and procedures for documenting program and system changes. The whistleblower’s disclosure combined with Treasury’s commitment to assessing the full scope and magnitude of the software error, made it possible for the Federal government to initiate the collection of nearly half a billion dollars in uncollected debts.

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

Gross Mismanagement of Department of State Program. OSC referred to the Secretary of State allegations that Department of State (State) officials in the Bureau of Medical Services grossly mismanaged the Special Needs Education Allowance (SNEA), the agency’s reimbursement program for children with special needs. The whistleblower disclosed that State officials reimbursed employees for educational expenses prohibited by Department of State Standardized Regulations and that, between 2013 and 2018, improper reimbursements totaled between \$52 million and \$92 million. The agency determined that it had improperly reimbursed employees for unauthorized SNEA expenses and did not consistently administer the SNEA program between 2013 and 2018. The agency identified several instances of improper reimbursement, but investigators were unable to ascertain the total dollar amount of improper SNEA reimbursements because the agency did not have a SNEA-specific accounting code and did not systematically track SNEA expenditures during that time.

In response to these findings, the Office of the Inspector General proposed several corrective actions, including initiation of a centralized review and payment process for SNEA reimbursements. Implementation of the remainder of the recommendations, including

updating relevant manuals and handbooks, is in progress. In consideration of the agency's findings and its actions to correct deficiencies in oversight of SNEA, the Special Counsel determined that the findings of the reports appear reasonable.

- **Gross mismanagement; gross waste of funds; abuse of authority; and substantial and specific danger to public health**

Failure to Address Environmental Concerns Affecting Employees. OSC referred to the Administrator of the General Services Administration (GSA) allegations of wrongdoing in Region 6, Kansas City, Missouri, and Goodfellow Federal Center (Goodfellow), St. Louis, Missouri. The whistleblower alleged that GSA Region 6 and Goodfellow officials placed employees at risk by failing to properly address serious environmental concerns at Goodfellow, including widespread, longstanding environmental contamination, improper storage of explosives, and inadequate environmental and fire protection and life safety programs. He also alleged that GSA officials had been aware of these ongoing safety concerns since at least 2002 but took little or no action to correct them.

The agency substantiated serious allegations of widespread environmental contamination at Goodfellow and acknowledged years of exposure by individuals to hazardous materials. The agency also substantiated that Region 6 and Goodfellow officials were aware of these conditions but downplayed the risk to employees, tenants, and contractors, and discounted expert guidance and advice, rather than take appropriate corrective action. In response to these findings, the agency took significant steps to prevent future oversight failures, including extensive new training and the implementation of performance criteria to hold officials personally accountable for hazard abatement. The agency will also continue to coordinate with Federal Occupational Health and the National Institute for Occupational Safety and Health to ensure that employees, tenants, and contractors receive appropriate screening, testing, and care. The Goodfellow Complex is slated for closure and most occupants will be moved by 2022. In consideration of the agency's actions to correct these deficiencies, including the anticipated closure of the Goodfellow complex, the Special Counsel determined that the findings of the reports appear reasonable.

- **Gross mismanagement; abuse of authority; substantial and specific danger to public safety**

Federal Aviation Administration's failure to Oversee Airline. OSC referred to the Secretary of Transportation allegations that officials at the Federal Aviation Administration (FAA), Southwest Airlines (SWA) Certificate Management Office (CMO), Irving, Texas, and FAA Headquarters, Washington, D.C. knowingly permitted SWA to engage in unsafe and improper actions that compromise the safety of the flying public, with limited or no repercussions.

The agency substantiated the allegations. The agency found that the SWA Event Review Committee inappropriately accepted reports into the FAA's Aviation Safety Action Program

(ASAP) and closed ASAP reports before the completion of ongoing FAA or National Transportation Safety Board investigations, and did not consider all relevant information in their evaluations. The agency also found that FAA inspectors contravened FAA guidance with respect to SWA's weights and balances reporting, resulting in more than 4000 errors of over 300 pounds or more between March 2018 and July 2019. Further, the agency determined that FAA officials permitted SWA to fly 49 of the 88 Skyline aircraft without verifying that they conformed to FAA standards. In its report, the agency provided detail and context for each instance of mismanagement and described the corrective actions taken in response, including replacing senior leadership at the SWA CMO. In comments, one whistleblower highlighted concerns regarding FAA's oversight of designees for airworthiness determination and the failure of leadership to act on designee oversight even after being alerted to these concerns over a period of years. The Special Counsel determined that the report contains the information required by statute and the findings appear reasonable.

Table 5, below, contains FY 2022 summary data (with comparative data for the five previous fiscal years) on the receipt and disposition of whistleblower disclosure cases.

TABLE 5 - Summary of Whistleblower Disclosure Activity – Receipts and Dispositions¹¹							
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	
Pending disclosures carried over from prior fiscal year	497	493	421	317	264	241	
New disclosures received	1,781	1,559	1,374	1,160	906	928	
Total disclosures	2,278	2,052	1,795	1,477	1,170	1,169	
Disclosures referred to agency heads for investigation and report	59	139	73	81	65	27	
Referrals to agency IGs	1	0	0	0	0	0	
Agency head reports sent to President and Congress	66	41	64	89	76	74	
Results of agency investigations and reports	Disclosures substantiated in whole or in part	50	36	43	62	53	45
	Disclosures unsubstantiated	15	5	21	27	23	29
Disclosure processing times	Within 15 days	733					
	Over 15 days	1,056					
	Within 45 days¹²		968	1,188	1,042	809	852
	Over 45 days		656	291	171	117	115
Percentage of disclosures processed within 15 days	40%						
Percentage of disclosures processed within 45 days		59%	80%	86%	87%	88%	
Disclosures processed and closed	1,789	1,624	1,479	1,213	929	967	

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 750 advisory opinions, issued 73 warning letters, and obtained 22 corrective actions and eight disciplinary actions, either by negotiation or MSPB orders.

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

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

Advisory Opinions

The Hatch Act Unit (HAU) has the unique responsibility of providing Hatch Act information and advice to the White House; congressional offices; federal employees; some state and local government employees; the public at large; and the news media. HAU advises individuals on whether they are covered by the Hatch Act and whether their political activities are permitted. In FY 2022, OSC responded to 757 requests for advisory opinions, including 22 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 prevailed in a case that had been pending before the Merit Systems Protection Board (MSPB) since 2016. In *Special Counsel v. Cowan*, 2022 M.S.P.B. 2, the MSPB ruled that OSC could settle a candidacy violation for less than removal. The MSPB approved the parties' settlement agreement and ordered the employee suspended without pay for 180 days.
- OSC filed a complaint charging a Social Security Administration employee with violating the Hatch Act's prohibition against being a candidate for partisan political office. OSC contacted the employee after becoming aware of his candidacy and informed him that he could come into compliance with the law by either resigning his federal employment or making efforts to withdraw from the race. Despite OSC's advice, the employee continued to actively campaign for the office and accepted the position after winning the election. The employee retired from his employment after OSC filed the complaint. In a settlement agreement, the employee agreed to pay a \$500 fine and accept a five-year debarment from federal employment as a penalty for violating the Hatch Act.
- OSC filed a complaint charging an Environmental Protection Agency employee with violating the Hatch Act prohibitions against being a candidate for partisan political office and soliciting political contributions. OSC's investigation found evidence that the employee knew about the Hatch Act prior to his candidacy and willfully ran in violation of the law. The case is currently pending.

Cases Involving High-Level Presidential Appointees

- OSC investigated allegations that numerous high-level White House and cabinet appointees violated the Hatch Act during the 2020 presidential election. Many of the alleged violations occurred when officials engaged in political activity during official media appearances, and some occurred during the Republican National Convention. In November 2021, OSC issued

a comprehensive report, in which it concluded that at least 13 high-level administration officials violated the Hatch Act. The report also describes numerous enforcement challenges present when OSC investigates high-level presidential appointees and potential fixes for those challenges.

Disciplinary Action Obtained through Settlement Negotiations

- OSC settled a case against a National Institutes of Health employee who, while at work and despite being disciplined in the past for violating the Hatch Act, engaged in political activity on social media. The employee agreed to enter into a global settlement with OSC and his agency, which had investigated his conduct for violations of agency policy, and the employee served a 30-day suspension without pay as disciplinary action for his violations.

Table 6, below, contains FY 2022 summary data (with comparative data for the five previous fiscal years) on OSC’s Hatch Act enforcement activities.

TABLE 6 - Summary of Hatch Act Complaint and Advisory Opinion Activity							
		FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Formal written advisory opinion requests received		26	52	46	60	23	21
Formal written advisory opinions issued		24	46	52	56	28	22
Total advisory opinions issued¹³		1,325	1,155	1,111	1,461	1,043	757
New complaints received¹⁴		253	263	281	440	289	224
Complaints processed and closed		234	286	245	280	375	313
Warning letters issued		37	49	49	34	62	73
Corrective actions taken by cure letter recipients	Withdrawal from partisan races	6	5	4	2	4	7
	Resignation from covered employment	2	2	2	0	0	7
	Other	2	3	5	10	0	8
	Total	10	10	11	12	4	22
Disciplinary action complaints filed with MSPB		0	2	0	4	3	5
Disciplinary actions obtained (by negotiation or ordered by MSPB)		4	6	5	8	7	8
Complaints pending at end of fiscal year		156	133	168	323	236	145

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

¹⁴ Includes cases that were reopened.

PART 6 – USERRA ENFORCEMENT PROGRAM

Overview

OSC continues to assist reservists and National Guard members who face obstacles in their federal civilian jobs due to their military service. OSC receives USERRA cases from the U.S. Department of Labor (DOL), which first investigates and attempts to resolve the cases. OSC received 19 new cases from DOL in FY 2022 and closed or resolved 15 cases by the end of the fiscal year. OSC obtained corrective action for three service members during FY 2022. Also, one case in which OSC is representing a service member before the MSPB remained 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) with the Federal Aviation Administration (FAA) left his position for active duty in the U.S. Navy. As his Navy service was ending, he notified his former manager that he wished to return to the FAA to resume his civilian career. After the manager refused to assist him, he contacted the FAA's Human Resources, which incorrectly advised him he would have to apply for open positions like any new hire, despite the FAA's obligation to promptly reinstate him under USERRA. He subsequently sent several applications to various FAA regions but was not offered a position for over a year. While he was onboarding to his new position, the FAA medically disqualified him, forcing him to work in much lower-paying jobs for three years while he appealed his disqualification. OSC received his USERRA complaint and immediately contacted the FAA, which granted his medical appeal and reinstated him, but at a significantly lower salary level than he would have attained had he been properly reinstated four years earlier. He also lost out on substantial pay, benefits, and seniority due to the delay, setting his career back and costing him and his family significant income. OSC negotiated with the FAA on his behalf, and it agreed to compensate him four years' worth of lost wages, fully restore his seniority and retirement credit, and raise his pay to reflect reinstatement at the time of his honorable discharge from the Navy.
- A Registered Nurse at the Department of Veterans Affairs (VA) failed to receive a performance bonus due to her absence for service in the U.S. Army Reserve. OSC intervened on her behalf and the VA agreed to retroactively award her the bonus.
- A Foreign Affairs Officer with the State Department alleged that his performance rating was downgraded following his absence for active duty in the U.S. Navy Reserve. OSC contacted the agency and it agreed to upgrade his rating for the period in question.

- A Security Specialist with the U.S. Army alleged that he was improperly denied paid military leave for drills and training with the National Guard. At OSC’s request, the agency agreed to restore the annual leave he had used for his absences from work and to reinstate his paid military leave balance to be available for future service.

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 DOL. Most recently, OSC has provided USERRA training to the Navy, National Security Agency, Immigration & Customs Enforcement, Army Intelligence & Security Command, and Air Force. OSC also maintains telephonic and email hotlines to answer USERRA questions from service members and employers nationwide. Lastly, OSC reports its compliance with timeliness requirements for processing USERRA cases to Congress, DOL, and the Departments of Defense and Justice on a quarterly basis.

Table 7, below, contains FY 2022 summary data with comparative data and disposition of USERRA referral cases.

TABLE 7 - Summary of USERRA Referral and Litigation Activity¹⁵					
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Pending referrals carried over from prior fiscal year	3	6	5	3	5
New referrals received from VETS during fiscal year	25	21	24	19	19
Referrals closed	22	22	26	17	15
Referrals closed with corrective action	2	2	3	0	3
Referrals closed with no corrective action	20	20	23	17	12
Referrals pending at end of fiscal year	6	5	3	5	9
Litigation cases carried over from prior fiscal year	0	1	1	1	1
Litigation cases closed	0	0	0	0	0
Litigation closed with corrective action	0	0	0	0	0
Litigation closed with no corrective action	0	0	0	0	0
Litigation pending at end of fiscal year	1	1	1	1	1

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

PART 7 – DIVERSITY, OUTREACH, & TRAINING

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 2022, 120 agencies and agency components are either certified or registered for certification. As noted above, OSC also conducts formal and informal training/outreach presentations to educate the federal workforce in each of the areas within OSC's jurisdiction, as well as train supervisors on their obligations under the relevant statutes. OSC conducted **178** training presentations in FY 2021, followed by **123** presentations in FY 2022.

In response to the COVID-19 pandemic and the resulting government-wide movement toward telework, OSC's ongoing training functions underwent a significant transformation to meet the needs of this virtual environment and the individualized needs of our customer agencies. OSC has maintained a rigorous training schedule because of the switch to virtual trainings.

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 2022.

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

Fax: (202) 254-3711

Email: info@osc.gov

There are two ways to file a prohibited personnel complaint with OSC, on paper or electronically. A complaint can be filed electronically with OSC (<https://osc.gov/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.¹⁶

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

Fax: (202) 254-3711

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

¹⁶ OSC suspended the acceptance of paper Form 14 documents for PPP, Disclosure Unit, and Hatch Act cases 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.

made by contacting:

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

Fax: (202) 254-3700

Email: hatchact@osc.gov

A Hatch Act complaint can be filed electronically with OSC (<https://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

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

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

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

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

2022 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 2022 FEVS Core Survey. On questions that allowed for a positive or negative response, OSC employees replied with an average positive response rate of 83.7 percent on the 2022 survey. Despite being below OSC’s average positive response rate of approximately 87 percent in 2020 and 2021, this figure is still significantly above the government-wide average positive response rate of 68.2 percent in 2022. 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=80						
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 %
82.2%	44.9%	37.3%	9.1%	6.5%	2.2%	8.7%

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

Question 2; N=80						
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 %
76.3%	45.1%	31.2%	13.5%	9.1%	1.1%	10.2%

Question 3; N=81						
My work gives me a feeling of personal accomplishment.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
82.1%	45.9%	36.2%	12.8%	1.4%	3.6%	5.0%

Question 4; N=81						
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 %
91.6%	49.9%	41.7%	4.9%	3.5%	0.0%	3.5%

Question 5; N=81						
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 %
81.9%	35.6%	46.3%	10.0%	5.6%	2.5%	8.1%

Question 6; N=80						
My talents are used well in the workplace.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
79.6%	39.8%	39.8%	13.0%	5.1%	2.3%	7.4%

Question 7; N=81						
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 %
92.7%	60.5%	32.2%	6.2%	0.0%	1.1%	1.1%

Question 8; N=79						
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 %
79.1%	47.7%	31.5%	6.7%	10.6%	3.6%	14.2%

Question 9; N=82						
I have enough information to do my job well.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
92.1%	48.3%	43.7%	6.8%	1.1%	0.0%	1.1%

Question 10; N=82						
I receive the training I need to do my job well.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
83.3%	41.6%	41.7%	11.7%	3.9%	1.1%	5.0%

Question 11; N=82						
I am held accountable for the quality of work I produce.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
98.9%	49.3%	49.6%	1.1%	0.0%	0.0%	0.0%

Question 12; N=80						
Continually changing work priorities make it hard for me to produce high quality 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 %
50.9%	13.7%	20.7%	14.6%	36.2%	14.8%	34.4%

* (Note: This item is negatively worded, so percent positive scores include "Strongly Disagree" or "Disagree" responses and percent negative scores include "Strongly Agree" or "Agree" responses. Percent positive scores mean that continually changing work priorities do not make it hard for employees to produce high quality work.)

Question 13; N=82						
I have a clear idea of how well I am doing my 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 %
88.0%	38.8%	49.2%	5.1%	5.8%	1.1%	6.9%

Question 14; N=82						
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 %
93.2%	64.0%	29.1%	4.2%	2.6%	0.0%	2.6%

Question 15; N=68				
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
16.9%	11.0%	9.9%	4.8%	40.9%

Question 16; N=66						
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 %
56.8%	23.8%	33.0%	31.6%	8.9%	2.7%	11.6%

Question 17; N=82						
Employees in my work unit share job knowledge.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
88.6%	66.7%	22.0%	10.1%	1.3%	0.0%	1.3%

Question 18; N=82						
My work unit has the job-relevant knowledge and skills necessary to accomplish organizational goals.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
97.9%	66.5%	31.5%	0.0%	2.1%	0.0%	2.1%

Question 19; N=75						
Employees in my work unit meet the needs of our customers.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
98.8%	54.9%	43.9%	1.2%	0.0%	0.0%	0.0%

Question 20; N=79						
Employees in my work unit contribute positively to my agency's performance.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
97.5%	76.2%	21.3%	2.5%	0.0%	0.0%	0.0%

Question 21; N=77						
Employees in my work unit produce high-quality 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 %
98.5%	73.9%	24.6%	1.5%	0.0%	0.0%	0.0%

Question 22; N=77						
Employees in my work unit adapt to changing priorities.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
99.0%	75.4%	23.6%	1.0%	0.0%	0.0%	0.0%

Question 23; N=66						
New hires in my work unit have the right skills to do their jobs.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
85.8%	46.5%	39.3%	11.5%	2.7%	0.0%	2.7%

Question 24; N=82						
I can influence decisions in my work unit.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
87.0%	46.5%	40.5%	5.9%	6.0%	1.1%	7.1%

Question 25; N=82						
I know what my work unit's goals are.						
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%	55.8%	39.5%	1.4%	3.3%	0.0%	3.3%

Question 26; N=78						
My work unit commits resources to develop new ideas.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
70.9%	27.9%	43.0%	18.6%	8.0%	2.5%	10.5%

Question 27; N=81						
My work unit successfully manages disruptions to our 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 %
87.1%	50.7%	36.4%	9.2%	2.4%	1.3%	3.7%

Question 28; N=75						
Employees in my work unit consistently look for new ways to improve how they do their 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 %
85.0%	41.2%	43.8%	11.0%	4.0%	0.0%	4.0%

Question 29; N=76						
Employees in my work unit incorporate new ideas into their 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 %
88.4%	44.6%	43.7%	7.6%	4.0%	0.0%	4.0%

Question 30; N=75						
Employees in my work unit approach change as an opportunity.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
78.4%	36.2%	42.2%	16.0%	4.1%	1.4%	5.5%

Question 31; N=77						
Employees in my work unit consider customer needs 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 %
95.1%	57.9%	37.2%	4.9%	0.0%	0.0%	0.0%

Question 32; N=77						
Employees in my work unit consistently look for ways to improve customer service.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
92.4%	48.0%	44.4%	7.6%	0.0%	0.0%	0.0%

Question 33; N=77						
Employees in my work unit support my need to balance my work and personal responsibilities.						
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 %
89.0%	62.1%	27.0%	8.3%	2.7%	0.0%	2.7%

Question 34; N=77						
Employees in my work unit are typically under too much pressure to meet work 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 %
67.8%	6.5%	5.9%	19.7%	47.8%	20.0%	12.4%

* Note: This item is negatively worded, so percent positive scores include "Strongly Disagree" or "Disagree" responses and percent negative scores include "Strongly Agree" or "Agree" responses. Percent positive scores mean employees are typically not pressured to meet work goals.

Question 35; N=80						
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 %
78.4%	45.3%	33.1%	11.1%	7.2%	3.2%	10.5%

Question 36; N=79						
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 %
82.9%	53.4%	29.5%	9.1%	2.8%	5.2%	8.0%

Question 37; N=80						
My organization 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 %
96.6%	46.9%	49.8%	3.4%	0.0%	0.0%	0.0%

Question 38; N=81						
I have a good understanding of my organization's priorities.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
91.8%	55.3%	36.4%	4.8%	2.4%	1.1%	3.5%

Question 39; N=79						
My organization effectively adapts to changing government priorities.						
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 %
87.3%	43.0%	44.3%	6.1%	5.5%	1.1%	6.6%

Question 40; N=76						
My organization has prepared me for potential physical security threats.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
66.1%	27.3%	38.8%	23.6%	9.2%	1.2%	10.3%

Question 41; N=80						
My organization has prepared me for potential cybersecurity threats.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
95.4%	47.9%	47.5%	3.5%	1.1%	0.0%	1.1%

Question 42; N=77						
In my organization, arbitrary action, personal favoritism and/or political coercion are not tolerated.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
67.9%	27.8%	40.1%	11.9%	9.6%	10.6%	20.2%

Question 43; N=81						
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 %
88.6%	54.4%	34.2%	6.5%	3.8%	1.1%	4.9%

Question 44; N=75						
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 %
74.2%	32.9%	41.3%	15.3%	8.2%	2.3%	10.5%

Question 45; N=77						
My supervisor is committed to a workforce representative of all segments of society.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
88.3%	67.0%	21.3%	9.4%	1.1%	1.2%	2.3%

Question 46; N=81						
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 %
87.8%	71.3%	16.5%	7.8%	3.3%	1.1%	4.4%

Question 47; N=80						
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 %
92.6%	79.1%	13.5%	3.4%	2.6%	1.4%	4.0%

Question 48; N=81						
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 %
91.7%	70.2%	21.6%	5.2%	3.1%	0.0%	3.1%

Question 49; N=80						
My supervisor treats me with respect.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
92.7%	75.6%	17.2%	3.7%	2.1%	1.4%	3.6%

Question 50; N=81						
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 %
84.9%	68.0%	17.0%	8.9%	2.7%	3.5%	6.2%

Question 51; N=79						
My supervisor holds me accountable for achieving results.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
99.0%	65.3%	33.7%	1.0%	0.0%	0.0%	0.0%

Question 52; N=81						
Overall, how good a job do you feel is being done by your immediate supervisor?						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
87.1%	71.7%	15.4%	9.5%	1.3%	2.1%	3.3%

Question 53; N=81						
My supervisor provides me with constructive suggestions to improve my job performance.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
85.5%	65.3%	20.2%	9.1%	4.5%	1.0%	5.4%

Question 54; N=81						
My supervisor provides me with performance feedback throughout the year.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
90.7%	60.5%	30.2%	3.6%	5.7%	0.0%	5.7%

Question 55; N=80						
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 %
77.6%	40.2%	37.4%	12.6%	6.2%	3.6%	9.8%

Question 56; N=80						
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 %
80.4%	48.8%	31.5%	11.9%	1.1%	6.7%	7.8%

Question 57; N=80						
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 %
86.0%	45.2%	40.7%	8.3%	4.6%	1.1%	5.8%

Question 58; N=78						
Managers promote communication among different work units.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
74.3%	37.4%	36.9%	15.8%	7.4%	2.5%	9.9%

Question 59; N=75						
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 %
87.7%	67.9%	19.8%	6.7%	3.3%	2.2%	5.5%

Question 60; N=79						
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 %
74.0%	43.5%	30.5%	13.4%	8.4%	4.1%	12.5%

Question 61; N=77						
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 %
81.6%	48.6%	33.0%	12.0%	4.9%	1.5%	6.4%

Question 62; N=78						
Management encourages innovation.						
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 %
73.2%	32.5%	40.7%	16.6%	4.9%	5.2%	10.2%

Question 63; N=81						
Management makes effective changes to address challenges facing our 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 %
75.3%	32.4%	42.9%	15.0%	4.9%	4.8%	9.6%

Question 64; N=80						
Management involves employees in decisions that affect their 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 %
60.5%	26.7%	33.8%	20.2%	9.2%	10.2%	19.3%

Question 65; N=80						
How satisfied are you with your involvement in decisions that affect your work?						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
68.2%	26.0%	42.3%	18.2%	11.5%	2.1%	13.6%

Question 66; N=80						
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 %
75.5%	29.8%	45.6%	18.6%	3.8%	2.1%	6.0%

Question 67; N=79						
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 %
76.4%	39.5%	36.9%	13.8%	8.7%	1.1%	9.8%

Question 68; N=80						
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 %
87.1%	43.3%	43.8%	5.3%	7.5%	0.0%	7.5%

Question 69; N=79						
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 %
69.2%	28.4%	40.8%	13.3%	17.5%	0.0%	17.5%

Question 70; N=80						
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 %
83.2%	45.1%	38.1%	10.2%	4.1%	2.6%	6.6%

Question 71; N=73						
My organization's management practices promote diversity.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
66.7%	32.8%	34.0%	14.7%	13.3%	5.3%	18.6%

Question 72; N=76						
My supervisor demonstrates a commitment to workforce diversity.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
80.0%	57.3%	22.7%	13.6%	3.7%	2.7%	6.4%

Question 73; N=76						
I have similar access to advancement opportunities as others in my work unit.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
87.1%	52.2%	34.9%	10.2%	1.5%	1.2%	2.7%

Question 74; N=77						
My supervisor provides opportunities fairly to all employees in my work unit.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
81.5%	54.0%	27.5%	10.8%	6.5%	1.2%	7.7%

Question 75; N=77						
In my work unit, excellent work is similarly recognized for all employees.						
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 %
82.3%	53.3%	29.0%	6.1%	7.4%	4.2%	11.6%

Question 76; N=77						
Employees in my work unit treat me as a valued member of the team.						
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 %
93.6%	65.0%	28.6%	3.9%	1.0%	1.5%	2.5%

Question 77; N=78						
Employees in my work unit make me feel I belong.						
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%	66.6%	23.3%	6.1%	2.5%	1.5%	4.0%

Question 78; N=76						
Employees in my work unit care about me as a person.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
88.8%	65.2%	23.5%	7.2%	2.6%	1.5%	4.1%

Question 79; N=79						
I am comfortable expressing opinions that are different from other employees in my work unit.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
82.3%	58.2%	24.2%	10.0%	4.9%	2.7%	7.6%

Question 80; N=78						
In my work unit, people's differences are respected.						
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 %
86.2%	60.3%	25.9%	6.1%	7.7%	0.0%	7.7%

Question 81; N=80						
I can be successful in my organization being myself.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
80.9%	57.0%	23.9%	15.2%	3.9%	0.0%	3.9%

Question 82; N=39*						
I can easily make a request of my organization to meet my accessibility needs.						
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 %
83.4%	55.8%	27.6%	14.3%	0.0%	2.2%	2.2%

*In addition to the 39 employees who responded by agreeing, disagreeing, or by selecting neither agree nor disagree, 41 employees responded that they had no accessibility needs.

Question 83; N=33*						
My organization responds to my accessibility needs in a timely manner.						
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 %
81.1%	62.5%	18.6%	16.3%	0.0%	2.6%	2.6%

*In addition to the 33 employees who responded by agreeing, disagreeing, or by selecting neither agree nor disagree, 47 employees responded that they had no accessibility needs.

Question 84; N=35*						
My organization meets my accessibility needs.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
85.7%	61.6%	24.0%	11.9%	0.0%	2.5%	2.5%

*In addition to the 35 employees who responded by agreeing, disagreeing, or by selecting neither agree nor disagree, 45 employees responded that they had no accessibility needs.

Question 85; N=79						
My job inspires me.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
72.0%	30.6%	41.5%	21.3%	5.3%	1.3%	6.6%

Question 86; N=79						
The work I do gives me a sense of accomplishment.						
Percent Positive %	Strongly Agree/ Very Good/ Very Satisfied %	Agree/ Good/ Satisfied %	Neither Agree nor Disagree/ Fair/ Neither Satisfied nor Dissatisfied %	Disagree/ Poor/ Dissatisfied %	Strongly Disagree/ Very Poor/ Very Dissatisfied %	Percent Negative %
85.5%	37.5%	48.0%	6.9%	5.0%	2.6%	7.6%

Question 87; N=80						
I feel a strong personal attachment to 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 %
73.5%	32.9%	40.6%	16.7%	8.1%	1.7%	9.8%

Question 88; N=80						
I identify with the mission of 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 %
91.2%	42.8%	48.4%	4.9%	3.9%	0.0%	3.9%

Question 89; N=79						
It is important to me that my work contribute to the common good.						
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 %
97.6%	59.0%	38.5%	2.4%	0.0%	0.0%	0.0%

Question 90; N=79	
What percentage of your work time are you currently required to be physically present at your agency worksite?	
100% of my work time	2.7%
At least 75% but less than 100%	5.7%
At least 50% but less than 75%	5.1%
At least 25% but less than 50%	47.3%
Less than 25%	4.5%
I am not currently required to be physically present at my agency worksite	34.8%

Question 91; N=79	
Please select the response that best describes your current remote work or teleworking schedule.	
I haven an approved remote work agreement	35.7%
I telework 3 or more days per week	48.9%
I telework 1 or 2 days per week	15.3%
I telework, but only about 1 or 2 days per month	0.0%
I telework very infrequently, on an unscheduled or short-term basis	0.0%
I do not telework because I have to be physically present on the job	0.0%
I do not telework because of technical issues that prevent me from teleworking	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	0.0%
I do not telework because I choose not to telework	0.0%

Question 91a; N=28	
For those who answered "I have an approved remote work agreement" to the previous question, what is your current remote work status?	
I have an approved remote work agreement and live outside the local commuting area (more than 50 miles away)	50.2%
I have an approved remote work agreement and live within the local commuting area (less than 50 miles away)	49.8%

Question 92; N=79	
Did you have an approved remote work agreement before the 2020 COVID-19 pandemic?	
Yes	31.7%
No	68.3%

Question 93; N=80	
Based on your work unit's current telework or remote work options, are you considering leaving your organization, and if so, why?	
No	78.4%
Yes, to retire	1.2%
Yes, to take another job within my Agency	1.3%
Yes, to take another job within the Federal Government	14.0%
Yes, to take another job outside the Federal Government	2.5%
Yes, Other	2.7%

Question 94; N=79						
My agency's re-entry arrangements are fair in accounting for employees' diverse needs and situations.						
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 %
47.9%	17.2%	30.7%	36.9%	11.0%	4.2%	15.2%

Question 95; N=80	
Please select the response that best describes how employees in your work unit currently report to work.	
All employees in my work unit are physically present on the worksite	7.1%
Some employees are physically present on the worksite and others telework or work remotely	71.1%
No employees in my work unit are physically present on the worksite, we all work remotely	16.9%
Other	4.9%

Question 96; N=79						
My organization's senior leaders support 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 %
81.8%	48.1%	33.7%	6.4%	9.1%	2.6%	11.7%

Question 97; N=78						
My organization's senior leaders provide effective communications about what to expect with the return to the physical worksite.						
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 %
91.2%	49.3%	41.9%	3.8%	2.2%	2.7%	4.9%

Question 98; N=80						
My supervisor supports 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 %
92.3%	78.2%	14.1%	1.0%	6.8%	0.0%	6.8%

Question 99; N=80						
My supervisor creates 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 %
90.2%	72.0%	18.2%	3.6%	5.0%	1.2%	6.2%

Appendix 2: Results of OSC's FY 2022 Annual Complainant Survey

The following pages contain the results from OSC's FY 2022 Annual Survey of case filers. The results are broken down by responses per unit, and are listed in the following order: PPP, Whistleblower Disclosure, and Hatch Act. OSC received no responses to the USERRA portion of the Annual Survey in FY 2022.

2022 ANNUAL SURVEY QUESTIONS: PPP/RDU

374

Responses

05:28

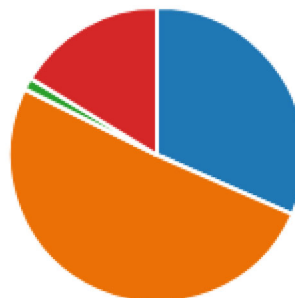
Average time to complete

Closed

Status

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

● Yes.	118
● No.	190
● I am not a federal employee.	5
● I do not recall.	61



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

● Retaliation for whistleblowing or...	259
● Illegal hiring or selection practice	134
● Discrimination	140
● Other	105



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

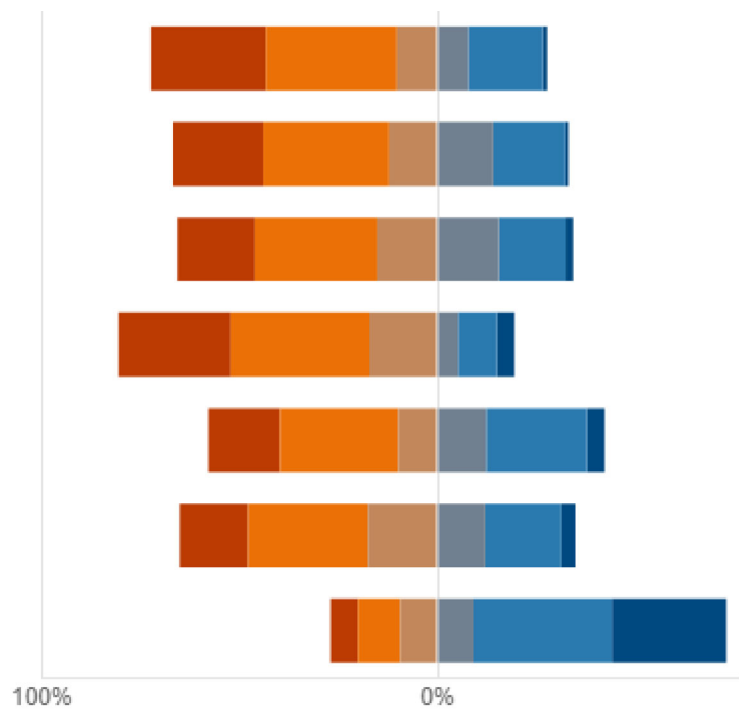
- OSC received my complaint 92
- OSC is working on my complaint 69
- OSC is trying to resolve or medi... 12
- OSC anticipates closing or has cl... 195



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

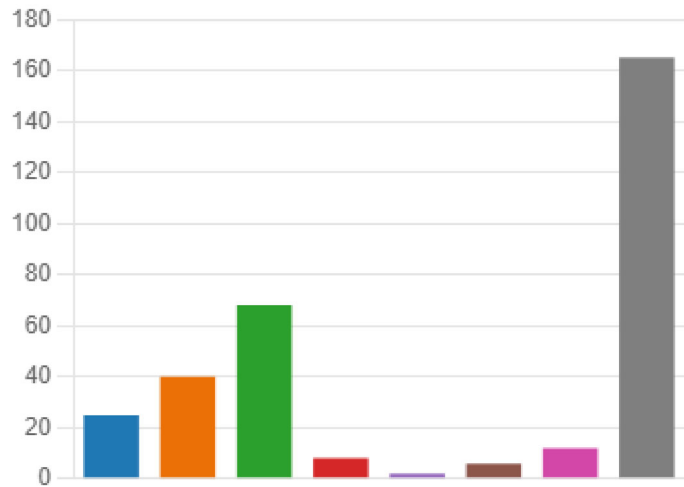
- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree
- N/A

- Someone from OSC contacted me about my complaint within 10 days.
- I knew who to contact at OSC with questions about my complaint.
- OSC's communications were easy to understand.
- OSC staff were professional and courteous.
- OSC asked for additional information to better understand my complaint.
- OSC responded to my inquiries within a reasonable time.
- I understood OSC's reasons for closing my case, even though I might not agree.



5. How was your OSC complaint resolved?

● Closed for lack of jurisdiction (e....	25
● Closed because of deferral to EE...	40
● Closed on the merits (e.g., no p...	68
● Complaint was settled for correc...	8
● I declined corrective action offer...	2
● I withdrew my complaint	6
● I do not recall	12
● Other	165



6. If other please write below

257
Responses

Latest Responses

"OSC and other similar offices that exist to provide a means of ...

"My complaint is still under investigation. "

"n/a"

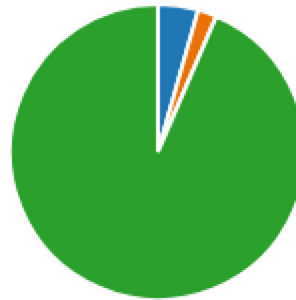
7. After filing your complaint with OSC, did you (or do you intend to) file a complaint with the Merit Systems Protection Board (MSPB) regarding the same matter?

● Yes	106
● No	168
● N/A	94



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

● I was successful at OSC	15
● I was successful at MSPB	7
● Not applicable	319



2022 ANNUAL SURVEY QUESTIONS: Disclosure Unit

141

Responses

10:04

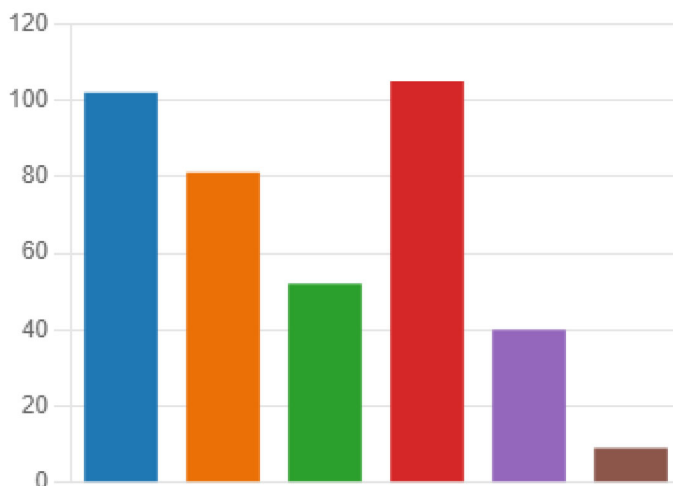
Average time to complete

Closed

Status

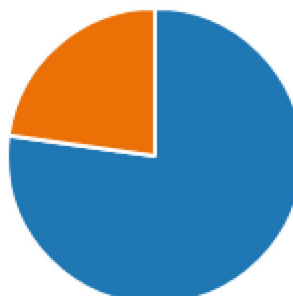
1. Which of the following allegations did you allege in your disclosure? (Select all that apply).

- Violation of law, rule or regulati... 102
- Gross Mismanagement 81
- Gross Waste of Funds 52
- Abuse of Authority 105
- Substantial and Specific Danger ... 40
- Censorship related to scientific r... 9



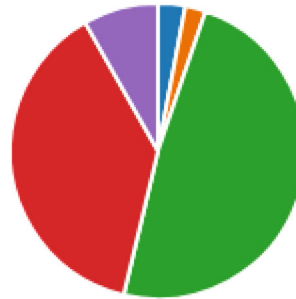
2. How did an OSC staff member first contact you in order to substantively discuss your claims?

- In writing (i.e., e-mail, mailed let... 105
- Telephone call 31



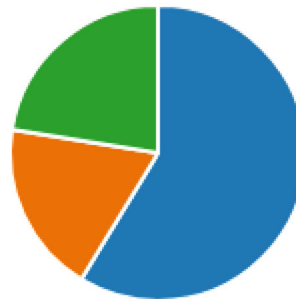
3. If you contacted OSC during the pendency of your disclosure, approximately how many days passed before an OSC staff member responded?

● Same day	4
● Next day	3
● 1-3 days	65
● Over 3 days	51
● I did not receive a response	11



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

● Yes	81
● No	26
● I understood some, but not all, ...	31



5. Please Explain

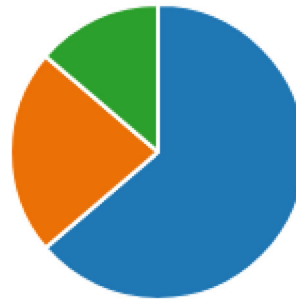
66
Responses

Latest Responses

"I was not provided an option to ask questions after the decisio..."

6. 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	88
● No	31
● I do not recall	19



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

● Yes	86
● No	26
● Indifferent	26



8. 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	68
● No	65



9. Why or why not?

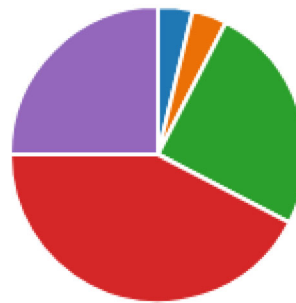
107
Responses

Latest Responses

"I did not agree with the OSC but I understood their stand on t...

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

● Same day	5
● Next day	5
● 1-3 days	33
● Over 3 days	56
● I did not receive a response	33



11. Please rate your overall experience with OSC. 1 is the lowest score and 5 is the highest score.

137
Responses

2.28

Average Number

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

110
Responses

Latest Responses

"I'm not sure on how you could improve. My contact with your..."

2022 ANNUAL SURVEY QUESTIONS: Hatch Act

31

Responses

01:53

Average time to complete

Closed

Status

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

● Strongly Agree	10
● Agree	9
● Neither Agree nor Disagree	4
● Disagree	6
● Strongly Disagree	2



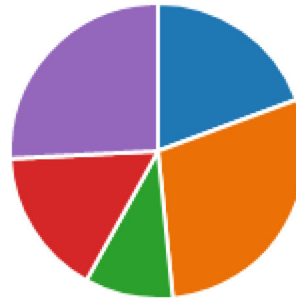
2. While my advisory request or complaint was pending, the assigned OSC employee sufficiently communicated with me about my matter.

● Strongly Agree	4
● Agree	6
● Neither Agree nor Disagree	3
● Disagree	9
● Strongly Disagree	9



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

● Strongly Agree	6
● Agree	9
● Neither Agree nor Disagree	3
● Disagree	5
● Strongly Disagree	8



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

● Strongly Agree	4
● Agree	6
● Neither Agree nor Disagree	8
● Disagree	5
● Strongly Disagree	8



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

● Strongly Agree	6
● Agree	9
● Neither Agree nor Disagree	2
● Disagree	3
● Strongly Disagree	11



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

● Strongly Agree	9
● Agree	11
● Neither Agree nor Disagree	4
● Disagree	4
● Strongly Disagree	3



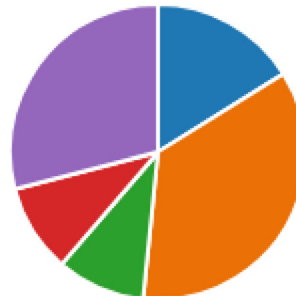
7. While my advisory request or complaint was pending, the assigned OSC employee sufficiently communicated with me about my matter.

● Strongly Agree	3
● Agree	8
● Neither Agree nor Disagree	3
● Disagree	6
● Strongly Disagree	11



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

● Strongly Agree	5
● Agree	11
● Neither Agree nor Disagree	3
● Disagree	3
● Strongly Disagree	9



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

● Strongly Agree	5
● Agree	6
● Neither Agree nor Disagree	3
● Disagree	8
● Strongly Disagree	9



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

● Strongly Agree	5
● Agree	7
● Neither Agree nor Disagree	3
● Disagree	5
● Strongly Disagree	11

