

**FISCAL YEAR 2024**  
**CONGRESSIONAL BUDGET JUSTIFICATION**  
**—and—**  
**PERFORMANCE BUDGET GOALS**



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## **PART 1 – EXECUTIVE SUMMARY**

The Office of Special Counsel (OSC) stands at the forefront of ensuring the federal government is effective and efficient in carrying out its work on behalf of the American people. Working with whistleblowers to identify wasteful spending and other serious wrongdoing, OSC acts as a critical oversight body to ensure that the federal government is a responsible steward of taxpayer resources. Due to the nature of OSC's work, resources allocated to the agency provide tangible returns for the taxpayer—strengthening Americans' confidence that their Government is fair, impartial, and accountable. When whistleblowers disclose to OSC instances of waste, fraud, abuse or other wrongdoing at their agencies, they shine a spotlight on the inefficient use of taxpayer dollars and drive real change in how agencies conduct business.

For example, a fiscal year (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.

With the advent of COVID-19, in the spring of 2020, OSC established an internal COVID-19 Task Force to marshal resources to swiftly address whistleblower disclosures and prohibited personnel practices (PPP) related to the pandemic. These disclosures ranged from concerns associated with agency responses to the pandemic to agency return-to-work plans. Many of the PPP cases alleged retaliation for making health and safety disclosures related to COVID-19, including a lack of protective gear for frontline workers. Additional allegations included discrimination and other improper actions in an employee's working conditions related to COVID-19. Under the task force structure, matters were referred expeditiously to agency heads to investigate and address any imminent health and safety concerns. OSC disbanded the COVID-19 Task Force in February 2023. The agency will continue to review new COVID-related cases, but will do so under OSC's normal processes.

In cases related to COVID-19, OSC has helped negotiate settlement agreements between agencies and complainants and obtain corrective actions. Such actions included agencies requiring employees who had potential exposure to COVID-19 to telework, instituting stricter protocols such as notifying employees regarding the mandatory use of personal protective equipment, and issuing standard operating procedures regarding sanitation methods.

Many of those corrective actions were so-called "course corrections," where OSC intervened early to save lives and to put the parties on a better path before more significant harm developed. For example, OSC helped facilitate a settlement agreement between an agency and a complainant who alleged their reassignment was in retaliation for disclosing concerns about the government's COVID-19 response. OSC also worked with agencies to ensure immunocompromised or other vulnerable employees had safe working conditions and to assist a parent to obtain much-needed Families First Coronavirus Response Act (FFCRA) leave.

Additionally, OSC continued to work with agencies to correct nondisclosure agreements that violated section 2302(b)(13) and provide training on whistleblower protection law. These systemic actions encourage transparency, facilitate the flow of information during the pandemic, and help protect federal whistleblowers from future harm.

These examples emphasize the high level of confidence and satisfaction whistleblowers have in OSC. Maintaining this confidence is paramount to OSC's continued success in upholding accountability and ensuring government effectiveness and efficiency. Whistleblowers often take great risks when they report wrongdoing—depending on OSC to safeguard them from retaliation. OSC's case outcomes show compounding successes for whistleblowers that have been retaliated against—achieving historically high favorable outcomes for them.

Fortunately, OSC's growing success in achieving favorable outcomes for whistleblowers encourages more individuals to step out of the shadows and report wrongdoing. In FY 2022, despite the raging COVID-19 pandemic, OSC achieved 417 favorable actions in PPP cases, which is an agency record and 19 percent above the average over the past five fiscal years. Much credit goes to OSC's workforce for this historic achievement in the face of unparalleled headwinds.

OSC's efforts to increase whistleblower confidence have also involved holding accountable those who commit prohibited personnel practices by, for instance, retaliating against whistleblowers. In FY 2022, OSC obtained 37 disciplinary actions against individuals found to have committed violations. This number is approximately 67 percent higher than the prior five-year average (FY 2017 – FY 2021), and OSC expects disciplinary actions to remain similarly high when the federal government returns to the office after the pandemic.

Success in raising awareness and confidence about OSC within the federal workforce has been a major driver of increased case filings in recent, non-pandemic years. As such, OSC has had to allocate its resources most efficiently, in order to successfully provide services to all whistleblowers and stakeholders. Between FY 2016 and FY 2018, OSC's case backlog averaged nearly 2,500 cases. By introducing new strategies to process cases more efficiently, OSC has reduced the backlog by over 1,300 cases, or 50 percent, since the end of FY 2018.

Specifically, in FY 2019, OSC combined two units with overlapping responsibilities into one, the Investigations and Prosecution Division (IPD). As a result, a single IPD attorney now generally handles each prohibited personnel practice (PPP) case from the start of the investigation through closure of the case. This process eliminates duplicative review and allows OSC to process PPP complaints more efficiently.

The revamp of OSC's complaint processing also led to the creation of a new unit to screen all new PPP and disclosure filings. This unit, the Case Review Division (CRD), filters out cases that can be closed quickly in CRD if, for example, OSC lacks jurisdiction, swiftly refers complaints meriting further review to the appropriate unit, and ensures that OSC's scarce resources are focused on cases where OSC can best assist the complainant.

A fully resourced OSC is essential to ensuring that whistleblowers continue to feel secure in coming forward to identify waste, fraud, abuse, and wrongdoing, and, in turn, creating an effective and efficient federal government that serves as a good steward of taxpayer resources. In addition to supporting federal whistleblowers and protecting the federal workforce from prohibited personnel practices, OSC seeks remedies for veterans faced with violations of the Uniform Services Employment and Reemployment Act (USERRA) and issues advisory opinions and obtains corrective and disciplinary action for violations of the Hatch Act.

However, there is much more work to be done, which will require the full support of OSC's FY 2024 Budget Request. The 139 full-time equivalents (FTEs) supported by our FY 2024 Budget Request represent the minimum number of staff required to address current caseload levels and continue providing outsized results for the American public.

OSC is deeply committed to its mission of protecting whistleblowers, promoting confidence in the Government, processing cases effectively and efficiently, and completing cases in a timely fashion, consistent with statutory requirements. Every dollar invested in OSC represents another opportunity to identify the waste, fraud, and abuse associated with taxpayer dollars, thereby ensuring a better and more effective federal government.

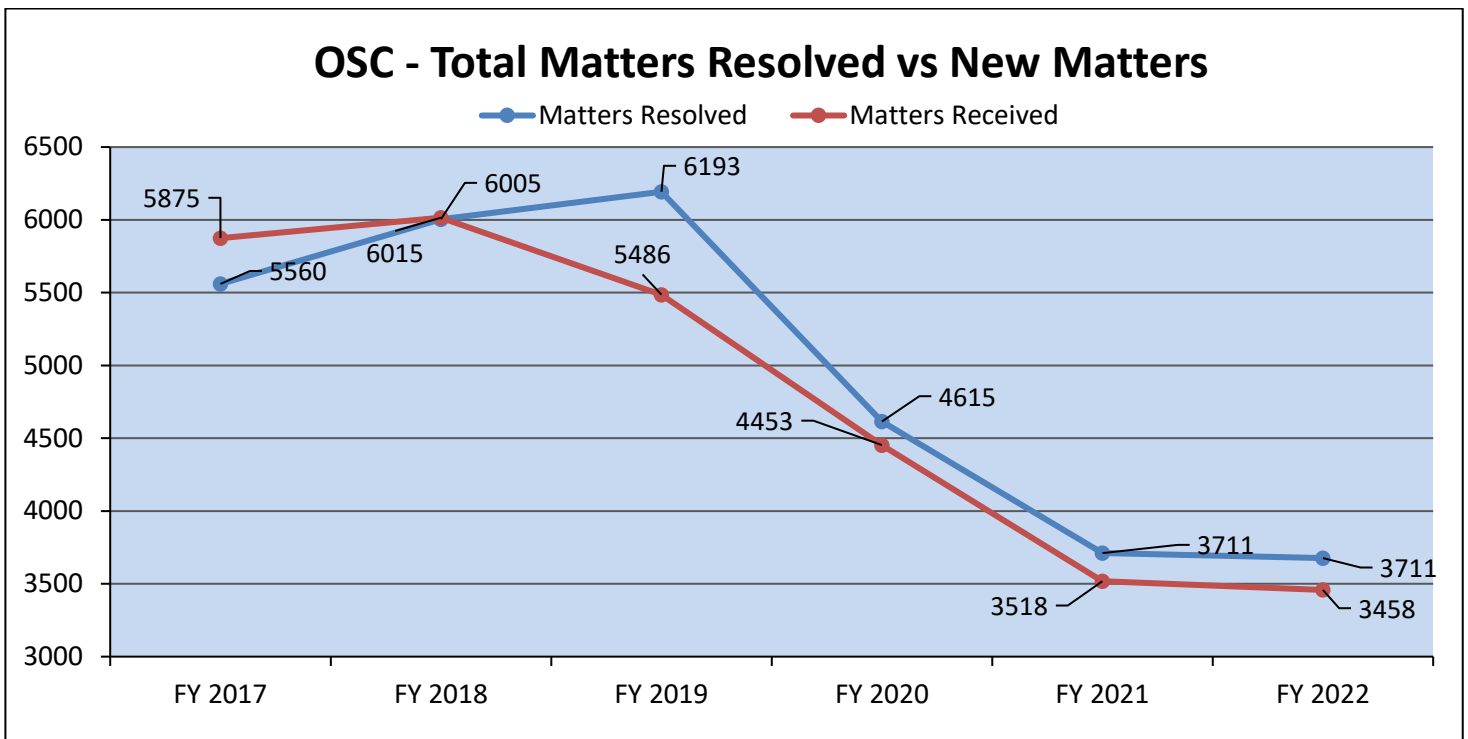
Therefore, pursuant to the Office of Management and Budget's Passback authorization, OSC is requesting funding of **\$33,759,000** for FY 2024. This level will allow OSC to address current caseload levels; invest in key operational areas, such as IT security and modernization; and allow the agency to utilize an eDiscovery tool that will support its casework and litigation efforts.

## Summary of Request

**For FY 2024, OSC's authorized request is \$33,759,000.** This amount represents a 5.8 percent increase from the FY 2023 level of \$31,904,000 contained in the Consolidated Appropriations Act, 2023. The authorized request contains a 5.2 percent pay raise, while also providing OSC with an increase of nearly 5 FTEs due to the annualization of FY23 backfills and new hires. This will ultimately help OSC address the expected rise in agency caseload levels, continue delivering successful results for the American public, and make key investments in IT security and infrastructure.

As the federal workforce continues transitioning back to a more familiar workplace setting in FY 2023 and beyond, OSC anticipates a rise in caseload levels. As a result, OSC will employ the appropriate staffing levels to adequately address this caseload increase and build on its four-year streak of reducing the case backlog. If OSC is not able to resolve incoming cases expeditiously, cases will carry over to the next fiscal year. Additionally, because of potentially increased workloads and cases being delayed, OSC could achieve fewer favorable actions and outcomes in the cases it is able to resolve. As a result, OSC's ability to perform its fundamental mission, and address whistleblower and PPP claims in a timely manner, could be impacted.

OSC is already fully utilizing available resources by working harder, smarter, and more effectively than at any other time in its history. As OSC has received increased funding levels, the agency has expanded upon its already efficient case processing protocols and reached record levels in terms of favorable actions achieved. This correlation shows that OSC is marshaling those additional resources in an efficient manner and utilizing them to achieve greater results for whistleblowers and complainants.

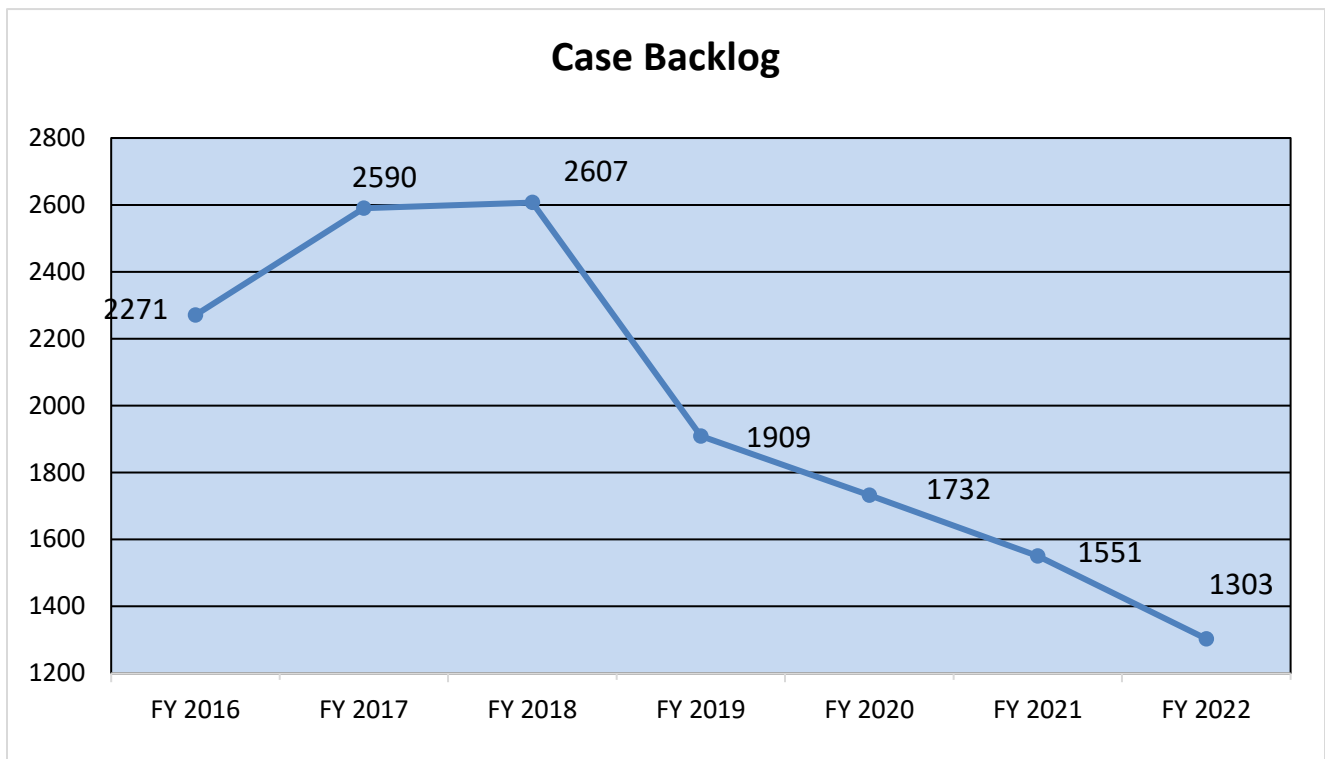


Additionally, OSC has accomplished much more than simply closing cases. For instance, in FY 2022, OSC

achieved an agency-record of 417 favorable actions in PPP cases, an increase of nearly 19 percent above the average for the previous five fiscal years.

The federal workforce’s growing confidence in OSC’s ability to obtain corrective action drives demand for OSC’s services. Although OSC has received increased resources in previous appropriations packages, the significant increases in personnel costs have constrained its budget.

OSC employees are proud of, and enthusiastic about, their work, and aside from the partial government shutdown that occurred in FY 2019, and the COVID-19 pandemic affecting federal government operations, they have processed exceedingly high caseloads in recent years. Due to the complex nature of many of OSC’s cases, extremely high caseloads are untenable for the long-term success of the agency and result in frustration for whistleblowers and other stakeholders alike. This gap between resources and demand, which has resulted in the current backlog (as shown in the table below), must continue to be closed further for OSC to successfully fulfill its mission.



The FY 2024 approved budget request of **\$33,759,000** includes funding for the salaries and benefits of **nearly 139 FTEs**, an increase from OSC’s FY 2023 projected staffing level, given the annualization of backfilled positions and new hires in FY 2023.

Funding OSC at the proposed authorized level is paramount to ensure the agency can fulfill its statutory mission to root out waste, mismanagement, and fraud; protect veterans and federal employees; ensure accountability, integrity, and fairness in the federal workplace; and restore and maintain public confidence in the federal merit system.



## Appropriations Language

**OFFICE OF SPECIAL COUNSEL**  
*FEDERAL FUNDS*  
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel, including services as authorized by 5 U.S.C. § 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, \$33,759,000.

(Financial Services and General Government Appropriations Act, 2023.)

### About the Office of Special Counsel

OSC is a critical resource for whistleblowers to report evidence of waste, fraud, abuse, law-breaking, or threats to public health or safety, as well as the main avenue to protect federal employees from prohibited personnel practices (PPPs), such as retaliation for whistleblowing. In addition, OSC promotes a fair and unbiased federal government through its enforcement of the Hatch Act of 1939, which prohibits certain federal employees from engaging in partisan political activity while on duty.

When a whistleblower identifies waste, fraud, abuse, or other wrongdoing at a federal agency, OSC makes sure the whistleblower's concerns are heard and, when warranted, investigated fully and addressed. OSC also protects federal employees from prohibited personnel practices, such as retaliation for making disclosures of wrongdoing. By enforcing the Hatch Act, OSC preserves the integrity of the civil service system, ensuring that federal employees are not coerced by their superiors into partisan political activity and that employees do not engage in partisan politics while on duty. OSC also defends returning service members and reservists against employment discrimination by enforcing their rights under the Uniformed Services Employment and Reemployment Rights Act of 1994.

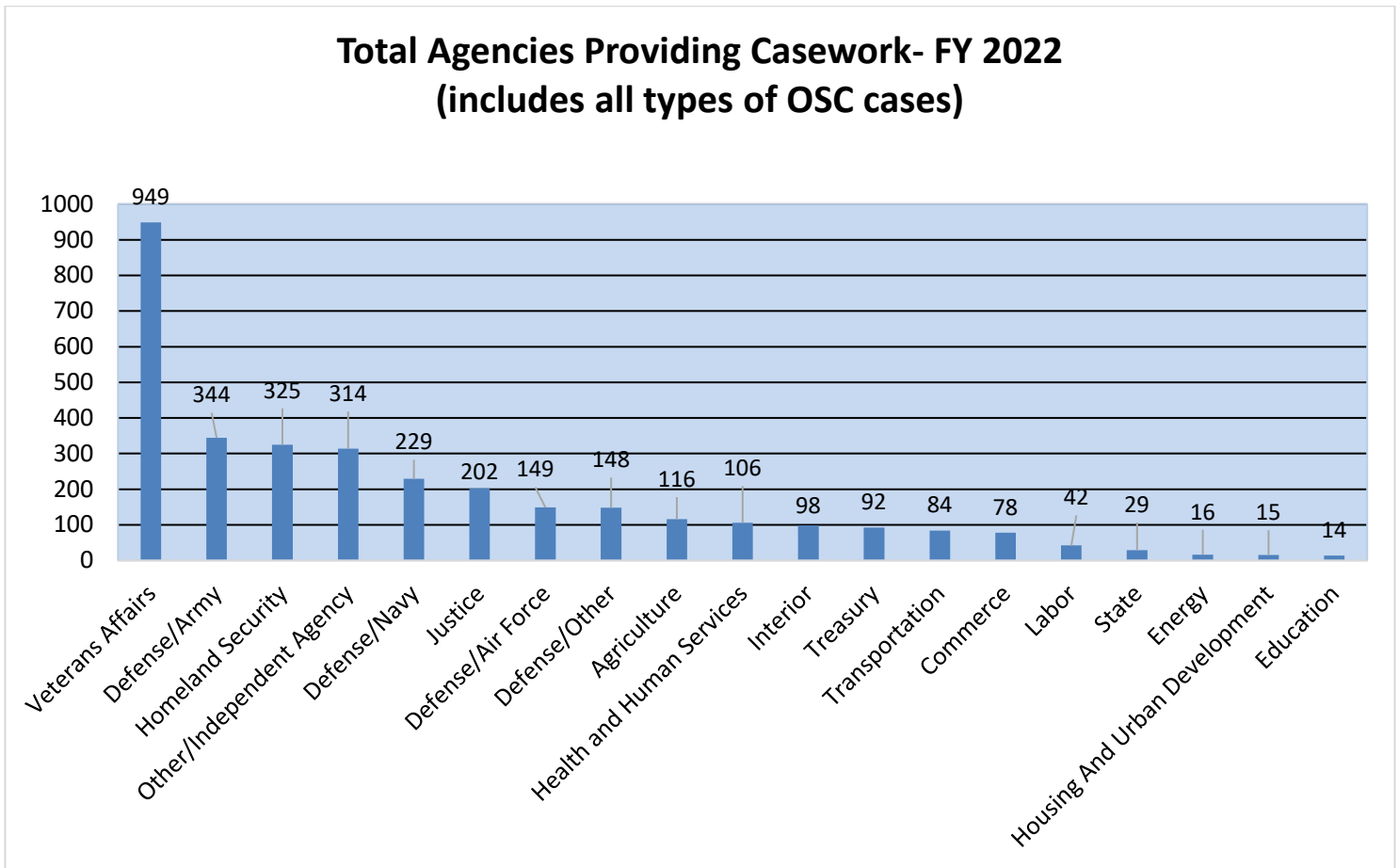
OSC is a critical pillar in the federal government's efforts to ensure that taxpayer dollars are well-managed and government functions are executed in a safe, effective, and efficient manner. By providing a safe channel for whistleblowers and their disclosures, OSC not only remedies situations where wrongdoing occurs, but also helps to prevent wasteful practices and disasters from ever occurring. Investing funds and resources in OSC and its mission not only makes sense from a good government perspective, but also provides taxpayers real returns on their dollars.

### OSC's Docket

OSC is responsible for addressing whistleblower concerns and PPPs from nearly every sector of the federal government. The chart below depicts the organizations with employees that file the most cases with OSC. We



continue to receive more cases from Department of Veterans Affairs (VA) employees than from any other agency. In FY 2022, over 27 percent of new cases received were from VA employees.



### Prohibited Personnel Practices

In FY 2022, OSC received 2,287 new PPP complaints, down from recent highs. This figure would likely have been higher, if not for the COVID-19 pandemic, which continued to impact operations for federal agencies and departments throughout most of FY 2022. Addressing PPP cases is a key component of OSC’s mission and remains critical to promoting confidence and security among whistleblowers and federal employees.

### Whistleblower Disclosures

OSC is an important pathway for whistleblowers to report instances of waste, fraud, abuse, or other wrongdoing at federal agencies. Whistleblower disclosures are a significant portion of OSC’s caseload, now comprising approximately 27 percent of the agency’s new matters. OSC received 928 new disclosures in FY 2022. OSC likely would have received more disclosures in FY 2022, if not for the COVID-19 pandemic, which continued to alter the operations of federal agencies.

### 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

Investigation and Prosecution Division and Disclosure Unit attorneys, and having a single point of contact assisting the complainant with their entire case provides clarity and consistency. Where appropriate, the same attorney investigates PPP complaints, obtains corrective or disciplinary actions, and refers disclosures for investigation. RDU attorneys also refer cases to the Alternative Dispute Resolution Unit to help facilitate mutually agreed-upon settlements.

### **Hatch Act Unit**

The Hatch Act Unit ensures that government service is not tainted by partisan political influences. Hatch Act complaints typically increase around election cycles. Specifically, in FY 2022, the Hatch Act Unit received 224 new complaints, which represents a 27 percent decrease from the prior five-year average. Despite the decrease in the number of Hatch Act complaints received in FY 2022, OSC resolved 313 cases, which represents an increase of 10 percent compared to the prior five-year average.

OSC issued 757 advisory opinions in FY 2022, both formal and informal. The agency also issued 73 warning letters, and 22 corrective actions were taken. OSC obtained 8 disciplinary actions in Hatch Act cases (by negotiation or ordered by MSPB) in FY 2022.

### **USERRA**

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) establishes rights and responsibilities for uniformed service members and their employers. A claimant employed by a federal executive agency within OSC's purview may allege a violation of USERRA by filing a complaint with the Department of Labor (DOL). DOL investigates and attempts to resolve the complaint, but if that is not successful, the claimant may ask DOL to refer the matter to OSC for possible representation before the Merit Systems Protection Board (MSPB). If OSC concludes the claimant is entitled to relief, it may act as the claimant's attorney and initiate an action at the MSPB.

OSC received 19 referrals in FY 2022, and closed 15 cases. Of the 15 USERRA cases closed in FY 2022, OSC obtained corrective action on three.

## Strategic Goals

The Office of Special Counsel has three strategic goals, enumerated below, each of which is supported by a series of operational objectives. These operational objectives are described in the Strategic Plan (*Appendix A for the Prior Strategic Plan & Appendix C for the New Strategic Plan*) and are further detailed in the Goal Table section for each budget program.

### **OSC's FY 2024 Strategic Goals and Costs per Goal\***

1. Protect and promote the integrity and fairness of the federal workplace. \$22,785
2. Ensure government accountability. \$4,153
3. Achieve organizational excellence. \$6,821

\*Numbers in thousands; derived from percentage costs based on projected budget totals.

## Office of Special Counsel's Internal Organization

OSC is headquartered in Washington, D.C. We also have a significant staffing presence in Dallas, Detroit, and Oakland, formerly the locations of three physical offices whose leases OSC decided not to continue in FY 2021, following an efficiency review. As a result, OSC continues to maintain a small, physical office in Oakland for Field Office leadership, and both Dallas and Detroit continue to operate as virtual Field Offices.<sup>1</sup>

The agency includes several program and support units described below:

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

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

### **Office of General Counsel**

This office provides legal advice and support 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 also handles defense of OSC interests in litigation filed against the agency.

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

The Case Review Division, which commenced operations on October 1, 2018, serves as the initial point of intake for all PPP and disclosure allegations. This unit screens all new allegations to ensure that PPPs and disclosures are directed to the appropriate units. CRD can also close out certain categories of PPP allegations under the new authorities OSC received in the Reauthorization Act of 2017.

Additionally, the prior Clerk's Office functional areas are now within CRD on an interim basis, 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 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)**

The Investigation and Prosecution Division is comprised of attorneys and investigators at OSC's headquarters and three field offices. IPD receives PPP allegations from the Case Review Division and determines whether the evidence is sufficient to establish that a violation has occurred. If the evidence is insufficient, the matter is

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<sup>1</sup> OSC staff, both at Headquarters and in the Field Offices, began full-time telework as a result of the pandemic on March 16, 2020. OSC Headquarters transitioned back to an in-office presence as of March 1, 2022.

closed. If the evidence is sufficient, IPD decides whether the matter warrants corrective action, disciplinary action, or both. IPD works closely with OSC's Alternative Dispute Resolution Unit in appropriate cases. If a meritorious case cannot be resolved through negotiation with the agency involved, IPD may bring an enforcement action before the MSPB.

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

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

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

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

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

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

#### **USERRA Unit**

OSC enforces the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) for civilian federal employees. OSC may seek corrective action for violations of USERRA and provides outreach and education to veterans and agencies on their rights and responsibilities under USERRA.

#### **Alternative Dispute Resolution Unit (ADR)**

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

#### **Diversity, Outreach and Training**

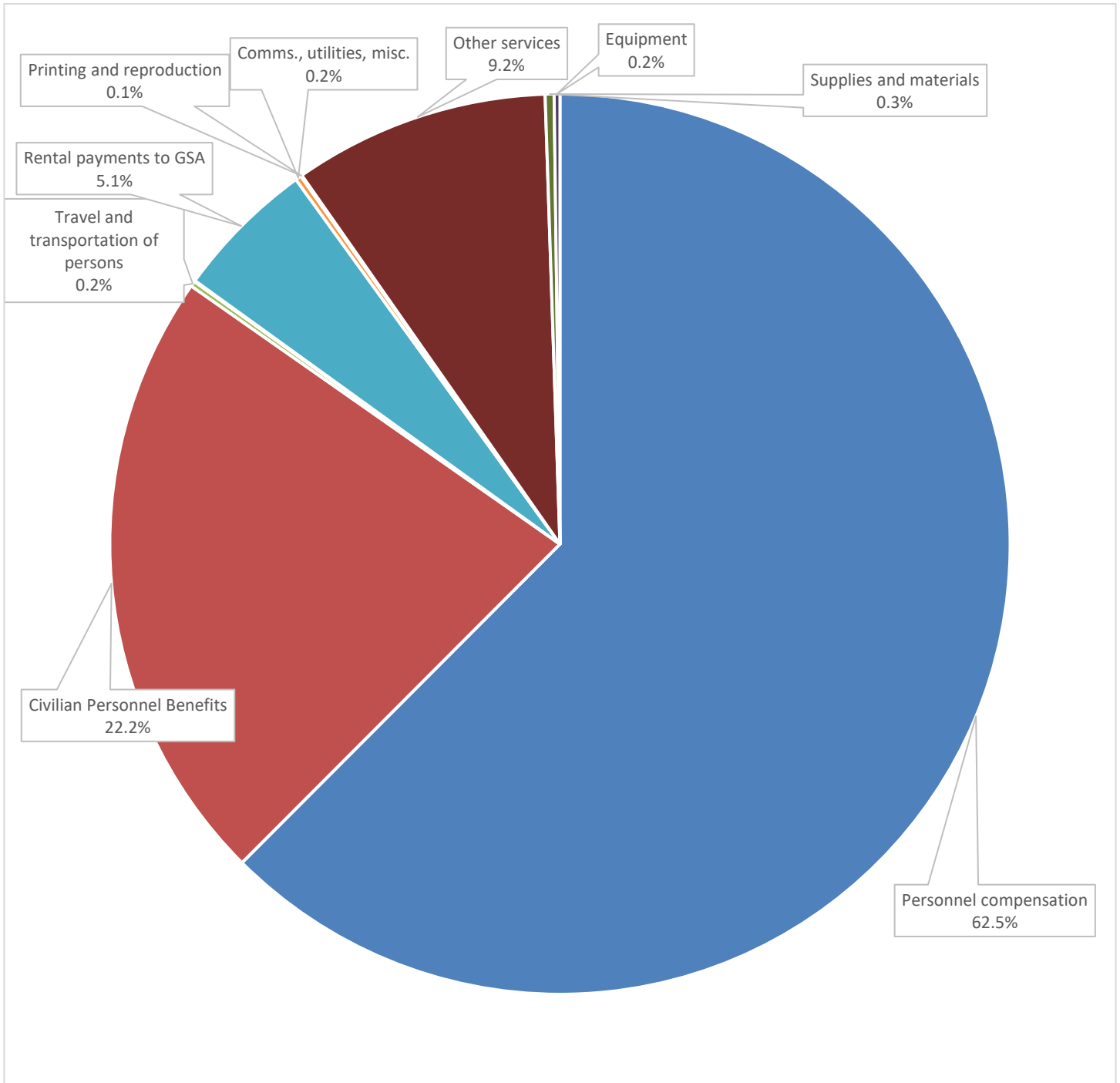
This unit facilitates coordination with and assistance to agencies in meeting the statutory mandate of 5 U.S.C. § 2302(c). This provision requires that federal agencies inform their workforces, in consultation with OSC, about the rights and remedies available to them under the whistleblower protection 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.

# Components of OSC's Budget Request

The following chart estimates how the FY 2024 request will be distributed on a percentage basis.





## Budget by Program

The following table provides an estimate of the FTE and budgetary resources for each program of the agency, during fiscal years 2023 and 2024.

Budget by Program – Agency Request						
	FY 2023 Estimate		FY 2024 Estimate		Increase/Decrease	
Program	Amount (in actual dollars)	FTE	Amount (in actual dollars)	FTE	Amount (in actual dollars)	FTE
Case Review Division	\$1,375,986	6	\$1,388,558	6	\$12,572	(0.1)
Investigation and Prosecution of Prohibited Personnel Practices	\$15,756,046	66	\$16,419,084	67	\$663,038	1.3
Retaliation Disclosure Unit	\$1,516,150	6	\$1,461,639	6	(\$54,510)	(0.4)
Hatch Act Unit	\$1,658,145	7	\$1,948,853	8	\$290,707	1.0
Whistleblower Disclosure Unit	\$2,096,042	9	\$2,143,738	9	\$47,696	0.0
USERRA Unit	\$238,187	1	\$243,607	1	\$5,420	0.0
Alternative Dispute Resolution	\$1,126,806	5	\$1,218,033	5	\$91,227	0.3
Immediate Office of the Special Counsel	\$1,190,933	5	\$1,218,033	5	\$27,100	0.0
Office of the Agency General Counsel	\$952,747	4	\$974,426	4	\$21,680	0.0
Diversity, Outreach and Training	\$597,116	3	\$652,866	3	\$55,750	0.2
Operations Division <sup>1</sup>	\$5,395,843	23	\$6,090,165	25	\$694,321	2.3
<b>Totals</b>	<b>\$31,904,000</b>	<b>134</b>	<b>\$33,759,000</b>	<b>139</b>	<b>\$1,855,000</b>	<b>4.6</b>

<sup>1</sup> The Clerk's office resources and FTE are listed within Operations Division, until formally transferred to CRD.

## **PART 2 – FY 2024 BUDGET REQUEST – ADDITIONAL INFORMATION**

OSC's approved request is **\$33,759,000** to fund approximately 139 FTEs and related non-personnel costs for FY 2024. This number of FTEs is nearly five above the estimated FY 2023 FTE level, and should allow OSC to address the current caseload level, but may not allow OSC to effectively handle significantly higher caseloads that could potentially occur as federal agency operations continue returning to normal following the pandemic.

As a result, OSC believes that providing funding to support approximately 139 FTEs is the minimal level necessary to keep pace with the current caseload levels, and allow the agency to effectively execute critical IT projects in FY 2024, which would enhance the operations and security posture of the agency.

### **Primary Drivers of the FY 2024 increase:**

#### **Costs for Current Salaries and Benefits**

Given that OSC's FY 2024 Budget projects to support nearly five more FTE than FY 2023, includes a 5.2 percent pay raise, and step increases—OSC's salaries and benefits represent almost 85 percent of OSC's total costs in FY 2024. In essence, OSC's average cost per FTE is increasing roughly 7 percent in FY 2024, over FY 2023 levels.

#### **HQ Rent Costs**

OSC's rent is projected to be more than \$1.71M in FY 2024, an increase of over \$20,000 from FY 2023.

#### **Other Services**

In FY 2024, OSC also plans to continue its investments in shared services, and invest in vital IT security and operations contracts, as well as an eDiscovery tool to help OSC program staff identify, collect, and produce electronic information for use in their casework and litigation matters. These initiatives help OSC better identify and protect sensitive case-related data, and allow the agency to focus more intently on its primary mission of protecting and promoting the integrity and fairness of the federal workplace, and ensuring government accountability. OSC projects total spending of \$3.1M on other services in FY 2024.

### **FY 2024 Budget Request by Budget Object Class**

Below is a detailed projection of the expenditures that will be required in each Budget Object Class (BOC) during FY 2024, along with the actuals for FY 2022 and the projection for the current year, FY 2023.

<b>Budget Table 1 – Budget Object Classification of Obligations: FY 2022–2024 (in thousands of dollars)</b>			
<b>Budget Object Classification of Obligations</b>	<i>FY 2022 (Actual)</i>	<i>FY 2023 (Projected)</i>	<i>FY 2024 (Projected)</i>
<b>11.0 Personnel compensation</b>	18,960	19,385	21,094
<b>12.0 Civilian Personnel Benefits</b>	6,680	6,780	7,507
<b>13.0 Benefits for Former Personnel</b>	0	0	0
<b>21.0 Travel and transportation of persons</b>	95	65	65

<b>22.0 Transportation of things</b>	4	13	13
<b>23.1 Rental payments to GSA</b>	1,665	1,688	1,712
<b>23.3 Communications, utilities, and misc. charges</b>	69	69	70
<b>24.0 Printing and reproduction</b>	6	17	17
<b>25.0 Other services</b>	2,758	3,854	3,103
<b>26.0 Supplies and materials</b>	59	108	108
<b>31.0 Equipment</b>	85	38	70
<b>32.0 Leasehold improvements</b>	0	0	0
<b>Total</b>	<b>30,382</b>	<b>32,018<sup>2</sup></b>	<b>33,759</b>

**Notes Concerning the Above BOC Line Items:**

***Object Class 11.0 Personnel Compensation Costs:***

Overall personnel compensation will increase in FY 2024, as compared to FY 2023, not only due to supporting nearly five more FTEs on an annualized basis, but also because of the sizable 5.2 percent pay raise required by OMB in FY 2024. Any additional personnel compensation increases will impact OSC’s ability to support the budgeted level of FTEs.

***Object Class 12.0 Civilian Personnel Benefits Costs:***

These costs are for employee benefits, including Medicare, Federal Employees’ Group Life Insurance (FGLI), health benefit contributions, old age survivors and disability insurance, and retirement plan contributions. Total benefits costs in FY 2024 are expected to increase on a per FTE basis primarily due to the sizable pay raise required by OMB.

***Object Class 13.0 Benefits for Former Personnel***

These costs include pensions, annuities, and other benefits (i.e., voluntary separation payments or severance pay) for former employees, or their survivors, based on (at least in part) the length of service to the Government.

OSC had no costs for this in FY 2022, and does not expect to have any costs for this in FY 2023 and/or FY 2024.

***Object Class 21.0 Travel and Transportation of People:***

During FY 2024, OSC expects the same level of travel as FY 2023.

***Object Class 23.1 Rental Payments to GSA<sup>3</sup>:***

This category reflects the lease costs of the agency’s headquarters facility, along with rent and tax escalations. OSC estimates that total agency rent will be just over \$1.71 million for FY 2024, as compared to nearly \$1.69 million for FY 2023.

***Object Class 23.3 Communications and Utilities:***

<sup>2</sup> Includes the funds associated with a reimbursable employee from OSC to CIGIE.

<sup>3</sup> OSC also maintains a small satellite office for Field Office Leadership in Oakland, CA, which is rented through the Merit Systems Protection Board (MSPB). These costs are paid to MSPB, and not directly to GSA, so they are captured under BOC 25.0, Other Services.

This category reflects the cost to sustain the agency’s telephone and high-speed internet connections in FY 2024 for the headquarters facility.

**Object Class 25.0 Other Services:**

OSC outsources its accounting services, financial and procurement systems, payroll services, travel services, and procurement services, which all fit under the Services BOC. With new IT leadership coming onboard in FY 2022, OSC has undertaken various efforts to modernize its IT security posture, and that spending will remain a significant priority in both FY 2023 and FY 2024.

This entails continued improvements to OSC’s electronic case management system (eCMS), as well as conducting penetration testing for OSC’s IT network, and the utilization of an eDiscovery tool that will allow OSC program staff to identify, collect, and produce data from emails, documents, and other digital products for use in their investigations or litigation.

**Object Class 31.0 Equipment:**

OSC had relatively minor equipment costs in FY 2022, and expects comparable spending in FY 2023 and FY 2024.

**Analysis of Resources – Fiscal Years 2022-2024**

For a high-level summary of resources during fiscal years 2022-2024, see Budget Table 2 below.

Budget Table 2 – Analysis of Resources					
FY 2022-2024					
<i>(in thousands of dollars)</i>					
Description		FY 2022 (Actual)	FY 2023 (Projected)	FY 2024 (Projected)	
Budget authority	Direct	30,385	31,904	33,759	
	Reimbursable	98	114	0	
Total		30,483	32,018	33,759	
Outlays		26,910	29,991	31,622	
Employment	Direct-full time equivalent	135.7	133	139	
	Reimbursable-full time equivalent	0.5	0.5	0	
Total		136.2	134	139	

## **PART 3 – BUDGET PROGRAMS AND PERFORMANCE PLAN**

### **FY 2022 Case Activity and Results – All Programs**

Word of OSC’s effectiveness in achieving positive results for the federal community has spread over the years. In FY 2022, for example, while receiving 3,458 cases and resolving 3,677 cases, OSC achieved 417 favorable actions, the highest level in agency history, and approximately 19 percent above the prior five-year average.

During FY 2022, OSC received 3,458 new matters across its program areas. **Table 1** below summarizes overall OSC case intake and dispositions in FY 2022, with comparative data for the previous five fiscal years. More detailed data can be found in **Tables 2-7** in the sections below relating to the four specific components of OSC’s mission—PPP cases, Hatch Act matters, whistleblower disclosures, and USERRA cases.

In FY 2022, cases involving the Department of Veterans Affairs (VA) comprised approximately 27 percent of OSC’s cases – slightly below FY 2021 when almost 30 percent of the casework came from the VA. Through resolution and processing of these cases, OSC has played a critical role in re-establishing trust in the VA and encouraging employees to identify and address chronic threats to patient care.

Agencies’ required participation in OSC’s Section 2302(c) Certification Program is an excellent opportunity to conduct training for a growing number of federal employees and promote adherence to the law. Nineteen (19) agencies were certified in FY 2022 and an additional thirteen (13) were certified in FY 2021. However, managing this program and handling the increasing number of cases that result from greater awareness of OSC requires additional resources.

Additionally, OSC conducted 178 outreach events in FY 2021, and 123 outreach events in FY 2022. The primary focus of these efforts is prevention of Hatch Act and PPP violations. These efforts also inform the federal workforce that OSC is a secure channel to disclose evidence of waste, fraud, and abuse.

As a result of OSC’s successes and outreach efforts, OSC’s profile among federal employees has increased significantly, resulting in increased awareness of OSC as an avenue for disclosing wrongdoing and seeking redress from PPP actions. Starting in second half of FY 2022, OSC started to see increased case levels, with almost 16 percent more cases received in quarters 3 and 4, compared to the prior half of the year. OSC expects this trend to continue through FY 2023 and 2024 as more agencies transition back to the workplace, which may impact OSC’s ability to keep up with new case filings, and continue its multiyear success in reducing the backlog.

TABLE 1 - Summary of All OSC Case Activity						
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Matters <sup>4</sup> 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

## Investigation and Prosecution of Prohibited Personnel Practices

- OSC experienced approximately a 45 percent reduction in new PPP matters when comparing FY 2022 to FY 2018, the last fiscal year not impacted by unforeseen events (the COVID-19 pandemic, or a partial government shutdown). Despite this decrease in recent years, OSC’s FY 2022 caseloads were almost 16 percent higher in quarters 3 and 4 than the previous half of the year, so the agency expects this upward trend to continue in FY 2023, and beyond.
- As shown in the table below, in recent, non-pandemic years, new PPP complaints regularly surpassed 3,800 cases each year. PPP cases are the most time- and resource-intensive cases for OSC. PPP cases also represent a critical route through which OSC builds whistleblower confidence by ensuring whistleblowers are protected from retaliation for making protected disclosures of government wrongdoing.

(See the New PPP Complaints chart and Table 2: Summary of All Prohibited Personnel Practice Complaints Activity – Receipts and Processing)

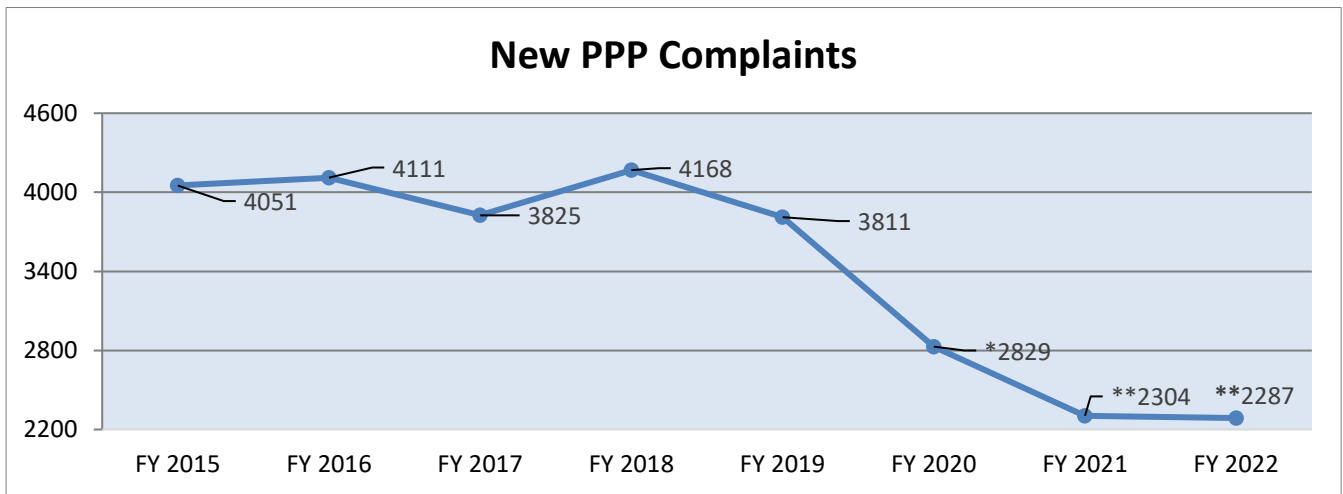


Figure 1:

\*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.

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

- A significant, increased demand for OSC’s services in FY 2024 could negatively impact the agency’s ability to meet statutory deadlines in resolving cases. The percentage of PPP complaints processed within 240 days is approximately 79 percent, virtually unchanged from FY 2021, but below both FY 2019 and FY 2020 (82 percent and 80 percent), respectively, and still 7 percentage points below the average rate from FY 2011 – FY 2016 (86 percent).
- OSC is also working diligently to meet statutory deadlines for whistleblower disclosures. Congress acted during the first quarter of FY 2018 to extend from 15 days to 45 days the statutory timeframe within which OSC is required to decide whether to refer disclosures to the appropriate agencies or close them without further action. While OSC closed 37 percent of cases in the 15-day statutory time frame in FY 2017—an all-time low during the past decade—extending the time frame to 45 days has resulted in the requirement being met in 88 percent of the cases in FY 2022, a slight increase over both FY 2020 and FY 2021.

## Resource Estimates

During FY 2024, OSC’s Case Review Division will use approximately 6 FTE at a cost of \$1,388,558. During FY 2023, we estimate the program will require 6 FTE at a cost of \$1,375,986. <sup>5</sup>

During FY 2024, OSC’s Investigation and Prosecution Division will use approximately 67 FTE at a cost of \$16,419,084. During FY 2023, we estimate the program will require 66 FTE at a cost of \$15,756,046.

During FY 2024, OSC’s Retaliation and Disclosure Unit will use approximately 6 FTE at a cost of \$1,461,639. During FY 2023, we estimate the program will require 6 FTE at a cost of \$1,516,150.

<b>TABLE 2 - Summary of All Prohibited Personnel Practice Complaints Activity – Receipts and Processing<sup>6</sup></b>						
		<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Pending complaints carried over from prior fiscal year</b>		1,969	2,057	1,409	1,147	1,046
<b>New complaints received<sup>7</sup></b>		4,168	3,811	2,829	2,304	2,287
<b>Total complaints</b>		6,137	5,868	4,238	3,451	3,333
<b>Total complaints processed and closed</b>		4,073	4,447	3,096	2,390	2,382
<b>Complaint processing times</b>	<b>Within 240 days</b>	3,100	3,659	2,476	1,883	1,870
	<b>Over 240 days</b>	967	788	621	499	522
<b>Percentage processed within 240 days</b>		76%	82%	80%	79%	79%

<sup>5</sup> OSC is currently operating a pilot program whereby the Clerk’s Office functions are reorganized into CRD. The current 6 FTE estimate for CRD does not include any employees in the Clerk’s Office. Therefore, resource estimates for CRD will increase in future budgetary documents if this pilot program becomes a permanent reorganization.

<sup>6</sup> Complaints frequently contain more than one type of allegation. This table, however, records all allegations received in a complaint as a single matter.

<sup>7</sup> “New complaints received” includes a few re-opened cases each year, as well as prohibited personnel practice cases referred by the MSPB for possible disciplinary action.



Table 3 below provides information regarding the numbers of corrective actions obtained in prohibited personnel practice cases.

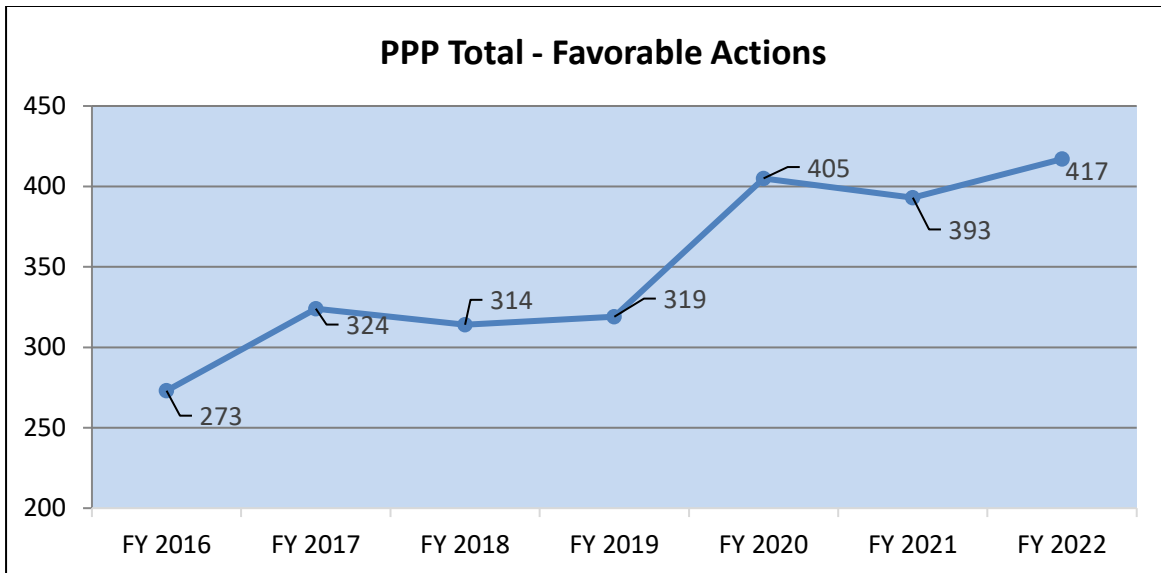
<b>TABLE 3 - Summary of All Favorable Actions – Prohibited Personnel Practice Complaints</b>						
		<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Total favorable actions negotiated with agencies (all PPPs)</b>	<b>No. of actions<sup>8</sup></b>	314	319	405	393	417
	<b>No. of matters</b>	249	259	323	295	305
<b>Total favorable actions negotiated with agencies (reprisal for whistleblowing)</b>	<b>No. of actions</b>	236	234	317	304	320
	<b>No. of matters</b>	196	192	265	223	257
<b>Disciplinary actions negotiated with agencies</b>		22	27	13	33	37
<b>Stays negotiated with agencies</b>		47	31	54	38	39
<b>Stays obtained from MSPB</b>		2	1	0	0	2
<b>Stay extensions obtained from MSPB</b>		10	1	0	0	2
<b>Corrective action petitions filed with the MSPB</b>		1	0	0	0	0
<b>Disciplinary action complaints filed with the MSPB</b>		0	0	0	0	0

### **Goals and Results – Prohibited Personnel Practices**

In FY 2022, OSC only received 2,287 new PPP complaints, approximately 32 percent lower than the prior five-year average (FY 2017 – FY 2021). This decrease is primarily due to the COVID-19 pandemic, which continued to have significant operational impacts upon federal departments and agencies in FY 2022.

Despite the pandemic, however, OSC still achieved 417 favorable actions in FY 2022, an agency record, and 19 percent above the average from FY 2017 through FY 2021.

<sup>8</sup> The “number of actions” refers to the total number of favorable actions that were obtained; the “number of matters” refers to the total number of cases (or matters) from which the favorable actions were derived (e.g., one case/matter may have multiple favorable actions).



In FY 2016, OSC finalized a Strategic Plan for fiscal years 2017 – 2022 (*See Appendix A for the Prior Strategic Plan*). In accordance with OMB guidance, OSC revised and finalized a new Strategic Plan in FY 2022 (*See Appendix C for the New Strategic Plan (FY 2022 – FY 2026)*).

OSC’s Strategic Goal 1 under this plan is to protect and promote the integrity and fairness of the federal workforce through investigation and prosecution of prohibited personnel practice cases. Goal tables were developed to track agency performance against the Strategic Plan and can be found in Appendix B (Prior Strategic Plan) and Appendix D (New Strategic Plan) of this document.

### Notable FY 2022 Case Summaries

- 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 of 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 CP 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, reprimand, demotion, denial of a WIGI and 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 Office of Special Counsel (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.

### ***Notable FY 2022 Amicus Curiae Briefs***

- 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 section 2302(b)(8). The MSPB further held that Besanceney did not engage in protected activity under section 2302(b)(9)(C) by going to his OIG because the information he provided did not meet the standards for whistleblowing under section 2302(b)(8). OSC argues in its brief that claimants are not required to meet the standards for whistleblowing under section 2302(b)(8) to be protected for the action of going to their OIG under section 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.

## **USERRA Unit**

OSC protects the civilian employment rights of federal workers who are veterans or serve in the National Guard and Reserves by enforcing USERRA. USERRA provides for prompt reemployment of service members in their civilian jobs after they return from military duty. Approximately 170,000 (20 percent) Guard and Reserve members are federal civilian employees, and Congress intends for the federal government to be a "model employer" under USERRA.

Under USERRA, a claimant alleging a violation by a federal executive agency may either file an appeal with the MSPB or file a complaint with the Department of Labor, Veterans' Employment and Training Service (VETS). If the claimant chooses to file a complaint with VETS, VETS must investigate and attempt to resolve the complaint. If it cannot resolve the matter, the claimant may direct VETS to refer the complaint to OSC for possible representation before the MSPB. If, after reviewing the complaint and investigative file and conducting any necessary follow-up investigation, OSC is reasonably satisfied that the claimant is entitled to relief under USERRA, it may act as the claimant's attorney and initiate an action before the MSPB. OSC may also provide representation, when warranted, before the U.S. Court of Appeals for the Federal Circuit.

In addition to resolving individual USERRA cases, OSC also provides outreach and technical assistance to help federal agencies better comply with USERRA, often in conjunction with the U.S. Department of Labor (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, and the Departments of Labor, Defense, and Justice on a quarterly basis.

## Resource Estimates

During FY 2024, the USERRA program will have 1 FTE at a cost of approximately \$243,607. During FY 2023, we expect the USERRA program will have 1 FTE at a cost of \$238,187.

## Goals and Results – USERRA Unit

<b>TABLE 4 - Summary of USERRA Referral and Litigation Activity<sup>9</sup></b>					
	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Pending referrals carried over from prior fiscal year</b>	3	6	5	3	5
<b>New referrals received from VETS during fiscal year</b>	25	21	24	19	19
<b>Referrals closed</b>	22	22	26	17	15
<b>Referrals closed with corrective action</b>	2	2	3	0	3
<b>Referrals closed with no corrective action</b>	20	20	23	17	12
<b>Referrals pending at end of fiscal year</b>	6	5	3	5	9
<b>Litigation cases carried over from prior fiscal year</b>	0	1	1	1	1
<b>Litigation cases closed</b>	0	0	0	0	0
<b>Litigation closed with corrective action</b>	0	0	0	0	0
<b>Litigation closed with no corrective action</b>	0	0	0	0	0
<b>Litigation pending at end of fiscal year</b>	1	1	1	1	1

USERRA requires that complaints be investigated, and the claimant be notified of the results within 90 days, unless the claimant grants an extension. Such investigations may include obtaining information from the claimant, requesting and reviewing documents from the agency, interviewing witnesses, and conducting legal research and analysis. All the information gathered must then be synthesized to decide whether the complaint is meritorious. In some cases, there are delays in receiving documents or interviewing witnesses that are beyond OSC’s control. Cases also vary in complexity.

OSC’s Strategic Goal 1 under its Strategic Plan is to protect and promote the integrity and fairness of the federal workforce, including through investigation and prosecution of USERRA cases (See Appendix A for the prior Strategic Plan (FY 2017 – FY 2022), and Appendix C for the new Strategic Plan (FY 2022 – FY 2026)).

Goal tables were developed to track agency performance against the Strategic Plan and can be found in

<sup>9</sup> This table has been reorganized with some categories and figures changed from prior reports to correct discrepancies and more clearly present relevant information.

Appendix B and Appendix D of this document.

## **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, as illustrated in the case examples below.

- 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.

## **Alternative Dispute Resolution**

Effective relations in the workplace are critical to Federal government success. OSC plays a unique role in fostering a healthy federal workplace by investigating and prosecuting alleged PPPs, such as retaliation for whistleblowing or other protected activity, unauthorized preferences in employment, nepotism, and other violations of merit systems principles. OSC offers a high-performing ADR program to provide additional options for resolving such complaints.

Among the factors that determine mediation-appropriate cases are the complexity of the issues, the nature of the personnel action, and the relief sought by the complainant. Once a case has been identified as appropriate

for mediation, an OSC ADR specialist contacts the parties to discuss the voluntary program and process. Pre-mediation discussions are designed to help the parties form realistic expectations and well-defined objectives regarding the mediation process.

Altogether, OSC’s ADR program has averaged a 72 percent rate of successful settlement during the past 5 years. This translates to large savings of time and money to the government, as the government avoids the more costly investigation and prosecution process.

## Goals and Results

During FY 2022, 45 cases were offered for mediation by OSC after referral to the ADR Unit. OSC completed 32 mediations, of which 27 settled. OSC mediation provides a streamlined resolution option that gives both sides the opportunity to create a resolution tailored to their needs. Mediation can end paralyzing stalemates between employees and managers in the Federal workplace. Federal government agencies, as well as OSC, achieve greater efficiencies by reducing the time necessary to reach a resolution. (See Table 6.)

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



<b>Carryover to Next FY – Cases in Review</b>	11	2	4	1	2	3
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## Resource Estimates

During FY 2024, the ADR program will have 5 FTEs at a cost of approximately \$1,218,033. During FY 2023, we expect the ADR program will have 5 FTEs at a cost of \$1,126,806.

OSC's Strategic Goal 1 under its Strategic Plan is to protect and promote the integrity and fairness of the federal workforce, including by obtaining timely and effective relief in ADR cases (See Appendix A for the prior Strategic Plan (FY 2017 – FY 2022), and Appendix C for the new Strategic Plan (FY 2022 – FY 2026)).

Goal tables were developed to track agency performance against the Strategic Plan and can be found in Appendix B and Appendix D of this document.

## Notable FY 2022 Case Summaries

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

- Complainant alleged that s/he was terminated during his/her 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.

## Whistleblower Disclosure Program

The vast size of the American government means that agencies are not always able to identify and address wrongdoing or wasteful spending. Whistleblowers, and by extension OSC, therefore represent a vital resource for agencies to ensure that they act as good stewards of the resources provided to them. Over the past year, OSC has worked with many whistleblowers to help agencies identify waste and achieve significant cost savings.

Under 5 U.S.C. §1213(a), federal employees, former federal employees, or applicants for federal employment may disclose information they reasonably believe evidence a violation of law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. OSC reviews the information submitted by whistleblowers and advises the Special Counsel whether there is a substantial likelihood that the type of wrongdoing described in § 1213(a) has occurred or is occurring. When the Special Counsel makes a substantial likelihood determination, OSC transmits the disclosure to the head of the relevant agency for action. The agency is required to conduct an investigation and submit a report to OSC describing the results of the investigation and the steps taken in response to the investigative findings. Under § 1213(e), the whistleblower is also provided with a copy of the report for comment. The Special Counsel is required to review the report to determine whether it meets the requirements of the statute, and its findings appear reasonable. OSC forwards the report to the President and appropriate congressional oversight committees. (An alternative process is available by statute for OSC to refer matters to agencies for investigation without the Special Counsel making a substantial likelihood determination.)

One important aspect of OSC's work with whistleblowers is to identify significant mismanagement or wasteful spending at agencies. During FY 2022, we continued working on a case from FY 2020 that could potentially recover over \$470 million in taxpayer funds related to debt recovery efforts across multiple agencies.

Although OSC provides a direct avenue for achieving cost savings throughout the government, the true value of OSC's work is in providing a process to identify problems before they become too costly. By providing a safe channel for whistleblower disclosures, OSC regularly reins in waste, fraud, abuse, and threats to public health and safety that pose the very real risk of catastrophic harm to the public and potentially huge remedial and liability costs for the government.

Despite express statutory time limits for resolving disclosures, some cases take more than a year to fully complete, if agencies demonstrate a need for additional time to conduct their investigation and write their reports, or the whistleblowers request additional time to prepare their comments. OSC must also diligently review the agency report to determine whether it contains the information required by statute, decide whether its findings appear reasonable, and prepare any comments the Special Counsel may have on the report.

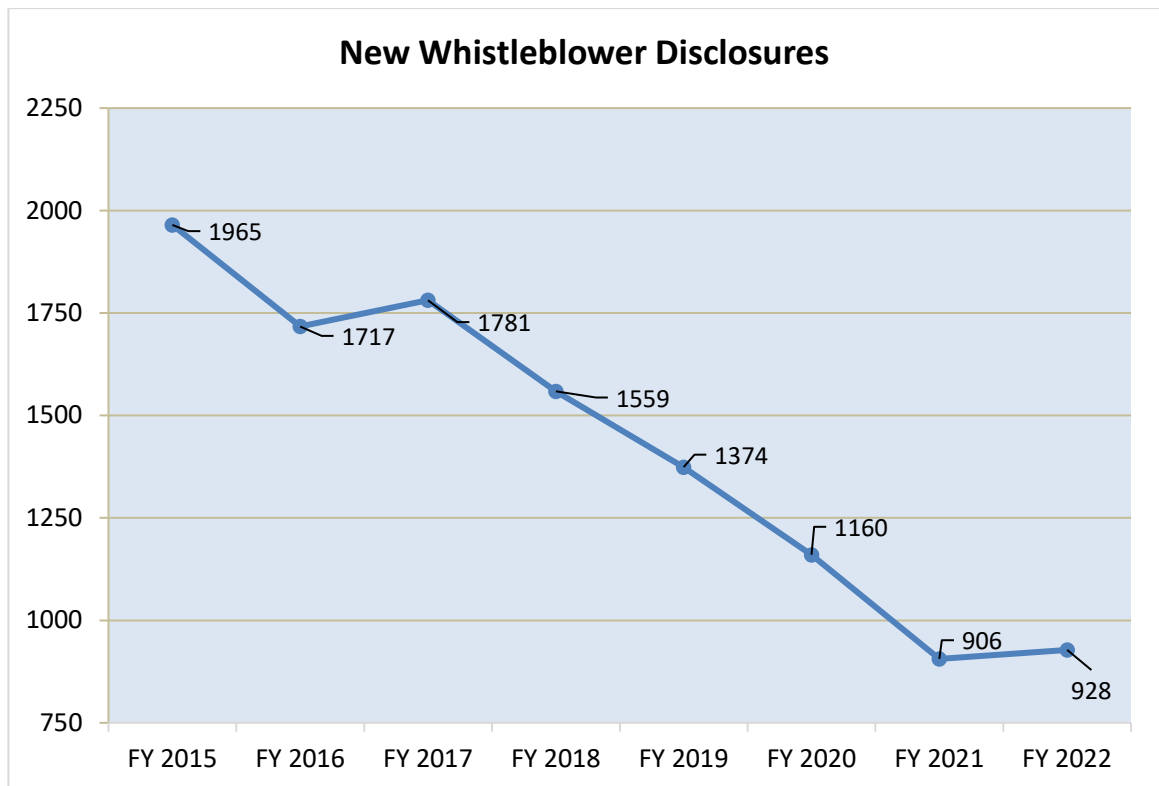
### Resource Estimates

During FY 2024, OSC's whistleblower disclosure program will use approximately 9 FTEs at a cost of \$2,143,738. During FY 2023, we estimate the program will require 9 FTEs at a cost of \$2,096,042.

### Goals and Results – Whistleblower Disclosures

OSC's Strategic Objective 2 is to ensure government accountability by acting as a channel for whistleblowers in the federal workforce to disclose information. The following tables describe the two operational goals supporting this strategic objective. Disclosure cases have risen dramatically in recent years. From FY 2015 to FY 2018, the unit received disclosures at levels ranging from 50 to 100 percent higher than the levels seen earlier in the decade. The number of disclosures received from FY 2019 through FY 2022 decreased from prior year levels. However, these numbers were impacted by the unprecedented government shutdown in FY 2019, and the COVID-19 pandemic, which has greatly disrupted federal government operations since mid-FY 2020. However, OSC expects to receive disclosures at higher level in future years once operations return to normal.

OSC's Disclosure Unit participated in the COVID-19 Task Force that OSC established in the spring of 2020 and disbanded in February 2023. As part of this agency effort, disclosure allegations were reviewed on an expedited basis and, if appropriate, referred to the head of the agency involved for investigation, and any immediate action necessary, to address health and safety concerns. OSC committed significant staff resources to this effort and maintained an accelerated level of review for these cases to ensure prompt and timely referral of COVID-19-related issues. The Disclosure Unit reviewed a total of 400 matters as part of the COVID-19 Task Force, ultimately referring 70 matters to the appropriate agency for investigation. OSC will continue to investigate matters related to COVID going forward but will do so under the agency's normal processes.



**TABLE 7 - Summary of Whistleblower Disclosure Activity – Receipts and Dispositions<sup>10</sup>**

	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	
<b>Total disclosures</b>	<b>2,278</b>	<b>2,052</b>	<b>1,795</b>	<b>1,477</b>	<b>1,170</b>	<b>1,169</b>	
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 days <sup>11</sup>		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	

OSC’s Strategic Goal 2 under its Strategic Plan is to ensure government accountability by providing an effective and efficient channel to report government wrongdoing through whistleblower disclosures (See Appendix A for the prior Strategic Plan (FY 2017 – FY 2022), and Appendix C for the new Strategic Plan (FY 2022 – FY 2026)).

Goal tables were developed to track agency performance against the Strategic Plan and can be found in Appendix B (Prior Strategic Plan) and Appendix D (New Strategic Plan) of this document.

### Notable FY 2022 Case Summaries

OSC is authorized to refer whistleblower disclosures of wrongdoing in five areas: (1) violations of a law, rule, or regulation; (2) gross mismanagement; (3) gross waste of funds; (4) abuse of authority; and (5) substantial and specific danger to public health or safety. In FY 2022, examples of OSC successes involving whistleblower disclosures include the following:

<sup>10</sup> Many disclosures contain more than one type of allegation. This table, however, records each whistleblower disclosure as a single matter, even if multiple allegations were included.

<sup>11</sup> 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.

*Violation of law, rule, or regulation; gross mismanagement; a 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; a 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; an abuse of authority; and a 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.

## **Hatch Act Unit**

The Hatch Act of 1939 aims to insulate the merit system from improper partisan political influence. In FY 2021, OSC received 289 complaints, and in FY 2022, OSC received 224 complaints. However, as OSC witnessed during prior Presidential election cycles, the agency expects much higher caseload levels during FY 2024.

OSC enforces compliance with the Hatch Act by investigating allegations to determine whether the evidence supports a determination that a violation has occurred. If so, OSC will issue a warning letter to the subject, attempt to informally resolve the violation, negotiate a settlement, or prosecute the case before the MSPB.

OSC also provides federal, state, and local (including Washington, D.C.) government employees, as well as the public at large, with advisory opinions and advice on the Hatch Act, enabling individuals to determine whether they are covered by the Act and whether their contemplated activities are permitted under the Act. In this role, OSC regularly advises the White House, cabinet members, and other senior management officials throughout the federal government, as well as state and local government officials and the media.

## **Investigations**

OSC investigates allegations to determine whether the evidence of a Hatch Act violation supports corrective and disciplinary action. If a determination is made that a violation has occurred, OSC can issue a warning letter to the subject, attempt to informally resolve the violation, negotiate a settlement, or prosecute the case before the MSPB. OSC resolved 313 Hatch Act complaints in FY 2022 (*See Table 8*).

## **Advisory Opinions**

OSC has the unique responsibility of providing Hatch Act information and advice to the White House and congressional offices, cabinet members and other senior management officials, as well as state and local (including Washington, D.C.) government employees, the public at large, and the news media. OSC advises individuals on whether they are covered by the Hatch Act and whether their political activities are permitted. During FY 2022, OSC issued 757 total advisory opinions, including 14 formal written advisory opinions.



## Resource Estimates

During FY 2024, the Hatch Act program will use approximately 8 FTEs at a cost of approximately \$1,948,853. During FY 2023, we estimate the cost of this program to be \$1,658,145 with 7 FTEs.

## Outreach and Training

To further its advisory role, OSC is very active in training and outreach efforts. In FY 2022, OSC conducted 33 training and outreach presentations to various Federal agencies and employees concerning the rights and responsibilities under the Hatch Act. Many of these programs will typically involve high-level agency officials.

## Goals and Results – Hatch Act Unit

OSC’s caseload began to decrease during FY 2013 in response to legislative reform, and the agency began reducing its Hatch Act staffing accordingly. Nonetheless, OSC processed and closed complaints at a near-record rate, allowing OSC to significantly decrease its case backlog for several years. In recent years, OSC has been efficient at resolving cases, even with a smaller Hatch Act Unit staff.

<b>TABLE 8 - Summary of Hatch Act Complaint and Advisory Opinion Activity</b>							
		<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Formal written advisory opinion requests received</b>		26	52	46	60	23	21
<b>Formal written advisory opinions issued</b>		24	46	52	56	28	22
<b>Total advisory opinions issued<sup>12</sup></b>		1,325	1,155	1,111	1,461	1,043	757
<b>New complaints received<sup>13</sup></b>		253	263	281	440	289	224
<b>Complaints processed and closed</b>		234	286	245	280	375	313
<b>Warning letters issued</b>		37	49	49	34	62	73
<b>Corrective actions taken by cure letter recipients</b>	<b>Withdrawal from partisan races</b>	6	5	4	2	4	7
	<b>Resignation from covered employment</b>	2	2	2	0	0	7
	<b>Other</b>	2	3	5	10	0	8
	<b>Total</b>	10	10	11	12	4	22
<b>Disciplinary action complaints filed with MSPB</b>		0	2	0	4	3	5
<b>Disciplinary actions obtained (by negotiation or ordered by MSPB)</b>		4	6	5	8	7	8
<b>Complaints pending at end of fiscal year</b>		156	133	168	323	236	145

<sup>12</sup> All oral, e-mail, and written advisory opinions issued by OSC.

<sup>13</sup> Includes cases that were reopened.



OSC's Strategic Goal 1 under its Strategic Plan is to protect and promote the integrity and fairness of the Federal workforce, including by providing timely and quality Hatch Act advisory opinions and guidance (See Appendix A for the prior Strategic Plan (FY 2017 – FY 2022), and Appendix C for the new Strategic Plan (FY 2022 – FY 2026)).

Goal tables were developed to track agency performance against the Strategic Plan and can be found in Appendix B (Prior Strategic Plan) and Appendix D (New Strategic Plan) of this document.

## **Notable FY 2022 Case Summaries**

### *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.

## **Outreach and Education Program**

The Outreach and Education Program assists agencies with meeting the statutory mandate of 5 U.S.C. § 2302(c) and provides training to federal entities and stakeholders in each of the areas within OSC's jurisdiction: PPPs under the Civil Service Reform Act, Hatch Act, whistleblower disclosures, and USERRA.

OSC developed a five-step educational program, the 2302(c) Certification Program (Certification Program), in FY 2002. This program offers guidance to agencies and provides easy-to-use methods and training resources to assist agencies with fulfilling their statutory obligations. OSC developed new supervisory training to meet the new annual training requirement mandated under the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017.

Two of the primary goals of OSC's Certification Program are to ensure that federal agencies inform their workforces, in consultation with OSC, about the rights and remedies available to them under the whistleblower protection and PPP provisions of the Civil Service Reform Act, and to train supervisors to prevent violations of the statutes. Agencies that complete the program receive a certificate of compliance from OSC. At the end of FY 2022, 120 agencies and agency components were either certified or registered for certification.

As noted above, OSC also conducts formal and informal training/outreach presentations to educate the federal workforce in each of the areas within OSC's jurisdiction, as well as train supervisors on their particular obligations under the relevant statutes. OSC conducted 178 training presentations in FY 2021, and 123 presentations in FY 2022. Sixty-seven (67) of these FY 2022 presentations focused on prohibited personnel practices.

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.

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

OSC's Strategic Goal 1 under its 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 (See Appendix A for the prior Strategic Plan (FY 2017 – FY 2022), and Appendix C for the new

Strategic Plan (FY 2022 – FY 2026)).

Goal tables were developed to track agency performance against the Strategic Plan and can be found in Appendix B (Prior Strategic Plan) and Appendix D (New Strategic Plan) of this document.

### **Resource Estimates**

During FY 2024, we estimate the Outreach and Education program will use nearly 3 FTE at a cost of \$652,866. During FY 2023, we estimate the program will use 3 FTE at a cost of \$597,116.

## **PART 4 – ENHANCEMENT OF OPERATIONS**

### **Strategic Management of Human Capital**

OSC's human capital strategy is designed to enable the agency to achieve its mission, goals, and organizational objectives. It is integrated into the budget and strategic plans and is consistent with human capital guidance from the Office of Personnel Management (OPM) and the Office of Management and Budget (OMB). OSC has internal accountability systems to ensure effective merit-based human capital management as described below.

An investment in the human capital program is necessary to support the Presidential Management Agenda (PMA) workforce priority for Strengthening and Empowering the Federal Workforce.

### ***Build the personnel system and support required to sustain the Federal Government as a model employer able to effectively deliver on a broad range of agency missions.***

A modernized human capital framework is required to deliver seamless employee workforce services and meet the demands generated by an evolving workforce model. The human capital framework consists of multiple functional areas and requires expertise/specialization in all areas. This creates a challenge for a small agency, where resources are not available to hire specialists for each functional area and there is limited depth within HCO. The ability to rapidly execute talent management strategies is essential and the most effective method is through leveraging shared resources. Under OSC's current HCO service model, base level support is provided by multiple providers. Further, the payroll and personnel systems we utilize are built on a 1970's platform and cannot be updated -- presenting a potential operational risk. Integrating our human capital systems by moving to a consolidated service provider with a modern system will maximize the support received and better enable our ability to execute OSC's human capital strategy.

### ***Attract and Hire the Most Qualified Employees, Who Reflect the Diversity of our Country, in the Right Roles Across the Federal Government.***

OSC's talent acquisition strategy is key to our ability to attract, develop, retain, and manage our workforce. Targeted goals in the strategy designed to improve our effectiveness include focusing on our hiring process; expanding recruitment sources; codifying our workforce plan; and establishing a system to provide performance metrics. Dedicated resources and support are needed to elevate our hiring program, maximize our recruitment efforts, and meet our staffing requirements. Access to an applicant management system will advance our attorney hiring process, providing the necessary data safeguards and mechanisms for applicant engagement. Creating a paid internship program is a goal of our talent acquisition strategy and intended to provide a talent pipeline for OSC.

### ***Building a Roadmap for the Future of Work***

OSC's strategy for the future of work understands a hybrid work environment is crucial to remain a competitive employer and to attract and retain a talented workforce. Initiatives are being explored to maximize work-life programs through optimizing workplace flexibilities, technology advancements, training opportunities, and tools for employee engagement. HCO, in partnership with the Information Technology Office, is identifying resources to further enable working in a virtual environment and utilizing online collaboration tools, cloud-based software, and technology platforms. OSC is working to develop mechanisms to assess the effectiveness of these efforts to fully inform the agency's human capital plan.

### **Improved Financial Performance**

OSC received unqualified opinions for all audits from the inception of a formal financial statement audit requirement by the Accountability for Tax Dollars Act (ATDA) of 2002 through FY 2017. After receiving a qualified audit opinion in FY 2018 caused by a one-time technical issue in financial reporting, OSC took immediate steps to resolve the issue, and made various process and control improvements. As a result of these changes, OSC received an unqualified opinion once again on its audits each year from FY 2019 through FY 2022. An independent accounting firm evaluated OSC's financial statements. Prior to the pandemic, the auditor spent time at OSC headquarters, and in Denver with personnel from the Department of Interior's Interior Business Center (IBC), which has performed the accounting, payments, travel system operations, and financial system operations and maintenance functions for OSC. The FY 2023 audit will begin shortly.

As mentioned above, OSC contracts out certain finance-related work under an interagency agreement with IBC, which allows OSC to obtain specialized expertise at a lower cost than it could internally. OSC was involved in the effort to design the processes used for its accounting system and to design specific customized reports that reflect exactly the information most helpful to OSC funds management. IBC routinely provides financial reports to OSC and a detailed financial review every quarter. IBC also provides current financial information on day-to-day operations for payroll, procurement, and travel as needed.

As a small agency, OSC relies on audits and other reviews of IBC operations by IBC's OIG and the Office of the Chief Financial Officer, as well as information we receive directly from IBC, for information about any significant issues relating to the services provided to OSC. IBC has a formal management and control and compliance program, including OMB Circular A123 audits, A123 Accounting Transactions testing, SAS70 Type II audits, and financial statements audits. Furthermore, it conducts IT audits, including Federal Information Security Management Act (FISMA) and internal controls reviews.

During FY 2017, OSC implemented within its financial system the capabilities and reporting required by the Digital Accountability and Transparency Act of 2014. OSC met the requirements of the DATA Act, working in cooperation with IBC and other participants. OSC has continued to perform quarterly DATA Act reporting on a timely basis. In FY 2021, OSC and IBC replaced the reporting module of OSC's Oracle Federal Financials system with a more modernized solution.

### **Competitive Sourcing**

OSC is a small agency with a highly specialized, inherently government-focused mission.

Eighty-five percent of its FTEs perform inherently governmental work. Fifteen percent of its FTEs are considered commercial in nature, spread across multiple activities. According to OMB Circular A-76 and supplemental guidance issued by OMB, government performance of commercial functions is permitted when, as is the case at OSC, it totals 10 FTEs or fewer positions in one activity.

## **Maximizing Efficiencies through Use of Shared Service Providers**

As a smaller federal agency with limited resources, OSC is strategic about maximizing its operational efficiency while limiting the size and cost of its administrative personnel. A key piece of OSC's strategy is the use of third-party shared service providers to perform highly technical operational procedures in areas such as accounting and contracting, which would require the hiring of significant staff at higher GS levels if OSC were to perform them internally. This strategy is in line with recent government trends in which the White House has encouraged agencies to maximize their use of shared service providers to achieve operational efficiency while limiting costs.

OSC currently has interagency agreements with the U.S. Department of Agriculture's National Finance Center to conduct payroll and personnel processing and with the IBC to perform budget accounting, budget execution, accounting, travel management, procurement, and procurement system hosting services for OSC. Additionally, OSC currently utilizes GSA for procurement services and the Program Support Center at the Department of Health and Human Services for transit services. OSC will continue to look for areas in which the value equation makes sense to move functions to Shared Services.

To promote best in-class purchasing for micro purchases, OSC pursued a three-pronged strategy of 1) limiting the number of authorized purchase cardholders within the agency 2) providing regular training for purchase cardholders stressing the need for proper documentation, and 3) periodic auditing of purchase cardholders' transactions, and purchase logs, to ensure compliance with agency policy. To promote best in-class purchasing for other purchases, OSC uses GSA schedules, quotes from vendors, and Requests for Information to successfully complete market research and get an accurate cost for the good(s) or service(s) required. Part of the market research process includes exploring all procurement sources, both governmental and non-governmental, for obtaining the good(s) or service(s) required. If the good(s) or service(s) can be obtained from another federal agency at a reduced cost, OSC enters an interagency agreement with the government supplier. On the other hand, if the private sector can provide more competitive pricing, OSC works with its contracting team to create a Request for Proposal (RFP) and encourage multiple vendors to bid, thereby ensuring the agency receives the most competitive price. OSC achieves significant cost savings through this approach. OSC will continue to evaluate where shared service providers may be able to save additional costs. The analysis will include all areas of administrative support and human resources operations, as well as other operations that may be appropriate. OSC also entered an interagency agreement again with the Department of Interior to perform our FISMA audit. In addition, OSC will continue to consult with its contracting shared service providers to discuss planning and procurement methods that will best leverage existing government vehicles and contracts to achieve greater savings and efficiencies.

## **IT Modernization Initiatives**

OSC is committed to leveraging technology to streamline operations and increase the effectiveness of its IT programs and the service that we provide to the public. The agency has made significant progress in the past several years in modernizing and securing its technological systems. OSC will continue to fund those efforts and make new investments to optimize processes for case management, electronic filing, records management, cybersecurity, end-user support, and internal processes and procedures.

#### *Modernizing Public-Facing Websites, Digital Services*

- *Electronic Case Management System (eCMS)*: OSC continues to enhance eCMS, which is built utilizing FedRAMP-approved cloud technology. To meet the OMB Memorandum 19-21, OSC implemented a document management tab within eCMS to store case records with the case data in electronic format. This capability streamlines work products for attorneys and helps manage electronic records in a consistent manner. As files continue to be stored in electronic format, the need for extra storage continues to grow. eCMS moves OSC into the future with an online, cloud-based system that allows the agency to go paperless, updating and improving the way government employees file complaints, the way our employees process those complaints, and our records management responsibilities, once a case is complete.
- *Electronic Filing of Complaints – OSC Form 14*: OSC released a Complaint and Disclosure Form (OSC Form-14), which streamlined the gathering of information for complaints. Since release, OSC has received comments and concerns on this form from relevant stakeholders. OSC is currently working to address these comments and concerns by creating a new web-based fillable form to work with eCMS, allowing users to log on using Login.gov, and monitor the status of their case filing.
- *OSC.gov Site Migration* – OSC will implement a solution to migrate current OSC.gov site from Azure government cloud to Azure commercial cloud, consolidating all OSC cloud services under one common tenant to streamline the technical and cost management.

#### *Prioritizing IT Modernization, Cybersecurity and IT Workforce.*

- *Cybersecurity*: OSC has implemented many features to enhance monitoring and detecting cybersecurity incidents. This year, OSC continued its phishing campaign, and overall, the agency performed well. Users who incorrectly selected the simulated malicious links or files were redirected to take additional security awareness training. OSC is currently evaluating the capabilities available through existing OSC licenses to perform an analysis for additional resources required to meet security operation center needs.
- OSC continues to mature priority capabilities within the network. OSC is utilizing Endpoint Detection tools, enhanced IT logging, and encryption across all devices (servers, laptops, and mobile devices). In implementing a new cloud-based VPN solution, OSC gained additional security enhancements. This includes meeting a majority of the TIC 3.0 requirements, and that puts OSC well on its way to implementing Zero-Trust Architecture.
- *Continuous Diagnostics and Migration (CDM)*: In FY 2021, OSC worked with the Department of Homeland Security to transition from the CDM SSP 1.0 platform to SSP 2.0 as part of the Defend Program. CDM SSP 2.0 grants OSC enhanced insights into vulnerabilities and configuration compliance within its network. As DHS continues to add capabilities to the Defend program in FY 2023, OSC plans to leverage the platform to



improve security for Identity and Access Management in the cloud, Data Protection, and enhance Network Security Management.

- OSC continues to modernize our remaining on-premises network equipment to improve the security of our physical network.
- OSC is engaged in an agency wide data labeling and governance campaign to meet the requirements of M-22-09 and the Federal Data Strategy.
- OSC continues to improve our capability to detect unauthorized devices connecting to the network. OSC needs the ability to detect unauthorized devices connecting to the network in real-time. Our current process allows us to detect unauthorized devices within 72 hours, but this is a long time for a potential attacker to wreak havoc on the system.
- OSC is required to comply with Memorandum 21-07, which requires all agencies to start transitioning to IPv6. The demand for IP addresses has grown exponentially with the increasing number of users and devices connecting to the Internet, resulting in the exhaustion of available IPv4 addresses. The support for many of our network devices will end in two years or less, and, as a result, OSC will need to allocate funds to address this requirement.
- OSC is required to comply with Memorandum 22-09, which requires all agencies to meet specific cybersecurity standards and objectives by the end of FY 2024. To act in accordance with Memorandum 22-09, agencies must resolve DNS queries using encrypted DNS wherever it is technically supported for both internal and external traffic.

### **IT Goals for FY 2023 – 2024:**

1. Continue to enhance and modernize OSC's IT mission by adopting cloud-based services to provide the agency with tools for managing cases effectively in support of paper reduction and IT modernization.
2. Deploy protection against Ransomware attacks. Ransomware is a type of malware designed to extort money from its victims.
3. Reduce the impact of cybersecurity risks by safeguarding IT systems, conducting penetration testing, protecting sensitive data, and protecting networks by implementing cutting edge cybersecurity capabilities and implementing Security Operations Center as a Service.
4. Deployment of IPv6 solution for OSC IT systems. In accordance with OMB Memorandum 21-07, OSC is working to fully transition to IPv6 by the end of FY24.
5. Continue working with DHS to implement additional features to the Defend program to include Identity and Access Management, Data Protection, and Network Security Management.

6. Enhance remote work capability. OSC will continue to improve our telework program and the infrastructure necessary to support it. For example, OSC will replace necessary equipment on a cyclical basis to ensure that OSC employees have the proper work from home capabilities.
7. Developing the IT workforce of the 21<sup>st</sup> century. Train and retain OSC's IT workforce that can effectively carry out ITO's mission. Promote training opportunities to develop and expand skillsets for IT resources and create a superior workforce.
8. Complete deployment of the secure file sharing and transfer system, Box. This will give OSC attorneys the ability to securely exchange evidence-based files, videos and documents with the complaint filers and their attorneys.
9. eDiscovery vendor selection and deployment: electronic discovery is the *electronic* aspect of identifying, collecting, and producing electronically stored information (for example emails, documents, databases, social media etc.) in response to a request for production in a lawsuit or investigation. Deployment of FedRAMP cloud-based tool will give OSC attorney's ability to analyze documents for their relevance to the legal matter.
10. Conduct Penetration Testing: This will be a simulated cyber-attack against OSC's computer network & OSC.gov website to check for exploitable vulnerabilities. Insights provided by the penetration test can be used to fine-tune OSC's cybersecurity defense, and security policies, and improve the overall security posture. The plan is to research and hire a 3<sup>rd</sup> party ethical hacker to perform penetration testing to evaluate OSC's web cyber defense. The timeline is dependent on first migrating OSC's public facing website, OSC.gov, to a more secure environment, and then performing penetration testing.

The above IT initiatives and operational strategies will advance OSC's ability to deliver better services by leveraging industry standards and commercial-off-the-shelf products and services. The entire range of services forms a basis for sound enterprise technology architecture that connects OSC to its customers and improves the agency's response to customer needs.

## Continuity of Operations

Continuity of Operations (COOP) planning, mandated by Presidential Decision Directive 67, requires each federal agency to be capable of performing essential functions within 12 hours of a threat or the occurrence of a debilitating event. OSC must safeguard vital records and data, and validate capability through tests, training, and exercises. OSC will continue to evaluate alternate methodologies to connect OSC's headquarters and OSC personnel in the field. Following the government-wide direction, OSC has moved to a cloud-computing approach. For example, in FY 2019, OSC's case management system moved to the cloud, along with our SharePoint environment. OSC's cloud approach will provide additional safety and faster recovery time in the event of a debilitating event; agency functions and vital records will be further safeguarded. The new enterprise architecture provides redundancy, along with automatic failover and enhancements in performance. OSC's ability to seamlessly continue to operate in the face of unanticipated disruption was demonstrated during the COVID-19 pandemic when the agency moved to 100% precautionary mandatory telework.



## Management – Risk Management and Program Evaluation

Like many agencies, OSC struggles to undertake large, complex initiatives to provide new programs and services and to adapt and improve ongoing programs in a rapidly changing environment.

As we implement the Program Management Improvement and Accountability Act of 2015, OSC is working to increase efficiency, reduce costs, and address high-risk areas via Enterprise Risk Management (ERM) efforts. More specifically, OSC implemented a structured program review process that will enable us to achieve mission goals, save taxpayer dollars, and enhance service delivery more consistently and efficiently. OSC is focused on dedicating more time to gaining program efficiencies and effectively handling complex change initiatives. Efforts in program evaluation and review will be on a continuum, beginning with smaller functions and moving to programs and functions of increasing size and complexity. OSC also implemented an ERM Charter and commenced work on the ERM Profile via the ERM Working Group. The ERM Working Group meets quarterly to address agency risks. The overarching goal is to highlight any underlying weaknesses, provide feasible mitigation strategies, and spur organizational improvement. The ERM Working Group met in advance of the COVID-19 emergency and took steps to ensure that the agency could continue to meet its mission in the event of work disruptions caused by the pandemic. As a result of this work, the agency seamlessly transitioned to mandatory telework in the early days of the pandemic, without interruption, and continued to accomplish its mission. In another example, OSC conducted an analysis of our office space in FY 2020 and determined that the agency would be able to achieve its mission more efficiently by reducing our field office footprint. Accordingly, OSC decided not to continue the leases for two of our three field offices and reduced the footprint of our third field office beginning in FY 2021. Employees who formerly reported to the field offices in-person have worked virtually since FY 2021. Additionally, the savings resulting from the discontinued leases have been reallocated to personnel expenses, thereby furthering OSC's ability to achieve its mission effectively.

**APPENDIX A: Prior Strategic Plan, FY 2017-2022**

**STRATEGIC PLAN\***  
**(FY 2017-2022)**



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**\*Note- this document was developed at a given point in time, and will be updated as needed. As such information contained in the plan may be outdated or superseded.**

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## Introduction

Over the past five years, the U.S. Office of Special Counsel (OSC) has vigorously enforced its mandate to protect federal employees, applicants, and former employees from various unlawful employment practices, including retaliation for whistleblowing, and to hold the government accountable by providing a safe and secure channel for whistleblower disclosures. OSC has worked to restore confidence in OSC within the federal community and among stakeholders. The success stories and statistics paint a clear picture: the positive outcomes and impact that OSC has obtained far surpass the agency's performance in past periods.

As the federal workforce's trust in OSC's ability to obtain corrective action has grown, the demand for OSC's services has hit record levels. Since 2010, the agency's workload has risen 58 percent with significant increases across all program areas, especially prohibited personnel practice complaints. Accordingly, OSC has had to be strategic in addressing the burgeoning workload. OSC has met these challenges, achieving a record number of favorable results. For example, in direct response to a dramatic surge in cases involving risks to the health and safety of patients at medical facilities in the VA, OSC initiated a holistic approach that resulted in quicker and better resolutions. These cases have shed light on and helped correct systemic challenges at medical facilities across the country. They have also provided much-needed corrective action for victims of whistleblower retaliation. Moreover, OSC has augmented government accountability by securing disciplinary action against scores of officials at various agencies for violations of civil service laws.

In addition, OSC has boosted efforts to increase education and outreach to the federal community with the goal of preventing and deterring violations of civil service laws in the first instance. Most significantly, OSC recently reinvigorated the 2302(c) Certification Program, which agencies may use to provide statutorily-mandated training on whistleblower rights and remedies to their employees. OSC also has started to publish reports of its investigatory findings (in redacted format) when doing so may serve an educational purpose. For example, in 2014, the agency published a report on a case of first impression, finding that an agency violated civil service laws when it unlawfully discriminated against a transgender employee. Equally important, OSC has improved communication with all of its federal stakeholders through its revamped website and enhanced use of social media.

Finally, OSC has worked with partners in Congress to modernize the laws it enforces, allowing OSC to be more effective in its role as a watchdog and guardian of employee rights. For example, in 2012, Congress passed the Whistleblower Protection Enhancement Act (WPEA), which overturned several legal precedents that had narrowed protections for federal whistleblowers, provided whistleblower protections to employees who were not previously covered, and restored OSC's ability to seek disciplinary actions against agency officials who retaliate against whistleblowers. That same year, Congress passed the Hatch Act Modernization Act (HAMA), which modified the law to provide a range of possible disciplinary actions for federal employees, permitted state and local government employees to run for partisan political office unless the employee's salary is entirely funded by the federal government, and changed the status of D.C. government employees from federal employees to state and local government employees.

While OSC's recent achievements are significant, broad challenges remain and new ones have developed. Building on the successes already obtained over the last five years, OSC stands ready to meet these challenges.

## **About OSC**

### ***Background***

OSC is an independent federal investigative and prosecutorial agency. Its basic enforcement authorities come from several federal statutes: the Civil Service Reform Act (CSRA), as amended by the Whistleblower Protection Act (WPA); the Hatch Act; and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

OSC's roots lie in the reform efforts of Gilded Age America. In 1883, Congress passed the Pendleton Act, creating the Civil Service Commission, which was intended to help ensure a stable, highly qualified federal workforce free from partisan political pressure. Nearly a century later, in 1978, in the wake of the Watergate scandal and well-publicized allegations of retaliation by agencies against employees who had blown the whistle on wasteful defense spending and revelations of partisan political coercion in the federal government, Congress enacted a sweeping reform of the civil service system. As a result, the CSRA replaced the Civil Service Commission with the Office of Personnel Management (OPM), the Federal Labor Relations Authority, and the Merit Systems Protection Board (MSPB), with OSC serving as the investigative and prosecutorial arm of the MSPB for the next decade.

In 1989, Congress passed the WPA, making OSC an independent agency within the federal executive branch. The WPA also strengthened protections against retaliation for employees who disclose government wrongdoing and enhanced OSC's ability to enforce those protections. Ensuing legislation such as the WPEA and HAMA—both passed in 2012—has significantly affected the agency's enforcement responsibilities.

### ***Mission and Responsibilities***

OSC's mission is to safeguard employee rights and hold the government accountable. To achieve this mission and promote good government in the federal executive branch, OSC's obligations are, broadly speaking: (1) to uphold the merit system by protecting federal employees, applicants, and former employees from prohibited personnel practices, curbing prohibited political activities in the workplace, and preserving the civilian jobs of federal employees who are reservists and National Guardsmen; and (2) to provide a safe channel for federal employees, applicants, and former employees to disclose wrongdoing at their agencies. These two responsibilities work in tandem to maintain the integrity and fairness of the federal workplace and to make the government more accountable.

#### **CSRA – Prohibited Personnel Practices**

The federal merit system refers to laws and regulations designed to ensure that personnel decisions are made based on merit. Prohibited personnel practices (PPPs) are employment-related activities that are banned because they violate the merit system through some form of employment discrimination, retaliation, improper hiring practices, or failure to adhere to laws, rules, or regulations that directly concern the merit system principles. OSC has the authority to investigate and prosecute violations of the 13 PPPs in the CSRA, as amended.

## CSRA – Whistleblower Disclosures

In addition to protecting whistleblowers from retaliation, the CSRA created OSC as a safe channel for most federal workers to disclose information about violations of laws, gross mismanagement or waste of funds, abuse of authority, and substantial and specific dangers to public health and safety. Through its oversight of government investigations of these whistleblower disclosures, OSC regularly reins in waste, fraud, abuse, illegality, and threats to public health and safety that pose the risk of catastrophic harm to the public and large remedial and liability costs for the government.

## Hatch Act

The Hatch Act, passed in 1939, limits certain political activities of federal employees, as well as some state, D.C., and local government employees who work in connection with federally-funded programs. The law was intended to protect federal employees from political coercion, to ensure that federal employees are advanced based on merit rather than political affiliation, and to make certain that federal programs are administered in a non-partisan fashion. OSC has the authority to investigate and prosecute violations of, and to issue advisory opinions under, the Hatch Act.

## USERRA

USERRA, passed in 1994, protects military service members and veterans from employment discrimination on the basis of their service, and allows them to regain their civilian jobs following a period of uniformed service. OSC has the authority to litigate and otherwise resolve USERRA claims by federal employees referred from the Department of Labor.

## **Organizational Structure**

OSC is headquartered in Washington, D.C. It has three field offices located in Dallas, Texas; Detroit, Michigan; and Oakland, California. The agency includes the following components:

- Immediate Office of Special Counsel (IOSC). The Special Counsel and IOSC are responsible for policy-making and overall management of OSC. This responsibility encompasses supervision of the agency's congressional liaison and public affairs activities.
- Complaints Examining Unit (CEU). This unit receives complaints alleging PPPs. CEU reviews and examines each PPP complaint to determine if it is within OSC's jurisdiction and, if so, whether the matter can be resolved at that stage or should be referred for mediation, further investigation, or prosecution.
- Investigation and Prosecution Division (IPD). This division is comprised of the headquarters office and three field offices, and is primarily responsible for investigating and prosecuting PPPs. IPD determines whether the evidence is sufficient to establish that a violation has occurred and, if so, whether the matter warrants corrective action, disciplinary action, or both. If a meritorious case cannot be resolved informally, IPD may bring an enforcement action before the MSPB.

- Hatch Act Unit (HAU). This unit investigates and resolves complaints of unlawful political activity under the Hatch Act, and may seek corrective and disciplinary action informally as well as before the MSPB. HAU also provides advisory opinions under the Hatch Act.
- USERRA Unit. This unit reviews and resolves USERRA complaints by federal employees referred by the Department of Labor. The unit also may represent service members in USERRA appeals before the MSPB.
- Alternative Dispute Resolution (ADR) Unit. This unit supports OSC's other program units by providing mediation and other forms of ADR services to resolve appropriate cases. Where the parties agree to mediation, the unit conducts mediation sessions seeking creative and effective resolutions.
- Disclosure Unit (DU). This unit reviews whistleblower disclosures of government wrongdoing. DU may refer a whistleblower disclosure to the agency to investigate and report its findings to OSC. For referred whistleblower disclosures, DU reviews each agency report for sufficiency and reasonableness, and then OSC sends the determination, the agency report, and any comments by the whistleblower to the President and responsible congressional oversight committees.
- Retaliation and Disclosure Unit (RDU). This unit handles hybrid cases in which a single complainant alleges both whistleblower disclosures and retaliation. OSC created RDU to streamline its processes and provide a single point of contact for complainants with multiple claims. RDU performs the full range of action in these cases, including the referral of whistleblower disclosures to agencies and the investigation and prosecution of related retaliation claims, where appropriate.
- Diversity, Outreach, and Training Unit. This unit facilitates coordination with and assistance to agencies in meeting the statutory mandate of 5 U.S.C. § 2302(c), which requires that agencies inform their workforces about whistleblower rights and remedies. The unit also provides external education and outreach sessions for the laws that OSC enforces, as well as develops and implements internal Equal Employment Opportunity and other skill-based training programs for OSC's staff.
- Office of General Counsel. This office provides legal advice regarding management, policy, and administrative matters, including FOIA, the Privacy Act, and the ethics programs. The office also defends OSC's interests in litigation filed against the agency.
- Administrative Services Division. This division manages OSC's budget and financial operations, and accomplishes the technical, analytical, and administrative needs of the agency. Component units include the Finance Branch, the Human Capital Office, the Administrative Services Office, and the Information Technology (IT) Branch.

An organizational chart for OSC may be found in Appendix E of this document.



## Strategic Planning Process

Congress requires that Executive Branch agencies develop and post strategic plans on their public websites. The strategic planning process offers an opportunity for an agency to reflect on its statutory mission and mandates, reassess prior goals and objectives, and identify new goals and objectives that will enable the agency to fulfill its mission and vision. This process—and the resulting strategic plan—also serves to notify Congress and stakeholders of major factors that may affect the agency’s ability to meet its statutory obligations.

In April 2016, Special Counsel Carolyn N. Lerner launched the strategic planning process for OSC. To be successful, this strategic planning effort sought input from OSC employees as well as key stakeholders from outside the agency. Accordingly, Ms. Lerner assembled a Strategic Planning Team that is diverse and representative of the entire agency to work on this project. She also tasked Associate Special Counsel Louis Lopez with leading the agency’s efforts to develop the new strategic plan. A full list of participants may be found in Appendix B.

This Strategic Planning Team met regularly over six-months to conduct an organizational review of OSC’s programs and services, and then identify new strategic goals, objectives, strategies, and metrics for the strategic plan. OSC also set up a page on its intranet to provide all agency personnel with information and to solicit feedback during the strategic planning process.

In August 2016, OSC posted a draft of the strategic plan on OSC’s intranet and external website for public comment by employees and stakeholders. The agency also delivered the draft strategic plan to OSC’s oversight and appropriations committees in Congress. OSC held meetings regarding the draft strategic plan with its employees, the Office of Management and Budget, staff from the agency’s congressional oversight and appropriations committees, and stakeholders.

OSC received 12 substantive comments from internal and external stakeholders in writing as well as during the scheduled meetings: five submissions from employees, and seven submissions from good government groups, a federal management association, a public sector union, and a private citizen. Comments that went beyond the scope of the draft strategic plan were reviewed and considered generally.

OSC received several comments regarding its investigation and prosecution functions. Some comments lauded OSC’s efforts to apply consistent standards of review and investigative procedure to our cases involving PPPs, the Hatch Act, and USERRA. Of course, OSC utilizes a different statutory scheme for agency investigations and reports of referred whistleblower disclosures. Generally, comments expressed support for OSC’s proposed working group charged with improving the efficiency of case handling procedures, including looking for ways to be more responsive to complainants and agency representatives during OSC’s investigation process. OSC has already undertaken some efforts in this area. For example, OSC currently obtains early resolution in appropriate cases without a formal referral from CEU to IPD and without a formal written settlement agreement (instead opting to memorialize these resolutions in letters to the parties). In its press releases, annual reports, and performance and accountability reports, OSC also provides case narratives showcasing the qualitative results in successful resolutions. OSC will engage stakeholders on how the agency can share more data and related case information in the future to provide a better context within which to evaluate its performance.



Some comments suggested OSC provide more information regarding its use of ADR and litigation to resolve cases. The agency currently provides mediation information on its website, during training and outreach presentations, and in meetings with parties interested in early dispute resolution of their cases. OSC also will soon release a video explaining how mediation fits into its overall case processing system. In the same vein, OSC—like most parties to legal disputes—seeks to resolve meritorious cases without resorting unnecessarily to lengthy, expensive, and protracted litigation. To balance its roles of effective enforcer of the merit system and efficient steward of taxpayer dollars, OSC will continue to look for strategic ways to enhance public enforcement and development of the law through publicized PPP reports, *amicus curiae* briefs filed with the MSPB and the federal courts, and litigation in cases that do not achieve voluntary resolution by the parties.

Some comments applauded OSC's efforts to expand training and outreach efforts nationwide, and offered specific suggestions for OSC's 2302(c) Certification Program. In response to the comments, OSC notes that it currently posts a list of 2302(c)-certified agencies on its website, which provides an incentive for agencies to provide the mandated training on whistleblower rights, including those related to scientific integrity. However, OSC has no authority to penalize agencies for non-compliance. OSC's current training and outreach programs also emphasize the important role that federal employees can play in reporting government waste, fraud, and abuse. If there are developments in the federal employee whistleblower laws, OSC will consider appropriate changes to its 2302(c) Certification Program. Finally, while OSC's training and outreach programs offer in-depth and interactive exercises to agencies, OSC looks forward to receiving ongoing feedback from stakeholders to evaluate and improve these efforts.

OSC also received several comments regarding its role of providing a safe channel to report government wrongdoing, primarily with respect to the timeliness of the process. OSC is striving to reduce the amount of time it takes between referral of whistleblower disclosures to an agency for investigation and the publication of the results of that investigation. Timeliness is difficult to assess in a standardized way because it depends on a variety of factors. For example, many whistleblower disclosures are complex and technical in nature and, by statute, whistleblowers may review and comment on the agency's report. Throughout the process, OSC communicates with the whistleblower and the agency and thoroughly analyzes the agency's report and the whistleblower's comments to ensure the agency's findings are reasonable and contain all of the required information. OSC will seek to continue to streamline the process without sacrificing quality and complete reports on referred whistleblower disclosures.

Finally, OSC received a limited number of comments regarding its internal operations and efforts at achieving organizational excellence. In response to these comments, the agency expanded its strategy to identify best practices from all agency programs, as opposed to only from certain ones. One submission suggested OSC consider having an ombudsperson to handle internal and external stakeholder disputes. In recent years, OSC has implemented several mechanisms to communicate better with employees, keep staff engaged, and resolve workplace disputes. These efforts have been well-received. In addition, OSC has been successful in working closely with external governmental and non-governmental stakeholders on the agency's work, including promptly responding to concerns brought to OSC's attention. Nevertheless, the agency will consider this recommendation as it moves forward with the implementation of the strategic plan.

On September 27, 2016, OSC's final strategic plan was approved by the Special Counsel. Implementation of the new strategic plan will begin October 1, 2016.

## Mission, Vision, Strategic Goals, and Core Values

**Mission:** *Safeguarding employee rights, holding government accountable.*

**Vision:** *Fair and effective government inspiring public confidence.*

### **Strategic Goals:**

- 1. Protect and promote the integrity and fairness of the federal workplace.**
- 2. Ensure government accountability.**
- 3. Achieve organizational excellence.**

OSC's Mission states: "Safeguarding Employee Rights, Holding Government Accountable." Strategic Goals 1 and 2, which focus on the agency's substantive program areas, work closely together to achieve a more responsible and merit-based federal government. Strategic Goal 3, which focuses on OSC's efforts to achieve organizational excellence, has the building blocks to make the agency a more agile, better-functioning organization. Collectively, all three Strategic Goals will help OSC to realize its Vision, which is "Fair and Effective Government Inspiring Public Confidence."

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**Core Values:** **Commitment:** *We are dedicated to seeking justice through the enforcement of laws that OSC is charged with prosecuting and to being a safe channel for whistleblowers.*

**Excellence:** *We foster a model workplace with respect for employees and stakeholders, and provide clear, high-quality, and timely work product in our programs and services.*

**Independence:** *We conduct our work free from outside influence. We act fairly and without bias to honor the merit system.*

**Integrity:** *We adhere to the highest legal, professional, and ethical standards to earn and maintain the public's trust.*

**Vigilance:** *We aim for proactive and constant improvement of both our own processes and of the merit system. We strive to identify innovative and effective ways to address and prevent government wrongdoing.*

## Strategic Goals, Objectives, Strategies, and Metrics

### **Strategic Goal 1 – Protect and promote the integrity and fairness of the federal workplace.**

Objective 1: Fairly and promptly investigate and prosecute cases.

Objective 2: Obtain timely and effective relief in cases.

*OSC faces an increasing number of cases each year, particularly from federal employees alleging whistleblower retaliation. To effectively remedy wrongs and hold agencies accountable, OSC will apply consistent standards of review and investigative procedure to each matter. Some cases will demand more time and resources than others, and will require a variety of investigative strategies and techniques to resolve. Applying broadly uniform procedures but handling each matter as the facts demand will allow OSC to remain efficient, fair, and effective. OSC will continue to use ADR and other dispute resolution methods to increase case-processing efficiency and better serve its stakeholders.*

#### Strategies:

- Handle cases in a fair and unbiased manner.
- Form working group to improve efficiency of case handling procedures.
- Maximize effective use of ADR and other resolution methods in cases.

#### Data Points and Metrics:

##### General

- Formation of working group to improve efficiency of case handling procedures in FY 2017, and reassess regularly.

##### PPP Enforcement

- Number of complaints received.
- Number/percent of whistleblower retaliation complaints received.
- Number/percent of whistleblower retaliation complaints closed within 240 days.
- Average age of complaints at closure.
- Number of complaints filed with MSPB.
- Number of successful prosecutions before MSPB.
- Number of informal stays obtained.
- Number of formal stays obtained.
- Number of complaints mediated.
- Number of complaints mediated resulting in settlement.
- Number of individual corrective actions obtained.
- Number of systemic corrective actions obtained.
- Number of disciplinary actions obtained.

##### Hatch Act Enforcement

- Number of complaints received.

- Number/percent of complaints closed within 240 days.
- Number of complaints filed with MSPB.
- Number of successful prosecutions before MSPB.
- Number of warning letters issued.
- Number of corrective actions obtained.
- Number of disciplinary actions obtained.

#### USERRA Enforcement

- Number of referrals received.
  - Number of merit referrals.
  - Number of non-merit referrals.
- Number/percent of referrals closed within 60 days.
- Number of offers of representation before MSPB.
- Number of corrective actions obtained (formally and informally).

#### Objective 3: Enhance strategic use of enforcement authority.

*As a small agency responsible for safeguarding the merit system in a broad sector of the federal community, OSC strives to maximize the impact of its enforcement actions and deter future violations. In addition to seeking corrective and/or disciplinary action for PPPs, Hatch Act, and USERRA complaints, OSC may issue PPP reports and provide technical assistance for policy and legislative changes affecting the laws it enforces. The WPEA also authorized OSC to file amicus curiae briefs in cases involving whistleblower rights and intervene in cases before the MSPB. OSC will use these authorities to advance its mission of safeguarding employee rights by educating the federal community, working for systemic changes, and helping shape and clarify the law.*

#### Strategies:

- Publish more PPP reports that serve educational purposes, as appropriate.
- Furnish expert technical assistance to aid governmental bodies with formulating policy and precedent.
- Collaborate and strategize with other agencies to make systemic improvements to the federal workplace.

#### Data Points and Metrics:

- Number of PPP reports published on website.
- Number of *amicus curiae* briefs and interventions filed.
- Number of inter-agency efforts involving systemic improvements to the federal workplace.

#### Objective 4: Provide timely and quality Hatch Act advisory opinions and guidance.

*OSC is in a unique position to provide Hatch Act advice to federal, D.C., state, and local employees and officials, as well as the general public. It is important for OSC to provide consistent, well-reasoned opinions in a timely fashion so that individuals can make appropriate decisions about their political activities. OSC*

*recognizes the importance of revising and updating the Hatch Act regulations and will continue to pursue its efforts to partner with OPM, the agency responsible for promulgating the regulations, to achieve this goal.*

Strategies:

- Provide timely and appropriate Hatch Act advice and information.
- Work closely with OPM to revise the Hatch Act regulations.

Data Points and Metrics:

- Number/percent of informal telephonic advisory opinions issued within 3 days of inquiry.
- Number/percent of informal email advisory opinions issued within 5 days of inquiry.
- Number/percent of formal written advisory opinions issued within 60 days of inquiry.
- Revised Hatch Act regulations by FY 2018.

Objective 5: Expand training and outreach efforts nationwide.

*OSC is well-suited to safeguard employee rights by educating the federal community and others about PPPs, whistleblower disclosures, the Hatch Act, and USERRA through its training and outreach programs. Since 2002, OSC has had a formal program to ensure compliance with 5 U.S.C. § 2302(c), which requires federal agencies to inform employees about their rights and remedies under the whistleblower protections and related laws. In 2014, the White House mandated that federal agencies become section 2302(c)-certified. OSC also has longstanding training programs on the Hatch Act and USERRA, as well as resources available through its website. While many agencies in the Washington, D.C., area have received OSC training and certification, OSC will endeavor to expand its efforts nationwide to better reach agencies and components that may have less familiarity with the whistleblower protections and other laws that OSC enforces. OSC will also monitor, evaluate, and reassess the effectiveness of its training and outreach activities.*

Strategies:

- Increase awareness of, and provide expert technical assistance to agencies/components on, the 2302(c) Certification Program and other OSC-related training needs.
- Develop procedures to facilitate registration, certification, and recertification rates of agencies/components under the 2302(c) Certification Program.
- Certify and recertify more agencies/components through the 2302(c) Certification Program.
- Create training and outreach plan to reach agencies beyond the Washington, D.C., area.
- Collaborate with agencies to develop OSC-related web-based and other training, e.g., advanced training quiz, topical videos, etc.
- Improve methods to survey effectiveness of training and outreach activities.

Data Points and Metrics:

- Number of agencies/components contacted regarding the 2302(c) Certification Program.
- Number of agencies/components registered for the 2302(c) Certification Program.
- Number of agencies/components certified and recertified for the 2302(c) Certification Program.
- Average time for agencies/components to complete the certification after registration for the 2302(c) Certification Program.
- Number of training and outreach activities, broken down by program area and geographic location.

- Methods to survey effectiveness of training and outreach activities by FY 2017, and reassess regularly.

Objective 6: Effectively and innovatively communicate with stakeholders and the public.

*OSC understands the necessity of effectively communicating with stakeholders and the general public about its efforts to safeguard employee rights and hold the government accountable. By appropriately publicizing enforcement outcomes through traditional and non-traditional media, OSC can help to educate the federal workforce about their rights and responsibilities and deter future wrongdoing. OSC will use a wide variety of communication methods to disseminate timely, accurate information and will provide regular opportunities for input, feedback, and collaboration from stakeholders.*

Strategies:

- Issue press releases on major activities and key developments.
- Increase use of digital media as appropriate (e.g., website, social media, listservs, infographics, webinars, etc.).
- Enhance coordination with governmental and non-governmental stakeholder groups.
- Develop proposal for the establishment of a regularly-held conference on whistleblowing in the federal workplace.

Data Points and Metrics:

- Number of press releases issued.
- Types and frequency of digital media used to share information.
- Number of meetings with stakeholder groups.
- Proposal for the establishment of a regularly-held conference on whistleblowing in the federal workplace by FY 2017, and reassess regularly.

## Strategic Goal 2 – Ensure government accountability.

### Objective 1: Provide employees with an effective and efficient safe channel to report government wrongdoing.

*OSC promotes government accountability, integrity, and efficiency by providing a safe channel for federal employees to come forward with evidence of waste, fraud, abuse, law-breaking, or threats to public health or safety. With an overall increasing trend in the number of whistleblower disclosures for the last five years, OSC must continue to ensure that this safe channel remains confidential, secure, and effective in promoting change and accountability. OSC is currently developing a new and dynamic combined form for reporting government wrongdoing, whistleblower retaliation and other PPPs, and Hatch Act violations. The form is designed to be confidential, secure, and convenient for the user. It can be downloaded and completed privately. It may be submitted electronically and immediately routed and processed. And the user need not establish an account. OSC will work vigorously to review and assess the whistleblower reporting experience to ensure that, by providing a safe channel for whistleblowers and their disclosures, OSC can better ensure government accountability.*

#### Strategies:

- Implement new electronic complaint/disclosure form.
- Form working group aimed at developing actionable methods to assess and improve whistleblower reporting experiences.

#### Data Points and Metrics:

- New electronic complaint/disclosure form by FY 2017, and refine as appropriate.
- Number of whistleblower disclosures.
- Number/percent of whistleblower disclosures that also allege related retaliation.
- Number/percent of whistleblower disclosures referred to agencies for investigation.
- Working group for assessment and improvement of whistleblower reporting experiences (including use of new electronic form) by FY 2017, and reassess regularly.

### Objective 2: Ensure agencies provide timely and appropriate outcomes for referred whistleblower disclosures.

*OSC returns substantial sums to the federal government by pressing for appropriate action to remedy waste and fraud disclosed by whistleblowers. Through its oversight of agency reports on referred whistleblower disclosures, OSC uncovers individual and systemic violations of federal law and evaluates the reasonableness of agency responses, encourages cost savings occasioned by the identification and cessation of government waste, and resolves serious health and safety threats. A key objective is to improve the timeliness and outcomes of agency reports. OSC will improve communication with agencies concerning their statutorily-mandated reports, including their content and timeliness, as well as seek alternative resolutions of whistleblower disclosures.*

#### Strategies:



- Engage agencies in the development of effective investigation plans of referred whistleblower disclosures.
- Maintain communications with agencies before, during, and after agencies' investigations of referred whistleblower disclosures, as appropriate.
- Provide alternate means to achieve resolutions of whistleblower disclosures.
- Expand efforts to capture scope of benefits to government resulting from outcomes of whistleblower disclosures.
- Monitor all whistleblower disclosures and referrals to agencies to identify trends or systemic challenges.

Data Points and Metrics:

- Percentage of referred whistleblower disclosures that are substantiated by agencies.
- Number of favorable outcomes—both corrective and disciplinary actions—achieved through formal and informal resolution of whistleblower disclosures.
- Timeliness of OSC's communication to the President and Congress after receiving an agency investigation report and whistleblower's comments.
- Implementation of measurement to capture scope of benefits to government resulting from outcomes of whistleblower disclosures, such as significant changes to agency operations to promote safety or security and/or tax dollars saved or recovered, by FY 2017, and reassess regularly.

Objective 3: Enhance awareness of outcomes of referred whistleblower disclosures.

*For OSC's work to have the greatest impact on federal government operations, particularly in cases involving systemic abuses or practices likely to occur across government agencies, it must have a robust and continuous presence within the federal community and before the general public. OSC's public reporting requirements for investigated whistleblower disclosures make it even more imperative that federal employees, taxpayers, and other stakeholders have prompt, accurate, and easy access to information about referred whistleblower disclosures. The implementation of a variety of new technologies offers the agency the opportunity to more effectively disseminate information about the financial and other qualitative benefits to the government from the outcomes of referred whistleblower disclosures, thus ensuring accountability broadly throughout the government.*

Strategies:

- Revamp online public file of whistleblower disclosures on website.
- Increase dissemination of favorable outcomes of whistleblower disclosures via press releases, social media, etc.
- Enhance training and outreach aimed at increasing awareness and deterrence of underlying government wrongdoing.
- Develop plan to enhance the profile of OSC's Public Servant Award.

Data Points and Metrics:

- Revamped online public file of whistleblower disclosure cases on website by FY 2017, and reassess regularly.



- Number of times that favorable outcomes of whistleblower disclosures are disseminated via press releases, social media, etc.
- Number of training and outreach events that address whistleblower disclosures.
- Plan to enhance the profile of OSC’s Public Servant Award by FY 2017, and reassess regularly.

**Strategic Goal 3 – Achieve organizational excellence.**

Objective 1: Recruit, develop, and retain a highly talented, engaged, and diverse workforce.

*To accomplish its mission with excellence, OSC must use targeted recruitment methods that attract talented employees who believe in the work of the agency. A diverse workforce from various backgrounds will help OSC tackle problems from different perspectives and find optimal solutions. OSC is committed to retaining this skilled and diverse workforce through work-life balance strategies, career and skills development, cross-training, recognition of strong performance, and other initiatives that will keep employees engaged and equip them to achieve the mission.*

Strategies:

- Create and maintain a Human Capital Plan that includes effective recruitment strategies for attracting talent from diverse sources and appropriate succession planning.
- Establish an Honors Program for hiring attorneys from law schools or clerkships.
- Improve and standardize new employee initial onboarding processes, as appropriate.
- Create and maintain a staff training plan for all employees that regularly assesses training needs and delivers training programs.
- Implement a voluntary mentorship program.
- Continue to facilitate internal cross-training opportunities through details, rotations, reassignments, and other tools aimed at ensuring that the agency remains agile and responsive to changing organizational needs, and that staff develop professionally within the agency.
- Continue to increase employee engagement efforts through Employee Engagement Working Group, Federal Employee Viewpoint Survey participation and analysis, consistent communication, and effective recognition of staff performance.
- Continue to emphasize work/life balance and other related benefits.

Data Points and Metrics:

- Human Capital Plan by FY 2017, and reassess regularly.
- Honors Program by FY 2017, and reassess regularly.
- Improved and standardized onboarding process by FY 2017, and reassess regularly.
- Staff training plan by FY 2017, and reassess regularly.
- Mentorship program by FY 2017, and reassess regularly.
- Ongoing internal cross-training opportunities, and reassess regularly.
- Ongoing employee engagement efforts, and reassess regularly.
- Ongoing work/life balance and other related benefits, and reassess regularly.

Objective 2: Improve the use of existing technology and deploy new IT systems to enhance organizational operations.

*OSC will be a good steward of taxpayer dollars through the strategic use of IT systems to help the agency better accomplish its mission. OSC will regularly assess the needs of its stakeholders and employees, and in response will employ cutting-edge information technology solutions to improve efficiency and the stakeholder experience. OSC will deploy mobile access to network programs in compliance with directives that move the government toward a virtual work environment, while ensuring continuity of operations in times of work interruption and providing greater flexibility to employees. OSC will also employ IT security solutions to safeguard its information systems with the purpose of protecting the privacy of employees and those seeking assistance from OSC.*

Strategies:

- Identify, procure, and deploy commercial off-the-shelf IT solutions to meet the agency's needs.
- Assess and address on a continual basis the IT needs of staff and customers.
- Recruit and retain highly-skilled IT experts.
- Provide excellent IT customer service.
- Assess effectiveness of IT services and respond to stakeholder needs.

Data Points and Metrics:

- Transition to electronic case management system by FY 2017, and reassess regularly.
- 100% deployment of mobile access to network program resources by FY 2017, and reassess regularly.
- 100% data encryption by FY 2017, and reassess regularly.
- Ongoing semi-annual assessment of IT needs, and reassess regularly.
- Ongoing semi-annual assessment of the effectiveness of IT services, and reassess regularly.
- Ongoing maintenance of IT staff of 5% of agency work force, and reassess regularly.

Objective 3: Monitor, evaluate, and improve efficiency and effectiveness of programs and processes.

*While OSC is a small agency, it takes complaints from throughout the federal government; it handles cases from all over the country; and its authority to act derives from several different federal statutes. OSC will undertake a comprehensive and transparent evaluation of the most efficient approach for safeguarding employee rights and holding the government accountable. The evaluation will identify best practices and areas of improvement. This will be part of a vigilant process of continual evaluation of OSC's existing program areas and new programs to ensure the most effective delivery of services. To accomplish these goals, OSC will give federal employees and other stakeholders a greater opportunity to provide input into shaping its work.*

Strategies:

- Create and execute an institutional approach to evaluate OSC's programs and processes, including special projects and initiatives, to identify best practices and areas of improvement.
- Implement best practices and address areas of improvement identified in evaluations of OSC's programs and processes.
- Initiate an enhanced method for determining customer satisfaction with OSC's programs and processes, and evaluate data to improve efficiency and effectiveness.

Data Points and Metrics:

- Creation and implementation of institutional approach to evaluate programs and processes by FY 2017, and reassess regularly.
- Completion of first evaluation of program(s) or process(es) to identify best practices and areas of improvement by FY 2018, and proceed with evaluation of additional programs and processes regularly thereafter.
- Implementation of best practices and responses to areas of improvement identified in first evaluation of program(s) or process(es) by FY 2019, and reassess regularly.
- Enhanced method for determining customer satisfaction with programs and processes by FY 2017, and reassess regularly.
- Evaluation and use of customer satisfaction data to improve efficiency and effectiveness of programs and processes by FY 2018, and reassess regularly.

## **Factors Affecting Achievement of Strategic Plan**

While OSC is committed to achieving its mission and vision, there are internal and external factors that will likely affect the agency's ability to achieve all of the goals and objectives in this strategic plan. The primary issues of concern revolve around persistent budget uncertainty, a steadily increasing workload, and significant technological challenges. For a small-sized, resource-constrained agency with a substantial mandate to safeguard employee rights and hold government accountable, these factors can present serious challenges to fulfilling OSC's important statutory obligations.

Historically, OSC has had limited funding to effectively execute its mission and support functions. The agency has had to make difficult choices to ensure that it balances its investigative and prosecution responsibilities with the training and outreach efforts critical to deterring whistleblower retaliation and other unlawful practices. In FY 2015, OSC's caseload hit an all-time high, surpassing 6,000 new matters for the first time in agency history. The dramatic rise was driven by restored confidence in OSC's ability to safeguard the merit system. OSC's continuing success in achieving favorable results through mediation and negotiation, particularly in high-priority matters, also contributed to the increased number of complaints filed. With an expected surge in Hatch Act complaints driven by the midterm elections as well as the early commencement of the presidential election cycle, OSC anticipates continued growth in its caseload. Budget uncertainty remains a significant challenge to OSC's ability to carry out its myriad responsibilities.

In response to these funding challenges and rising caseloads, OSC must carefully prioritize and allocate resources to remain efficient, fair, and effective in maintaining the high levels of success it has achieved in recent years. Accordingly, the agency is putting into place long-term plans to improve the efficiency of case handling procedures; is being proactive, seeking early resolution of cases through stepped up ADR and settlement efforts; is implementing innovative approaches to achieve efficiencies in cases involving both whistleblower disclosures and related retaliation claims; and is improving cross-training of staff. A better funded and more efficient OSC will result in greater cost-saving and more effective accountability throughout government.

Additionally, OSC has had limited ability to invest in, but increased need for, long-term improvements in technology. OSC will be called upon to ensure that the technological environment in which it conducts its work is modern and secure. By proactively assessing the information security needs and the technological requirements of employees and stakeholders, OSC plans to improve efficiency, security, and the customer experience. Continuous assessment of information technology requisites against available resources will help ensure that OSC achieves organizational excellence despite these challenges.

While OSC's establishment as an independent government oversight agency insulates it from political influences on its work, transitions in administration and leadership throughout the federal government will necessarily impact OSC's ability to safeguard employee rights and hold the government accountable. Specifically, staffing changes at all levels in the agencies over which OSC has jurisdiction will require that OSC remain agile and focused on honoring the merit system fairly and without bias. These challenges will require that OSC continue to prioritize education and outreach, and to highlight cases with significant educational value or that promote accountability. Through these efforts, OSC can improve the culture within the federal government and remain a steady accountability and transparency presence that can withstand administration and leadership changes.

OSC's strategic plan contemplates confronting all of these challenges directly over the next few years to ensure its success. And when OSC succeeds, good government and the general public are the real winners.

# **APPENDIX B: PERFORMANCE SECTION, FY 2017 – FY 2022**

## **I. FY 2017-2022 Strategic Plan and Corresponding Goals**

The Performance Section presents detailed information on the annual performance results of programs related to OSC’s primary statutory enforcement responsibilities.

OSC developed a new Strategic Plan that became effective in FY 2017. According to the Strategic Plan, OSC’s mission is to safeguard employee rights and hold government accountable. To do so, OSC identified three overarching strategic goals:

- (1) Protect and promote the integrity and fairness of the federal workplace.
- (2) Ensure government accountability.
- (3) Achieve organizational excellence.

Each goal has three to six specific objectives aimed at implementing the larger strategic goals. Each objective, in turn, relates to one of OSC’s enforcement authorities or programs or improving OSC as an organization. Specific performance metrics are provided to measure OSC’s success in the identified areas. A complete copy of OSC’s Strategic Plan for FY 2017 – FY 2022 can be found in Appendix I.

Below are OSC’s performance results showing the agency’s results against the targets in our Strategic Plan. In some cases—particularly for new or revised metrics—OSC needs to establish a baseline of data in order to set realistic targets for future years. Some items on the table are indicated as data points to assist in showing data trends as they impact performance outcomes. Data points are not performance metrics as OSC does not control the outcomes.

Below are Goal Tables listing each of OSC’s Performance Measures for the FY 2022 goals. The metrics they contain correspond to the appropriate Budget-Related Goals. Several of the metrics have explanatory notes that follow the Goal Tables, and these notes are assigned the same number that correspond to its respective metric number listed in the table.

In FY 2022, OSC successfully met or partially met 55 out of 66 goals, or 83 percent of its goals this year. This is a successful performance for OSC in FY 2022, as the agency achieved these results amidst difficult circumstances. For instance, these results were achieved by OSC, despite the continued pandemic, which drastically altered the operations of federal agencies and departments, including that of OSC, for the entire fiscal year. Further, OSC achieved these results in FY 2022, despite the MSPB not having a quorum to render decisions on important cases until about halfway through FY 2022, which impacted OSC’s ability to fully meet some of its goal targets.

## **II. Strategic Goal 1, Tables 1-5 – Protect and promote the integrity and fairness of the federal workplace.**

Strategic Goal 1 has six objectives:

- Objective 1: Fairly and promptly investigate and prosecute cases.
- Objective 2: Obtain timely and effective relief in cases.

- Objective 3: Enhance strategic use of enforcement authority.
- Objective 4: Provide timely and high-quality Hatch Act advisory opinions and guidance.
- Objective 5: Expand training and outreach efforts nationwide.
- Objective 6: Effectively and innovatively communicate with stakeholders and the public.

**Goal Tables 1A, 1B, and 1C** relate to the first two objectives regarding OSC’s investigations of alleged PPPs, Hatch Act violations, and USERRA complaints, respectively.

- A. Goal Table 1A** details the data points and performance metrics for OSC’s work investigating, litigating, and resolving PPP complaints. In FY 2022, OSC met ten out of ten goals.

Upon the creation of OSC’s Strategic Plan in FY 2017, the agency contemplated a standing working group designed to improve efficiency in handling the various case types OSC receives, such as PPP cases, Whistleblower Disclosure cases, Hatch Act cases, and USERRA cases. This working group was given a broad mandate to review intake, workflow, investigative, prosecutive, and resolution processes within each of OSC’s units that receive cases. The working group initially focused on finding efficiencies in the processes involved in handling PPP cases. The group gathered data on OSC efficiency and effectiveness in the several years prior to their review and identified innovation that correlated with improved efficiencies. The working group also considered both internal and external factors, including OSC statistical data on workload and performance, organizational and operational changes, leadership, budget, public perception, and legislative changes. OSC used the working group’s findings to reorganize several of the agency’s units in FY 2019. This reorganization has already resulted in increased efficiency for OSC when processing PPP cases.

After completing the review of PPP case processing procedures, the working group split into several working groups, which are now tasked with reviewing the work processes related to handling the other case types that OSC receives. The work of these newly formed working groups is currently ongoing, and OSC expects to receive the benefit of increased efficiency related to the processing of the agency’s other case types in future years.

**Goal Table 1A: Goals 1-14**  
**Goal 1 - Protect and promote the integrity and fairness of the federal workplace**  
**Objective 1: Fairly and promptly investigate and prosecute cases**  
**Objective 2: Obtain timely and effective relief in cases**

Description of Target		FY 2018 Target	FY 2018 Result	FY 2019 Target	FY 2019 Result	FY 2020 Target	FY 2020 Result	FY 2021 Target	FY 2021 Result	FY 2022 Target	FY 2022 Result
1	Formation of working group to improve efficiency of case handling procedures in FY 2017, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met
2	Number of PPP complaints received	Data-point	4,112	Data-point	3,824	Data-point	2,829	Data-point	2,304	Data-point	2,287
3	Number of whistleblower	Data-point	1,861	Data-point	1,925	Data-point	2,073	Data-point	1,675	Data-point	1,663



	retaliation complaints received										
4	Number of whistleblower retaliation complaints closed within 240 days	Baseline	1,667	Baseline	1,917	Baseline	1,773	Baseline	1,371	Data-point	1,338
5	Average age of PPP complaints at closure	Baseline	166	Baseline	142.97	Baseline	166.79	Baseline	177.01	Baseline	190.7
6	Number of PPP complaints filed with MSPB	1	1	1	0	1	0	1	0	1	2
7	Number of successful PPP prosecutions before MSPB	1	0	1	0	1	0	1	0	1	1
8	Number of PPP complaints mediated	33	29	33	37	33	30	33	29	30	32
9	Number of PPP complaints mediated resulting in settlement	20	22	20	24	20	23	20	17 <sup>9</sup>	20	27
10	Number of informal stays obtained	25	47	25	29	25	53	25	38	25	39
11	Number of formal stays and related extensions obtained	4	12	8	2	8	0	0	0	0	4
12	Total favorable PPP actions <sup>12</sup>	206	309	206	211	275	398	206	393	215	417
13	Number of systemic corrective actions obtained	30	57	32	60	32	72	45	83	45	88
14	Number of disciplinary actions obtained	15	19	15	27	15	13	15	33	15	37

**Goal Table 1A Explanatory Notes**

<sup>9</sup>: One case was closed in the ADR unit, meaning that after discussion with ADR, the respective party withdrew his/her case.

<sup>12</sup>: This metric was revised in OSC’s Strategic Plan to reflect the number of individual corrective actions obtained, instead of total favorable PPP actions. This is reflected in the results for FY 2019, as well as the targets for FY 2021 and FY 2022.

**B. Goal Table 1B** details the data points and performance metrics for OSC’s work investigating, litigating, and resolving Hatch Act complaints. OSC met five out of six goals in FY 2022.

### Goal Table 1B: Goals 15-21

#### Goal 1: Protect and promote the integrity and fairness of the federal workplace

##### Objective 1: Fairly and promptly investigate and prosecute cases

##### Objective 2: Obtain timely and effective relief in cases

Description of Target		FY 2018 Target	FY 2018 Result	FY 2019 Target	FY 2019 Result	FY 2020 Target	FY 2020 Result	FY 2021 Target	FY 2021 Result	FY 2022 Target	FY 2022 Result
15	Number of Hatch Act complaints received	Data-point	263	Data-point	281	Data-point	440	Data-point	289	Data-point	224
16	Percent of Hatch Act complaints closed within 240 days	Baseline	65%	Baseline	75%	60%	83%	65%	75%	65%	50%
17	Number of Hatch Act complaints filed with MSPB	1	3	1	0	1	4	1	3	1	5
18	Percent of successful Hatch Act prosecutions before MSPB	100%	100%	100%	N/A	100%	100%	100%	100%	100%	100%
19	Number of Hatch Act warning letters issued	20	49	22	49	25	34	25	62	25	73
20	Number of corrective actions obtained	10	10	10	11	10	11	10	4	10	22
21	Number of disciplinary actions obtained	5	6	5	5	5	8	5	7	5	8

C. **Goal Table 1C** details the data points and performance metrics for OSC’s work investigating, litigating, and resolving USERRA complaints. During FY 2022, OSC met two out of six metrics. OSC completed 87 percent of USERRA legal reviews within 60 days and obtained three corrective actions.

### Goal Table 1C: Goals 22-27

#### Goal 1: Protect and promote the integrity and fairness of the federal workplace

##### Objective 1: Fairly and promptly investigate and prosecute cases

##### Objective 2: Obtain timely and effective relief in cases

Description of Target		FY 2018 Target	FY 2018 Result	FY 2019 Target	FY 2019 Result	FY 2020 Target	FY 2020 Result	FY 2021 Target	FY 2021 Result	FY 2022 Target	FY 2022 Result
22	Number of USERRA referrals received	Data-point	25	Data-point	21	Data-point	24	Data-point	19	25	19

23	Number of USERRA merit referrals	Data-point	4	Data-point	6	Data-point	3	Data-point	4	5	3
24	Number of USERRA non-merit referrals	Data-point	21	Data-point	15	Data-point	21	Data-point	15	20	16
25	Percent of USERRA referrals closed within 60 days	80%	86%	75%	83%	80%	87%	80%	88%	80%	87%
26	Number of USERRA offers of representation before MSPB	1	1	1	0	1	0	1	1	1	0
27	Number of USERRA corrective actions obtained (formally and informally)	3	3	3	3	3	3	3	0	3	3

D. **Goal Table 2** details OSC’s efforts to enhance its strategic enforcement authority, as it relates to the third objective under Strategic Goal 1. OSC met three out of three goals in FY 2022.

<b>Goal Table 2</b>											
<b>Goal 1: Protect and promote the integrity and fairness of the federal workplace</b>											
<b>Objective 3: Enhance strategic use of enforcement authority</b>											
<b>Description of Target</b>		<b>FY 2018 Target</b>	<b>FY 2018 Result</b>	<b>FY 2019 Target</b>	<b>FY 2019 Result</b>	<b>FY 2020 Target</b>	<b>FY 2020 Result</b>	<b>FY 2021 Target</b>	<b>FY 2021 Result</b>	<b>FY 2022 Target</b>	<b>FY 2022 Result</b>
28	Number of PPP reports published on website	2	2	2	2	2	4	2	2	2	2
29	Number of amicus curiae briefs and interventions filed	2	5	2	2	2	2	2	1	2	5
30	Number of inter-agency efforts involving systemic improvements to the federal workplace	4	10	4	15	4	10	8	24	8	36

E. **Goal Table 3** details the Hatch Act advisory opinions provided by OSC, pursuant to OSC’s fourth objective under Strategic Goal 1. In FY 2022, OSC met or partially met three out of four goals.

### Goal Table 3

#### Goal 1: Protect and promote the integrity and fairness of the federal workplace

##### Objective 4: Provide timely and quality Hatch Act advisory opinions and guidance

Description of Target		FY 2018 Target	FY 2018 Result	FY 2019 Target	FY 2019 Result	FY 2020 Target	FY 2020 Result	FY 2021 Target	FY 2021 Result	FY 2022 Target	FY 2022 Result
31	Number/percent of informal telephonic advisory opinions issued within 3 days of inquiry	Baseline	100%	Baseline	97%	98%	100%	98%	99%	98%	99%
32	Percent of informal email advisory opinions issued within 5 days of inquiry	95%	99.9%	95%	87%	98%	97%	95%	100%	95%	97%
33	Number/percent of formal written advisory opinions issued within 60 days of inquiry	Baseline	89%	Baseline	83%	75%	85%	75%	64%	75%	68%
34	Revised Hatch Act regulations by FY 2018	Met	Partially Met	Met	Partially Met	Met	Partially Met	Met	Partially Met	Met	Partially Met

F. **Goal Table 4** details OSC’s training and outreach efforts pursuant to OSC’s fifth objective under Strategic Goal 1. OSC met five out of six goals in FY 2022.

### Goal Table 4

#### Goal 1: Protect and promote the integrity and fairness of the federal workplace

##### Objective 5: Expand training and outreach efforts nationwide

Description of Target		FY 2018 Target	FY 2018 Result	FY 2019 Target	FY 2019 Result	FY 2020 Target	FY 2020 Result	FY 2021 Target	FY 2021 Result	FY 2022 Target	FY 2022 Result
35	Number of agencies /compo	35	164	70	165	100	160	140	140	140	140

	nents contacted regarding the 2302(c) Certification Program										
<b>36</b>	Number of agencies /components registered for the 2302(c) Certification Program	Baseline	21	20	33	15	24	15	15	15	39
<b>37</b>	Number of agencies /components certified and recertified for the 2302(c) Certification Program	Baseline	23	20	24	15	26	15	19	10	13 <sup>37</sup>
<b>38</b>	Average time for agencies /components to complete the certification after registration for the 2302(c) Certification Program	6 months	10.17 months	9 months	9.55 months	8 months	10 months	9 months	11 months	10 months	<1 month <sup>38</sup>
<b>39</b>	Number of training and	Baseline	198	150	188	165	207	165	178	130	123 <sup>39</sup>

	outreach activities, broken down by program area and geographic location										
40	Methods to survey effectiveness of training and outreach activities by FY 2017, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met

**Goal Table 4 Explanatory Notes**

<sup>37</sup>: Number of agencies and agency components certifying/recertifying for the Section 2302(c) Certification Program will vary in response to the three-year recertification cycle. For example, due to increased certifications in FY 2019 and FY 2020, a smaller number of agencies were due for recertification in FY 2021 and FY 2022, based on the three-year cycle.

<sup>38</sup>: This figure reflects an agency trend to fill out the registration form on the same date they fill in the compliance form. OSC then certifies the agency that same month. We have deleted this metric from future reporting because agencies are not filling out the registration form when they begin the certification process. And thus, the figure is not useful to track.

<sup>39</sup>: Number of trainings will increase and decrease in each fiscal year based on a number of factors, including, for instance, (1) the almost 75 percent increase in Hatch Act trainings we have observed during election years; and (2) an increase in Section 2302(c) trainings based on years in which a higher percentage of agencies are due for recertification at the end of the three-year cycle, creating a “lumpy forecast.” Despite the cessation of all in-person training due to COVID-19, OSC was able to continue implementing a significant transformation to meet the needs of this virtual environment and transition all OSC training to virtual training.

Program Area	Total	Outside Beltway*
PPP**	67	2
HA	33	2
DU***	20	0
USERRA	1	0
ADR	2	0

\*Almost the entire year of training was conducted virtually. Thus, most employees taking the training were located across the country and overseas.

\*\*Some PPP trainings are held in conjunction with the annual statutory training and counted separately.

\*\*\*Most whistleblower disclosure trainings (DU) are held in conjunction with PPP trainings and counted separately.

- G. Goal Table 5** details OSC’s communications with stakeholders and the public, consistent with the sixth objective under Strategic Goal 1. OSC met three out of four goals in FY 2022. OSC issued a total of 13 press releases in FY 2022.

<b>Goal Table 5</b>											
<b>Goal 1: Protect and promote the integrity and fairness of the federal workplace</b>											
<b>Objective 6: Effectively and innovatively communicate with stakeholders and the public</b>											
<b>Description of Target</b>		<b>FY 2018 Target</b>	<b>FY 2018 Result</b>	<b>FY 2019 Target</b>	<b>FY 2019 Result</b>	<b>FY 2020 Target</b>	<b>FY 2020 Result</b>	<b>FY 2021 Target</b>	<b>FY 2021 Result</b>	<b>FY 2022 Target</b>	<b>FY 2022 Result</b>
<b>41</b>	Number of press releases issued	25	46	40	18	40	27	30	23	30	13
<b>42</b>	Types and frequency of digital media used to share information	275	211	275	221	275	327	275	363	250	258
<b>43</b>	Number of meetings with stakeholder groups	4	52	10	56	10	54	30	49 <sup>43</sup>	30	40
<b>44</b>	Proposal for the establishment of a regularly-held conference on whistleblowing in the federal workplace by FY 2017, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met

**Goal Table 5 Explanatory Notes**

<sup>43</sup>: In FY 2022, OSC had 40 meetings with stakeholder groups, including the following:

- 6 meetings for general OSC outreach
- 30 meetings with congressional staff and representatives
- 4 meetings with agency officials, including secretaries and general counsels

**III. Strategic Goal 2, Goal Tables 6-8 – Ensure government accountability.**

Strategic Goal 2 has three objectives:

Objective 1: Provide employees with an effective and efficient safe channel to report government wrongdoing.

Objective 2: Ensure agencies provide timely and appropriate outcomes for referred whistleblower disclosures.

Objective 3: Enhance awareness of outcomes of referred whistleblower disclosures.



These objectives directly relate to OSC’s investigations of whistleblower disclosures. Like prior fiscal years, OSC continues to receive significant numbers of new disclosures. OSC will continue its commitment to providing a safe, confidential channel for federal employees to report evidence of fraud, waste, abuse, or threats to public safety. OSC developed and deployed a new electronic filing form in FY 2019 that is designed to improve convenience and enhance the whistleblower reporting experience.

**A. Goal Table 6** relates to the first objective under Strategic Goal 2 and details OSC’s efforts to ensure government accountability by providing a safe, confidential and secure reporting channel for stakeholders and the public. In FY 2022, OSC received 928 new whistleblower disclosures. OSC met two out of three goals in FY 2022.

<b>Goal Table 6</b>											
<b>Goal 2: Ensure government accountability</b>											
<b>Objective 1: Provide employees with an effective and efficient safe channel to report government wrongdoing</b>											
<b>Description of Target</b>		<b>FY 2018 Target</b>	<b>FY 2018 Result</b>	<b>FY 2019 Target</b>	<b>FY 2019 Result</b>	<b>FY 2020 Target</b>	<b>FY 2020 Result</b>	<b>FY 2021 Target</b>	<b>FY 2021 Result</b>	<b>FY 2022 Target</b>	<b>FY 2022 Result</b>
<b>45</b>	New electronic form by FY 2017, and refine as appropriate	Met	Not Met	Met	Met <sup>45</sup>	Met	Met	Met	Met	Met	Met
<b>46</b>	Number of whistleblower disclosures received	Data-point	1,554	Data-point	1,374	Data-point	1,160	Data-point	906	Data-point	928
<b>47</b>	Number of whistleblower disclosures that also allege related retaliation	Data-point	492	Data-point	N/A <sup>47</sup>	Data-point	330	Data-point	285	Data-point	237
<b>48</b>	Number of whistleblower disclosures referred to agencies for investigation	50	139 formal/ 22 informal	50	72 formal/ 59 informal	75	81 formal/ 52 informal	70	65 formal/ 43 informal	70	27 formal/32 informal
<b>49</b>	Working group for assessment and improvement of whistleblower reporting experiences (including use of new electronic form) by FY 2017, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met

**Goal Table 6 Explanatory Notes**

<sup>45</sup>: New electronic form was implemented in FY 2019.

<sup>47</sup>: As noted at the beginning of the Performance Section, because of the implementation of OSC’s new electronic case management system (eCMS) in the 4<sup>th</sup> quarter of FY 2019, some data cannot be reported on at this time. OSC is working diligently to solidify its eCMS reporting capability and will report on this data at the next available opportunity.

**A. Goal Table 7** relates to the second objective under Strategic Goal 2 and details OSC’s efforts to ensure government accountability by providing timely and appropriate outcomes for referred whistleblower disclosures. For Goal Table 7, OSC met its one goal in FY 2022.

## Goal Table 7

### Goal 2: Ensure government accountability

#### Objective 2: Ensure agencies provide timely and appropriate outcomes for referred whistleblower disclosures

Description of Target	FY 2018 Target	FY 2018 Result	FY 2019 Target	FY 2019 Result	FY 2020 Target	FY 2020 Result	FY 2021 Target	FY 2021 Result	FY 2022 Target	FY 2022 Result
<b>50</b> Percentage of referred whistleblower disclosures that are substantiated by agencies	Data-point	76% formal / 46% informal	Data-point	N/A <sup>50</sup>	Data-point	71% formal/63% informal	Data-point	70% formal /62% informal	Data-point	61% formal /54% informal
<b>51</b> Number of cases with favorable outcomes— both corrective and disciplinary actions— achieved through formal and informal resolution of whistleblower disclosures	Baseline	6 disciplinary / 47 corrective	Baseline	16 disciplinary / 72 corrective	Baseline	16 disciplinary / 104 corrective	Baseline	20 disciplinary/ 94 corrective	Baseline	9 disciplinary/92 corrective <sup>51</sup>
<b>52</b> Timeliness of OSC’s communication to the President and Congress after receiving an agency investigation report and whistleblower’s comments	Baseline	71 days	Baseline	116 days	Baseline	162 days	Baseline	101 days	Baseline	100.2 days
<b>53</b> Implementation of measurement	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met

t to capture scope of benefits to government resulting from outcomes of whistleblower disclosures, such as significant changes to agency operations to promote safety or security and/or tax dollars saved or recovered, by FY 2017, and reassess regularly											
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**Goal Table 7 Explanatory Notes**

<sup>50</sup>: Because of the implementation of OSC’s new electronic case management system (eCMS) in the fourth quarter of FY 2019, some FY 2019 data could not be reported on at that time.

<sup>51</sup>: FY 2022 Formal referrals with disciplinary action – 6  
 FY 2022 Informal referrals with disciplinary action – 3  
 FY 2022 Formal referrals with corrective action – 55  
 FY 2022 Informal referrals with corrective action – 37

C. **Goal Table 8** related to the third objective under Strategic Goal 2 and details OSC’s efforts to enhance awareness of outcomes of referred whistleblower disclosures. For Goal Table 8, OSC met two out of four goals in FY 2022.

**Goal Table 8**  
**Goal 2: Ensure government accountability**  
**Objective 3: Enhance awareness of outcomes of referred whistleblower disclosures**

Description of Target	FY 2018 Target	FY 2018 Result	FY 2019 Target	FY 2019 Result	FY 2020 Target	FY 2020 Result	FY 2021 Target	FY 2021 Result	FY 2022 Target	FY 2022 Result
54 Revamped online public file of whistleblower disclosure cases on website by FY 2017, and reassess regularly	Met	Not Met	Met	Met	Met	Met	Met	Met	Met	Met

55	Number of times that favorable outcomes of whistleblower disclosures are disseminated via press releases, social media, etc.	12	42	40	52	40	44	40	50	40	23
56	Number of training and outreach events that address whistleblower disclosures	Baseline	105	90	158	95	109	95	115	85	67
57	Plan to enhance the profile of OSC's Public Servant Award by FY 2017, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met

**IV. Strategic Goal 3, Goal Tables 9-11 – Achieve organizational excellence.**

Strategic Goal 3 has three objectives:

Objective 1: Recruit, develop, and retain a highly talented, engaged, and diverse workforce.

Objective 2: Improve the use of existing technology and deploy new IT systems to enhance organizational operations.

Objective 3: Monitor, evaluate, and improve efficiency and effectiveness of programs and processes.

To accomplish its mission with excellence, OSC must use targeted recruitment methods that attract talented employees who believe in the mission of the agency. A diverse workforce from various backgrounds will help OSC tackle problems from different perspectives and find optimal solutions. OSC is committed to retaining this skilled and diverse workforce through work-life balance strategies, career and skills development, cross-training, recognition of strong performance, and other initiatives that will keep employees engaged and equip them to achieve the mission. In addition, OSC hosts a “Wellness Wednesdays” series of ongoing meetings that help employees by addressing various topics regarding mental health and physical well-being.

OSC will be a good steward of taxpayer dollars through the strategic use of IT systems to help the agency better accomplish its mission. OSC will regularly assess the needs of its stakeholders and employees, and in response will seek to employ cutting-edge information technology solutions to improve efficiency and the stakeholder experience. OSC will also employ IT security solutions to safeguard its information systems with the purpose of protecting the privacy of employees and those seeking assistance from OSC.

While OSC is a small agency, it takes complaints from throughout the federal government; handles cases from all over the country; and its authority to act derives from several different federal statutes. OSC will undertake a comprehensive and transparent evaluation of the most efficient approach for safeguarding employee rights and holding the government accountable. The evaluation will identify best practices and areas of improvement. This will be part of a vigilant process of continual evaluation of OSC’s existing program areas and new programs to ensure the most effective delivery of services. To accomplish these goals, OSC will give federal employees and other stakeholders a greater opportunity to provide input into shaping its work.

- A. **Goal Table 9** tacks the first objective under Strategic Goal 3 and details OSC’s efforts to achieve organizational excellence by recruiting, developing, and retaining a highly talented, engaged, and diverse workforce. For Goal Table 9, OSC met eight out of eight goals in FY 2022.

<b>Goal Table 9</b>											
<b>Goal 3: Achieve organizational excellence</b>											
<b>Objective 1: Recruit, develop, and retain a highly talented, engaged, and diverse workforce</b>											
<b>Description of Target</b>		<b>FY 2018 Target</b>	<b>FY 2018 Result</b>	<b>FY 2019 Target</b>	<b>FY 2019 Result</b>	<b>FY 2020 Target</b>	<b>FY 2020 Result</b>	<b>FY 2021 Target</b>	<b>FY 2021 Result</b>	<b>FY 2022 Target</b>	<b>FY 2022 Result</b>
<b>58</b>	Human Capital Plan by FY 2017, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met
<b>59</b>	Honors Program by FY 2017 and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met
<b>60</b>	Improved and standardized onboarding process by FY 2017, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met
<b>61</b>	Staff training plan by FY 2017, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met
<b>62</b>	Mentorship program by FY 2017, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met
<b>63</b>	Ongoing internal cross-training opportunities by FY 2017,	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met

	and reassess regularly										
64	Ongoing employee engagement efforts, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met
65	Ongoing work/life balance and other related benefits, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met

B. **Goal Table 10** relates to the second objective under Strategic Goal 3 and details OSC’s efforts to improve the use of existing technology and deploy new IT systems to enhance organizational operations. For Goal Table 10, OSC met six out of six goals in FY 2022.

Goal Table 10											
Goal 3: Achieve organizational excellence											
Objective 2: Improve the use of existing technology and deploy new IT systems to enhance organizational operations											
Description of Target	FY 2018 Target	FY 2018 Result	FY 2019 Target	FY 2019 Result	FY 2020 Target	FY 2020 Result	FY 2021 Target	FY 2021 Result	FY 2022 Target	FY 2022 Result	
66	Transition to electronic case management system by FY 2017, and reassess regularly; Going live with the records in the eCMS by FY 2018; Incorporate business process by FY 2019	Met	Not Met	Met	Met <sup>66</sup>	Met	Met	Met	Met	Met	Met
67	100% deployment of mobile access to network program resources by FY 2017, and reassess regularly	Met	Met	Met	Met <sup>67</sup>	Met	Met <sup>67</sup>	Met	Met	Met	Met
68	100% data encryption by FY 2017, and	Met	A – Met	Met	Met <sup>68</sup>	Met	Met <sup>68</sup>	Met	Met	Met	Met

	reassess regularly; A – encryption of data at rest B – encryption of data in transit		B - Not Met								
69	Ongoing semi-annual assessment of IT needs, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met
70	Ongoing semi-annual assessment of the effectiveness of IT services, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met
71	Ongoing maintenance of IT staff of 5% of agency work force, and reassess regularly	Met	Not Met	Met	Not Met <sup>71</sup>	Met	Partially Met <sup>71</sup>	Met	Met	Met	Met

**Goal Table 10 Explanatory Notes**

<sup>66</sup>: OSC successfully deployed eCMS at the end of FY 2019.

<sup>67</sup>: OSC continues to monitor and assess mobile access to OSC network resources.

<sup>68</sup>: OSC utilizes Microsoft Office 365 (O365) for storing its data as well as for e-mail transmission. With O365, OSC data is encrypted at rest and in transit. OSC IT staff will continue to assess and monitor data encryption technics to continue to enhance the security of OSC data.

<sup>71</sup>: In FY 2019, OSC did not meet the goal of maintaining IT staff at 5 percent of agency workforce, as a result of OSC IT staff undergoing a complete turnover and operating with minimal resources. At the end of FY 2019, IT staff consisted of three FTEs. During FY 2020, OSC was able to hire IT staff to meet this metric. However, due to IT staff departures late in the fiscal year, OSC was unable to rehire staff in time to meet this requirement by fiscal year-end.

- C. **Goal Table 11**, consistent with the third objective under Strategic Goal 3, details OSC’s efforts to monitor, evaluate, and improve efficiency and effectiveness of programs and processes. For Goal Table 11, OSC met five out of five goals in FY 2022.

**Goal Table 11**  
**Goal 3: Achieve organizational excellence**  
**Objective 3: Monitor, evaluate, and improve efficiency and effectiveness of programs and processes**

Description of Target	FY 2018 Target	FY 2018 Result	FY 2019 Target	FY 2019 Result	FY 2020 Target	FY 2020 Result	FY 2021 Target	FY 2021 Result	FY 2022 Target	FY 2022 Result
72 Creation and implementation of institutional approach to evaluate programs and	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met



	processes by FY 2017, and reassess regularly										
73	Completion of first evaluation of program(s) or process(es) to identify best practices and areas of improvement by FY 2018, and proceed with evaluation of additional programs and processes regularly thereafter	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met
74	Implementation of best practices and responses to areas of improvement identified in first evaluation of program(s) or process(es) by FY 2019, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met
75	Enhanced method for determining customer satisfaction with programs and processes by FY 2017, and reassess regularly	Met	Met	Met	Met	Met	Met <sup>75</sup>	Met	Met	Met	Met
76	Evaluation and use of customer satisfaction data to improve efficiency and effectiveness of programs and processes by FY 2018, and reassess regularly	Met	Met	Met	Met	Met	Met	Met	Met	Met	Met

**Goal Table 11 Explanatory Notes**

<sup>75</sup>: The 2018 OSC reauthorization as found in section 1097 of the National Defense Authorization Act for Fiscal Year 2018 (NDAA) requires OSC to establish a survey pilot program to collect information and improve service at various stages of case review. OSC formed a working group to design and establish a survey, sought appropriate external approvals for the collection of information, and implemented the survey in Fiscal Year 2019. In FY 2020, specifically, the survey was sent to approximately 4,473 complainants with open or closed cases. OSC received a total of 763 responses.

**STRATEGIC PLAN  
(FY 2022-2026)**



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## Message from the Special Counsel



It is my pleasure to present the U.S. Office of Special Counsel's (OSC) Strategic Plan for Fiscal Years 2022-2026. This plan builds on our proven strategies for carrying out OSC's statutory mandate while being responsible stewards of our appropriated funds. The recently implemented streamlining of our internal processes and reorganization of our programmatic units have benefitted OSC, our stakeholders, and American taxpayers over the last several years. This strategic plan lays out a carefully considered roadmap for continued success.

Guided by our mission to safeguard the merit system and hold the government accountable, OSC is an independent federal

agency that protects the rights of roughly 2.1 million federal employees, including service members' employment rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). OSC provides a safe channel for federal employees to make disclosures of agency wrongdoing and, importantly, protects them from retaliation once they speak up. Through enforcement of the Hatch Act, OSC is also charged with preventing partisan politics from compromising the integrity of the merit civil service system.

As a small federal investigative and civil prosecutorial agency with government-wide jurisdiction, OSC consistently provides outsized returns for the federal government and achieves exceptional results for complainants. We do this with an emphasis on old-style customer service and an intentional and determined focus on the strategies, goals, and metrics identified in our strategic plan. In short, we are clear about our purpose and our vision for achieving excellence in fulfilling it. Our results reflect that dedication to mission. In turn, we strengthen the federal merit system.

This new strategic plan continues OSC's efforts to achieve organizational excellence and to efficiently allocate our precious resources. Since the release of the previous plan, OSC has combined two units with overlapping responsibilities into one, so that a single attorney generally handles each prohibited personnel practice (PPP) case from the start of the investigation through closure of the case, allowing OSC to process PPP complaints more efficiently. In the new strategic plan, our goals are clear: to build on the efficiencies we have recently achieved, while maintaining an agile, well-functioning organization.

The COVID-19 pandemic has introduced historic challenges for all Americans. The federal workforce, including at OSC, is no different. Nonetheless, OSC has achieved unparalleled success in obtaining favorable outcomes for whistleblowers and other complainants. Our core values – Commitment; Excellence; Independence; Integrity; Vigilance – guide us in meeting these challenges. As we move forward, this new strategic plan sets our course. We are committed to fostering a model workplace with respect for employees and stakeholders and acting fairly, without bias, to honor and uphold the merit system.

With this new strategic plan, OSC is prepared to build on past successes and meet future challenges. Our dedicated staff is located nationwide and, because of the continued COVID-19 pandemic, currently comprises an almost

completely remote workforce. This plan equips our staff with a long-term template for success in a challenging and dynamic environment. Together, we look forward to continuing to achieve excellent results for our stakeholders, whistleblowers, and the American people.

## **Introduction**

The U.S. Office of Special Counsel vigorously enforces its mandates to protect federal employees, applicants, and former employees from various unlawful employment practices, including retaliation for whistleblowing, and to hold the government accountable by providing a safe and secure channel for whistleblower disclosures.

As an agency with a relatively modest budget and a critical mission, OSC has been strategic in effectively and efficiently addressing our workload. OSC has met these challenges, achieving a record number of positive results in recent years. In FY 2020, for example, OSC achieved 405 favorable outcomes for federal employees subjected to retaliation and other prohibited personnel practices (PPPs)—an agency record and roughly 32% higher than its average success rate in the previous five years. During the same time period, OSC’s work resulted in 61 substantiated instances of wrongdoing disclosed by whistleblowers, and the identification of millions of dollars of uncollected debts owed to the federal government. OSC also issued more than 1,400 Hatch Act advisory opinions and obtained favorable outcomes for several service members who brought claims under USERRA.

In addition, OSC has provided education and outreach to the federal community with the goal of preventing and deterring violations of civil-service laws. OSC has also published reports of its investigative findings (in redacted format) when doing so may serve an educational purpose and has filed *amicus curiae* briefs aimed at clarifying whistleblower protections. Equally important, OSC has improved communication with its federal stakeholders—both through its revamped website and enhanced use of social media.

Finally, OSC has worked with partners in Congress to modernize the laws it enforces, allowing OSC to be more effective in its role as a watchdog and guardian of employee rights. For example, in 2017, Congress passed the Dr. Chris Kirkpatrick Whistleblower Protection Act, which created a new PPP for the improper accessing of medical records and required agencies to notify OSC if an employee committed suicide after potentially being subjected to whistleblower retaliation. This law also required agencies to train their supervisors on how to handle complaints of whistleblower retaliation and mandated disciplinary action for supervisors who have violated certain provisions. That same year, Congress passed the OSC Reauthorization Act, which significantly clarified that agencies may not withhold information during OSC investigations by asserting common law privileges. The legislation also promoted greater efficiency and accountability within OSC, improved protections against retaliatory investigations and other forms of whistleblower retaliation, and required managers across the federal government to respond appropriately to disclosures of fraud, waste, and abuse.

While OSC’s recent achievements are significant, broad challenges remain and new ones continue to develop. By building on the successes already attained over the last five years, OSC stands ready to meet these challenges.

## **About OSC**

### ***Background***

OSC is an independent federal investigative and prosecutorial agency. Its basic enforcement authorities come from several federal statutes: the Civil Service Reform Act (CSRA), as amended by the Whistleblower Protection Act (WPA), the Whistleblower Protection Enhancement Act (WPEA); the Hatch Act; and USERRA.

OSC's roots lie in the reform efforts of Gilded Age America. In 1883, Congress enacted the Pendleton Act creating the Civil Service Commission, which was intended to help ensure a stable, qualified federal workforce free from partisan political pressure. Nearly a century later, amidst well-publicized allegations of retaliation by agencies against employees who had blown the whistle on wasteful defense spending, and revelations of partisan political coercion in the federal government, Congress enacted sweeping reforms to the civil-service system in 1978. As a result, the CSRA replaced the Civil Service Commission with the Office of Personnel Management (OPM), the Federal Labor Relations Authority, and the Merit Systems Protection Board (MSPB), with OSC serving as the investigative and prosecutorial arm of the MSPB for the next decade.

In 1989, Congress passed the WPA, making OSC an independent agency within the federal executive branch. The WPA also strengthened protections against retaliation for employees who disclose government wrongdoing and enhanced OSC's ability to enforce those protections. Ensuing legislation, such as the WPEA and the OSC Reauthorization Act, significantly strengthened the agency's enforcement responsibilities by, for example, clarifying OSC's access to privileged agency materials during its investigations and permitting OSC to file amicus curiae briefs in whistleblower retaliation cases in the federal courts of appeals.

### ***Mission and Responsibilities***

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 employment rights of federal employees who are service members; and (2) to provide a safe channel for federal employees, applicants, and former employees to disclose wrongdoing at their agencies. These two responsibilities work in tandem to maintain the integrity and fairness of the federal workplace and to make the government more accountable.

#### *CSRA – Prohibited Personnel Practices*

The "federal merit system" refers to laws and regulations that are designed to ensure that personnel decisions are made based on merit. PPPs are banned employment-related actions that violate the merit system through employment discrimination, retaliation, improper hiring practices or failure to adhere to the laws, rules, or regulations directly concerning merit system principles. OSC has the authority to investigate and prosecute violations of the 14 PPPs in the CSRA, as amended.

#### *CSRA – Whistleblower Disclosures*

In addition to protecting whistleblowers from retaliation, the CSRA created OSC as a safe channel for most federal workers to disclose information about violations of laws, gross mismanagement or waste of funds, abuse of authority, substantial and specific dangers to public health and safety, and censorship related to scientific research. Through its oversight of government investigations of whistleblower disclosures, OSC regularly reins in waste, fraud, abuse, illegality, and threats to public health and safety that pose the risk of both catastrophic harm to the public, and large liability costs to the government.

#### *Hatch Act*

The Hatch Act, passed in 1939, restricts certain political activities of federal employees, as well as some District of Columbia, state, and local government employees who work in connection with federally funded programs. The law was intended to protect federal employees from political coercion, ensure federal employees are advanced based on merit



rather than political affiliation, and make certain federal programs are administered in a nonpartisan fashion. OSC has the authority to investigate and prosecute violations and issue advisory opinions under the Hatch Act.

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

USERRA, passed in 1994, protects military service members and veterans from employment discrimination because of their service, and allows them to regain their civilian jobs following a period of uniformed service. OSC has the authority to litigate and otherwise resolve USERRA claims by federal employees referred by the Department of Labor.

### **Organizational Structure**

OSC is headquartered in Washington, D.C. It continues to have a significant staffing presence in: Dallas, Texas; Detroit, Michigan; and Oakland, California. The agency includes the following components:

- Immediate Office of Special Counsel (IOSC). The Special Counsel and IOSC are responsible for policymaking and overall management of OSC. This responsibility encompasses supervision of the agency's congressional liaison and public affairs activities.
- Case Review Division (CRD). This division serves as the initial intake point for all PPP and disclosure allegations. 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.
- Investigation and Prosecution Division (IPD). This division is comprised of the headquarters office and three virtual field offices, and is primarily responsible for investigating, prosecuting, and otherwise resolving PPPs. IPD determines whether the evidence is sufficient to establish that a violation has occurred and, if so, whether the matter warrants corrective action, disciplinary action, or both. If a meritorious case cannot be resolved informally between the agency and complainant, IPD may bring an enforcement action before the MSPB.
- Disclosure Unit (DU). This unit reviews whistleblower disclosures of government wrongdoing. DU may refer a whistleblower disclosure to the agency to investigate and report its findings to OSC. For referred whistleblower disclosures, DU reviews each agency report for sufficiency and reasonableness and then OSC sends the determination, the agency report, and any comments by the whistleblower to the President and the responsible congressional oversight committees.
- Retaliation and Disclosure Unit (RDU). This unit handles hybrid cases where a complainant alleges both whistleblower disclosures and retaliation. RDU performs the full range of action in these cases, including the referral of whistleblower disclosures to agencies and the investigation and prosecution of related retaliation claims, where appropriate.
- Hatch Act Unit (HAU). This unit investigates and resolves complaints of unlawful political activity under the Hatch Act and may seek corrective and disciplinary action informally as well as before the MSPB. HAU also provides advisory opinions under the Hatch Act.
- USERRA Unit. This unit reviews and resolves USERRA complaints by federal employees referred by the Department of Labor. The unit also may represent service members in USERRA appeals before the MSPB.



- Alternative Dispute Resolution (ADR) Unit. This unit supports OSC’s other units by providing mediation and other forms of ADR services to resolve appropriate cases. Where the parties agree to mediation, the unit conducts mediation sessions seeking creative and effective resolutions.
- Diversity, Outreach, and Training Unit. This unit manages OSC’s 2302(c) certification program, including assisting agencies in meeting the statutory mandate of 5 U.S.C. § 2302(c). The unit also provides external education and outreach sessions regarding the laws that OSC enforces. Additionally, the Chief of this unit serves as the Equal Employment Opportunity (EEO) Director, who reports directly to the Special Counsel on the health and effectiveness of OSC’s EEO program. The unit answers questions, handles complaints, and ensures access to Equal Employment Opportunity and Anti-Harassment policies and materials.
- Office of General Counsel. This office provides legal advice regarding management, policy, and administrative matters, including ethics programs. This office also defends OSC’s interests in litigation filed against the agency.
- Operations Division. This division manages OSC’s budget and financial operations, and meets the technical, analytical, records, and administrative needs of the agency. Component units include the Budget and Finance Office, the Human Capital Office, the Administrative Services Office, the Information Technology Office (ITO), and the Office of the Clerk. Functional areas under the Office of the Clerk include the Freedom of Information Act (FOIA), Privacy Act, Controlled Unclassified Information, and records management. Procurement operations as well as travel are included under the Budget and Finance Office. The Information Technology Office maintains the electronic case management system (eCMS) used to process OSC cases, store case-related documents, and generate reporting metrics. In addition, ITO is responsible for the maintenance and compliance of all modern technology platforms used by the agency.

An organizational chart for OSC may be found in Appendix E of this document.

### Strategic Planning Process

Congress requires Executive Branch agencies to develop and post updated four-year strategic plans on their public websites on an overall timeline that aligns to presidential terms. The strategic planning process offers an opportunity for agencies to reflect on their statutory mission and mandates, reassess prior goals and objectives, and identify new goals and objectives that will enable agencies to fulfill their mission and vision. This process—and the resulting strategic plans—also serves to notify Congress and stakeholders of major factors that may affect agencies’ abilities to meet their statutory obligations.

In 2016 OSC undertook a comprehensive process to develop the agency’s FY 2017- FY 2022 Strategic plan. With input from employees, congressional oversight and appropriations committee parties, the Office of Management and Budget (OMB), and other stakeholders, the plan was completed. OSC feels the outcomes and results of the plan were successful by all measures - record results were achieved in all program areas during the intervening years, and metrics in the plan were met with an overall average of 82% success rate, with an increased success rate nearly every successive year. Thus, the plan successfully guided agency efforts and resources.

In 2021, OSC reviewed its programs and services and reassessed its strategic goals, objectives, strategies, and metrics. After making appropriate revisions and adjustments, OSC presented an updated strategic plan to OMB, staff from the agency’s congressional oversight and appropriations committees, and stakeholders. We believe this plan--more of a refinement than an overhaul--will build on the success of the previous plan. On March 28, 2022, the Special Counsel approved OSC’s final strategic plan.

## Mission, Vision, Strategic Goals, and Core Values

**Mission:** *Safeguarding employee rights, holding the government accountable.*

**Vision:** *Fair and effective government inspiring public confidence.*

### **Strategic Goals:**

- 1. *Protect and promote the integrity and fairness of the federal workplace.***
- 2. *Ensure government accountability.***
- 3. *Achieve organizational excellence.***

OSC's Mission states: "Safeguarding Employee Rights, Holding the Government Accountable." Strategic Goals 1 and 2, which focus on the agency's substantive program areas, work closely together to achieve a more responsible and merit-based federal government. Strategic Goal 3, which focuses on OSC's efforts to achieve organizational excellence, encompasses the building blocks to make the agency a more agile, better-functioning organization. Collectively, all three Strategic Goals will help OSC to realize its Vision, which is "Fair and Effective Government Inspiring Public Confidence."

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**Core Values:** **Commitment:** *We are dedicated to seeking justice through the enforcement of laws that OSC is charged with prosecuting and to being a safe channel for whistleblowers.*

**Excellence:** *We foster a model workplace with respect for employees and stakeholders, and provide a clear, high-quality, and timely work product in our programs and services.*

**Independence:** *We conduct our work free from outside influence. We act fairly and without bias to honor the merit system.*

**Integrity:** *We adhere to the highest legal, professional, and ethical standards to earn and maintain the public's trust.*

**Vigilance:** *We aim for proactive and constant improvement of both our own processes and the merit system. We strive to identify innovative and effective ways to address and prevent government wrongdoing.*

## Strategic Goals, Objectives, Strategies, and Metrics

### **Strategic Goal #1 – Protect and promote the integrity and fairness of the federal workplace.**

Objective #1: Fairly and promptly investigate and prosecute cases.

Objective #2: Obtain timely and effective relief in cases.

*Each year, OSC receives thousands of complaints, particularly from federal employees alleging whistleblower retaliation. To effectively remedy wrongs and hold agencies accountable, OSC applies consistent standards of review and investigative procedure to each matter. Some cases will demand more time and resources than others and will require a variety of investigative strategies and techniques to resolve. Applying broadly uniform procedures, but handling each matter as the facts demand, will allow OSC to remain efficient, fair, and effective. OSC will continue to use ADR and other dispute resolution methods to increase case-processing efficiency and to better serve its stakeholders.*

#### Strategies:

- Handle cases in a fair and unbiased manner.
- Maximize effective use of ADR and other resolution methods in cases.

#### Metrics:

##### PPP Enforcement

- Percent of complaints closed within 240 days.
- Number of complaints mediated.
- Number of complaints mediated resulting in settlement.
- Number of formal stays obtained.
- Number of informal stays obtained.
- Number of individual corrective actions obtained.
- Number of systemic corrective actions obtained.
- Number of disciplinary actions obtained.
- Number of cases filed with MSPB
- Number of total favorable actions obtained (i.e., formal stay, informal stay, individual corrective action, systemic corrective action, and disciplinary action).

##### Hatch Act Enforcement

- Percent of cases closed within 240 days.
- Number of cases filed with MSPB.
- Percent of successful prosecutions before MSPB
- Number of warning letters issued.
- Number of corrective actions obtained.
- Number of disciplinary actions obtained.
- Number of total favorable actions obtained (i.e., corrective action and disciplinary action).

##### USERRA Enforcement

- Percent of referrals closed within 60 days.
- Number of corrective actions obtained (formally and informally).

Objective #3: Enhance strategic use of enforcement authority.

*As a small agency responsible for safeguarding the merit system in a broad sector of the federal community, OSC strives to maximize the impact of its enforcement actions and deter future violations. In addition to seeking corrective and disciplinary action for PPPs, Hatch Act violations, and USERRA complaints, OSC may issue PPP reports and provide technical assistance for policy and legislative changes affecting the laws it enforces. The WPEA also authorized OSC to file amicus curiae briefs in cases involving whistleblower rights and to intervene in cases before the MSPB. OSC will use these authorities to advance its mission of safeguarding employee rights by educating the federal community, working for systemic changes, and helping shape and clarify the law.*

Strategies:

- Publish PPP reports that serve educational purposes, as appropriate.
- Furnish expert technical assistance to aid governmental bodies with formulating policy and precedent.

Metrics:

- Number of PPP reports published on website.
- Number of *amicus curiae* briefs and interventions filed.

Objective #4: Provide timely and quality Hatch Act advisory opinions and guidance.

*OSC is in a unique position to provide Hatch Act advice to federal, District of Columbia, state, and local employees and officials, as well as the general public. It is important for OSC to provide consistent, well-reasoned opinions in a timely fashion so that individuals can make appropriate decisions about their political activities. OSC recognizes the importance of revising and updating Hatch Act regulations and will continue to pursue its efforts to partner with OPM, the agency responsible for promulgating the regulations, to achieve this goal.*

Strategies:

- Provide timely and appropriate Hatch Act advice and information.

Metrics:

- Percent of informal telephonic advisory opinions issued within 3 days of inquiry.
- Percent of informal email advisory opinions issued within 5 days of inquiry.
- Percent of formal written advisory opinions issued within 60 days of inquiry.

Objective #5: Expand training and outreach efforts nationwide.

*OSC is well-suited to safeguard employee rights by educating the federal community and others about PPPs, whistleblower disclosures, the Hatch Act, USERRA, and ADR through its training and outreach programs. Since 2002, OSC has had a voluntary program to ensure compliance with 5 U.S.C. § 2302(c), which requires federal agencies to inform employees about their rights and remedies under whistleblower protection and related laws and prevent violations of PPPs. OSC also has longstanding training programs on the Hatch Act and USERRA, as well as resources available through its website. While many agencies in the Washington, D.C. area have received OSC training and certification, OSC will continue to expand its efforts nationwide to better reach agencies and components that may have less familiarity with the whistleblower protections and other laws that OSC enforces.*

Strategies:

- Increase awareness of and provide expert technical assistance to agencies/components on, the 2302(c) Certification Program and other OSC-related training needs.

- Develop procedures to facilitate registration, certification, and recertification rates of agencies/components under the 2302(c) Certification Program.
- Continue to certify and recertify more agencies/components through the 2302(c) Certification Program.

Metrics:

- Number of agencies/components certified and recertified for the 2302(c) Certification Program.
- Number of trainings conducted.

Objective #6: Effectively and innovatively communicate with stakeholders and the public.

*OSC understands the necessity of effectively communicating with stakeholders and the general public about its efforts to safeguard employee rights and hold the government accountable. By appropriately publicizing enforcement outcomes through traditional and non-traditional media, OSC can help to educate the federal workforce about their rights and responsibilities and deter future wrongdoing, including retaliation. OSC will use a wide variety of communication methods to disseminate timely, accurate information and will provide regular opportunities for input, feedback, and collaboration from stakeholders.*

Strategies:

- Issue press releases on major activities and key developments.
- Increase use of digital platforms as appropriate (e.g., website, social media).
- Use available analytics to assess effectiveness of communications.

Metrics:

- Number of press releases issued.
- Types and frequency of digital platforms used to share information.
- Types and frequency of website views and activity on digital platforms.

## Strategic Goal #2 – Ensure government accountability.

### Objective #1: Provide employees with an effective, efficient, and safe channel to report government wrongdoing.

*OSC promotes government accountability, integrity, and efficiency by providing a safe channel for federal employees to come forward with evidence of waste, fraud, abuse, law-breaking, threats to public health or safety, or censorship related to research, analysis, or technical information. To ensure that this safe channel remains effective in promoting change and accountability, OSC developed a dynamic, combined form for reporting government wrongdoing, whistleblower retaliation and other PPPs, and Hatch Act violations. The form is designed to be confidential, secure, and convenient for the user, and may be downloaded and completed privately. It may be submitted electronically and immediately routed and processed. The user need not establish an account. OSC will work vigorously to review and assess the whistleblower reporting experience to ensure that OSC can better ensure government accountability by providing a safe channel for whistleblowers and their disclosures.*

#### Strategies:

- Continue to use improved, dynamic form to better receive and process whistleblower disclosures and other allegations, such as whistleblower retaliation.
- Ensure timely and appropriate referrals of whistleblower disclosures to agencies for investigation.

#### Metrics:

- Number of referrals of whistleblower disclosures to agencies for investigation.
- Percent of referrals of whistleblower disclosures to agencies for investigation made within 45 days.

### Objective #2: Ensure agencies provide timely and appropriate outcomes for referred whistleblower disclosures.

*OSC returns substantial sums to the federal government by pressing for appropriate action to remedy waste and fraud disclosed by whistleblowers. Through its oversight of agency reports on referred whistleblower disclosures, and in coordination with whistleblowers, OSC uncovers individual and systemic violations of federal law and evaluates the reasonableness of agency responses, encourages cost savings occasioned by the identification and cessation of government waste, resolves serious health and safety threats, and evaluates claims of censorship related to scientific research. A key objective is to improve the timeliness and outcomes of agency reports. OSC will continue to coordinate with whistleblowers toward this objective. OSC will also continue to improve communication with other agencies concerning their statutorily mandated reports, including their content and timeliness.*

#### Strategies:

- Ensure effective agency investigations by engaging agencies when OSC refers the whistleblower disclosures.
- Maintain communications with agencies before, during, and after agencies' investigations of referred whistleblower disclosures, as appropriate.
- Monitor whistleblower disclosures and referrals to agencies to identify trends or systemic challenges.

#### Metrics:

- Number of favorable outcomes—both corrective and disciplinary actions—achieved through referrals of whistleblower disclosures.
- Number of days between date of receiving whistleblower's comments on agency investigation report (or any update to report) and date of communication to President and Congress.

## Strategic Goal #3 – Achieve organizational excellence.

Objective #1: Recruit, develop, and retain a highly talented, engaged, and diverse workforce.

*To accomplish its mission with excellence, OSC must use targeted recruitment methods that attract talented employees who believe in the work of the agency. A diverse workforce from various backgrounds will help OSC tackle problems from different perspectives and find optimal solutions. OSC is committed to retaining this skilled and diverse workforce through work-life balance strategies, career and skills development, recognition of strong performance, and other initiatives that will keep employees engaged and equip them to achieve the mission.*

Strategies:

- Maintain a current Human Capital Plan that includes effective recruitment, staffing, and retention strategies for attracting, developing, and keeping talent from diverse sources.
- Facilitate training and professional development opportunities to ensure that the agency remains agile and responsive to changing organizational needs.
- Support and evaluate various employee engagement efforts based on Federal Employee Viewpoint Survey results and other methods to capture employee feedback, including consistent communication, constructive mentorship, and effective recognition of staff performance.
- Evaluate a number of internal programs, including the EEO program.
- Continue to emphasize work/life balance and other related benefits.

Metrics:

- Develop and maintain up-to-date Human Capital Plan and reassess regularly.
- Develop Individual Development Plans in support of professional development across the workforce consistent with annual training budget allocation.
- Investigate different approaches to measure employee feedback on the effectiveness of OSC's internal programs such as IT, HR, facilities, training, and EEO.

Objective #2: Improve the use of existing technology and deploy new Information Technology (IT) systems to enhance organizational operations.

*OSC will be a good steward of taxpayer dollars through the strategic use of IT systems to help the agency accomplish its mission. OSC will regularly assess the needs of its stakeholders and employees, and in response will employ cutting-edge IT solutions to improve efficiency and the stakeholder experience. OSC will deploy mobile access to network programs in compliance with directives that move the government toward a virtual work environment, while ensuring continuity of operations in times of work interruption and providing greater flexibility to employees. OSC will also employ IT security solutions to safeguard its information systems with the purpose of protecting the privacy of employees and those seeking assistance from OSC.*

Strategies:

- Engage with agency staff and Federal partners to assess and implement the technology requirements to support the agency mission and strategic goals.
- Implement data governance and management of OSC data.
- Recruit and retain highly skilled IT staff.
- Meet the Federal strategic goals as outlined in Cybersecurity Executive Order 14028 – Improving the Nation's Cybersecurity.
  
- Continue modernizing OSC's legacy enterprise architecture with a focus on full cloud enterprise architecture.
- Maintain IT hardware using industry lifecycles to include endpoints (computer), network edge appliances, and core network infrastructure.



Metrics:

- Periodic assessment and reassessment of agency technology requirements.
- Deploy enhancements and reporting capabilities of the current electronic case management system, annually.
- Develop and deploy phased approach for adopting zero-trust network security framework.
- Develop and implement plan to reduce uncategorized data and labeling.
- Ensure that IT staffing remains at 5% of the agency's workforce.

Objective #3: Monitor, evaluate, and improve the efficiency and effectiveness of programs and processes.

*While OSC is a small agency, it receives complaints from throughout the federal government, handles cases from all over the country, and derives its authority from several different federal statutes. OSC will regularly conduct informal evaluations of its programs and processes to ensure that it is using effective and efficient approaches for safeguarding employee rights and holding the government accountable. Evaluations will seek to identify best practices and areas of improvement. This vigilant effort of continual introspection and review will help OSC achieve greater efficiencies and customer service in the agency's programs and processes. In addition, OSC will give federal employees a meaningful opportunity to provide input into shaping its work through its annual customer satisfaction survey.*

Strategies:

- Identify and implement best practices and address areas of improvement identified in informal evaluations of programs and processes.
- Continue to improve methods for determining customer satisfaction with programs and processes and evaluate data to improve efficiency and effectiveness.

Metrics:

- Hold monthly or regular meetings to evaluate programs and processes and implement any learned best practices.
- Continue to issue and review results of annual survey regarding customer satisfaction with programs and processes and assess potential changes to programs and processes based on customer feedback.

**Factors Affecting Achievement of Strategic Plan**

While OSC is committed to achieving its mission and vision, there are several internal and external factors that will likely affect the agency's ability to achieve the goals set forth in this Strategic Plan. The primary issues of concern revolve around budget uncertainty and significant technological challenges—amplified by the recent pandemic. For a small-sized agency with a substantial mandate to safeguard employee rights and hold myriad government entities accountable, these factors can present serious challenges to fulfilling OSC's important statutory obligations.

The agency has made difficult choices to ensure balance among its investigative and prosecutorial responsibilities with training and outreach efforts critical to preventing whistleblower retaliation and other unlawful practices. While caseloads fluctuated in FY 2020—largely due to pandemic-related operational changes at federal agencies—OSC expects a return to higher, pre-pandemic caseloads in future years. That being said, the pandemic did not affect OSC's Hatch Act work, which usually increases significantly during presidential-election years and did so in FY 2020.

Additionally, OSC has experienced an increased need for long-term improvements in technology, while grappling with limited funding. The remote working arrangements for OSC's employees required by the pandemic highlighted these challenges. OSC will be called upon to ensure that the technological environment in which it conducts its work is modern and secure. By proactively assessing the information security needs and the technological requirements of employees and

stakeholders, OSC plans to improve efficiency, security, and the customer experience. Continuous assessment of information technology requisites against available resources will help ensure that OSC achieves organizational excellence despite these challenges.

In response to these challenges, OSC must carefully prioritize and allocate resources to remain efficient, fair, and effective in maintaining the high levels of success achieved in recent years. Accordingly, the agency implemented a reorganization to improve the timeliness and customer service experience in our case processing procedures. OSC is also being proactive in seeking early resolution of meritorious cases, as well as implementing innovative approaches to achieve efficiencies in cases involving both whistleblower disclosures and related retaliation claims. A better funded and more efficient OSC will result in greater stewardship of taxpayer dollars and more effective accountability throughout government.

As an independent agency, OSC must remain agile and focused on upholding the merit system fairly and without bias. In doing so, OSC will continue to emphasize education and outreach and highlight cases with significant educational value or that promote accountability. Through these efforts, OSC can improve federal government culture and remain a steady accountable and transparent presence capable of withstanding administration and leadership changes.

OSC's Strategic Plan contemplates confronting these challenges directly over the next few years to ensure its success. When OSC succeeds, good government and the general public are the ones who truly benefit.

## APPENDIX D: Goal Tables, New Strategic Plan

- **Goal Table 1A** details the data points and performance metrics for OSC’s work investigating, litigating, and resolving PPP complaints.

Goal Table 1A: Goals 1-10									
<i>Goal 1 - Protect and promote the integrity and fairness of the federal workplace</i>									
<i>Objective 1: Fairly and promptly investigate and prosecute cases</i>									
<i>Objective 2: Obtain timely and effective relief in cases</i>									
Target #	Description	FY 2023 Target	FY 2023 Result	FY 2024 Target	FY 2024 Result	FY 2025 Target	FY 2025 Result	FY 2026 Target	FY 2026 Result
1	Percent of complaints closed within 240 days.	Baseline/ datapoint		Baseline/ datapoint					
2	Number of complaints mediated.	30		30					
3	Number of complaints mediated resulting in settlement.	20		20					
4	Number of formal stays obtained.	0		5					

5	Number of informal stays obtained.	25		30					
6	Number of individual corrective actions obtained.	220		225					
7	Number of systemic corrective actions obtained.	50		55					
8	Number of disciplinary actions obtained.	15		20					
9	Number of cases filed with MSPB	1		1					
10	Number of total favorable actions obtained (i.e., formal stay, informal stay, individual corrective action, systemic corrective	Baseline		300					

	action, and disciplinary action).								
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- **Goal Table 1B** details the data points and performance metrics for OSC’s work investigating, litigating, and resolving Hatch Act complaints.

Goal Table 1B: Goals 11-17									
<i>Goal 1: Protect and promote the integrity and fairness of the federal workplace</i>									
<i>Objective 1: Fairly and promptly investigate and prosecute cases</i>									
<i>Objective 2: Obtain timely and effective relief in cases</i>									
Target #	Description	FY 2023 Target	FY 2023 Result	FY 2024 Target	FY 2024 Result	FY 2025 Target	FY 2025 Result	FY 2026 Target	FY 2026 Result
11	Percent of cases closed within 240 days.	65%		65%					
12	Number of cases filed with MSPB.	2		3					
13	Percent of successful prosecutions before MSPB	100%		100%					

14	Number of warning letters issued.	30		50					
15	Number of corrective actions obtained.	10		15					
16	Number of disciplinary actions obtained.	5		5					
17	Number of total favorable actions obtained (i.e., corrective action and disciplinary action).	15		20					

- **Goal Table 1C** details the data points and performance metrics for OSC’s work investigating, litigating, and resolving USERRA complaints.

### Goal Table 1C: Goals 18-19

*Goal 1: Protect and promote the integrity and fairness of the federal workplace*

*Objective 1: Fairly and promptly investigate and prosecute cases*

*Objective 2: Obtain timely and effective relief in cases*

Target #	Description	FY 2023 Target	FY 2023 Result	FY 2024 Target	FY 2024 Result	FY 2025 Target	FY 2025 Result	FY 2026 Target	FY 2026 Result
18	Percent of referrals	80%		80%					

	closed within 60 days.								
19	Number of corrective actions obtained (formally and informally).	3		3					

- **Goal Table 2** details OSC’s efforts to enhance its strategic enforcement authority, as it relates to the third objective under Strategic Goal 1.

Goal Table 2: Goals 20-21									
<i>Goal 1: Protect and promote the integrity and fairness of the federal workplace</i>									
<i>Objective 3: Enhance strategic use of enforcement authority</i>									
Target #	Description	FY 2023 Target	FY 2023 Result	FY 2024 Target	FY 2024 Result	FY 2025 Target	FY 2025 Result	FY 2026 Target	FY 2026 Result
20	Number of PPP reports published on website.	2		2					
21	Number of amicus curiae briefs and interventions filed.	2		2					

- **Goal Table 3** details the Hatch Act advisory opinions provided by OSC, pursuant to OSC’s fourth objective under Strategic Goal 1.

### Goal Table 3: Goals 22-24

*Goal 1: Protect and promote the integrity and fairness of the federal workplace*

*Objective 4: Provide timely and quality Hatch Act advisory opinions and guidance*

Target #	Description	FY 2023 Target	FY 2023 Result	FY 2024 Target	FY 2024 Result	FY 2025 Target	FY 2025 Result	FY 2026 Target	FY 2026 Result
22	Percent of informal telephonic advisory opinions issued within 3 days of inquiry.	98%		98%					
23	Percent of informal email advisory opinions issued within 5 days of inquiry.	95%		95%					
24	Percent of formal written advisory opinions issued within 60 days of inquiry.	75%		75%					

- **Goal Table 4** details OSC’s training and outreach efforts pursuant to OSC’s fifth objective under Strategic Goal 1.



## Goal Table 4: Goals 25-26

*Goal 1: Protect and promote the integrity and fairness of the federal workplace*

*Objective 5: Expand training and outreach efforts nationwide*

Target #	Description	FY 2023 Target	FY 2023 Result	FY 2024 Target	FY 2024 Result	FY 2025 Target	FY 2025 Result	FY 2026 Target	FY 2026 Result
25	Number of agencies/components certified and recertified for the 2302(c) Certification Program.	10		12					
26	Number of trainings conducted. <sup>25</sup>	140		125					

**Goal Table 4 explanatory notes:**

<sup>25</sup>: Number of trainings will increase and decrease in each fiscal year based on a number of factors, including, for instance, (1) the increase in Hatch Act trainings we have observed during election years; and (2) the increase and/or decrease in Section 2302(c) trainings depending upon when agencies are due for recertification at the end of the three-year training cycle, creating a “lumpy forecast.”

- **Goal Table 5** details OSC’s communications with stakeholders and the public, consistent with the sixth objective under Strategic Goal 1.

## Goal Table 5: Goals 27-29

*Goal 1: Protect and promote the integrity and fairness of the federal workplace*

*Objective 6: Effectively and innovatively communicate with stakeholders and the public*

Target #	Description	FY 2023 Target	FY 2023 Result	FY 2024 Target	FY 2024 Result	FY 2025 Target	FY 2025 Result	FY 2026 Target	FY 2026 Result
27	Number of press releases issued.	25		25					

28	Types and frequency of digital platforms used to share information.	275		275					
29	Types and frequency of website views and activity on digital platforms.	Baseline		Baseline					

**Strategic Goal 2, Goal Tables 6-7 – Ensure government accountability.**

Strategic Goal 2 has two objectives, which relate to OSC’s investigations of whistleblower disclosures:

Objective 1: Provide employees with an effective, efficient, and safe channel to report government wrongdoing.

Objective 2: Ensure agencies provide timely and appropriate outcomes for referred whistleblower disclosures.

- **Goal Table 6** relates to the first objective under Strategic Goal 2 and details OSC’s efforts to ensure government accountability by providing a safe, confidential and secure reporting channel for stakeholders and the public.

Goal Table 6: Goals 30-31									
<i>Goal 2: Ensure government accountability</i>									
<i>Objective 1: Provide employees with an effective and efficient safe channel to report government wrongdoing</i>									
Target #	Description	FY 2023 Target	FY 2023 Result	FY 2024 Target	FY 2024 Result	FY 2025 Target	FY 2025 Result	FY 2026 Target	FY 2026 Result

30	Number of referrals of whistleblower disclosures to agencies for investigation.	70		60					
31	Percent of referrals of whistleblower disclosures to agencies for investigation made within 45 days.	90%		90%					

- **Goal Table 7** relates to the second objective under Strategic Goal 2 and details OSC’s efforts to ensure government accountability by providing timely and appropriate outcomes for referred whistleblower disclosures.

Goal Table 7: Goals 32-33									
Goal 2: Ensure government accountability									
Objective 2: Ensure agencies provide timely and appropriate outcomes for referred whistleblower disclosures									
Target #	Description	FY 2023 Target	FY 2023 Result	FY 2024 Target	FY 2024 Result	FY 2025 Target	FY 2025 Result	FY 2026 Target	FY 2026 Result
32	Number of favorable outcomes—both corrective and disciplinary actions—achieved through referrals	70 corrective actions & 10 disciplinary actions		50 corrective actions & 5 disciplinary actions					

	of whistleblower disclosures.								
33	Number of days between date of receiving whistleblower’s comments on agency investigation report (or any update to report) and date of communication to President and Congress.	120 days		120					

**Strategic Goal 3, Goal Tables 8-10 – Achieve organizational excellence.**

Strategic Goal 3 has three objectives, which relate to the OSC’s continual goal of achieving organizational excellence:

Objective 1: Recruit, develop, and retain a highly talented, engaged, and diverse workforce.

Objective 2: Improve the use of existing technology and deploy new Information Technology (IT) systems to enhance organizational operations.

Objective 3: Monitor, evaluate, and improve the efficiency and effectiveness of programs and processes.

- **Goal Table 8** covers the first objective under Strategic Goal 3 and details OSC’s efforts to achieve organizational excellence by recruiting, developing, and retaining a highly talented, engaged, and diverse workforce.

<b>Goal Table 8: Goals 34-36</b>
<i>Goal 3: Achieve Organizational Excellence</i>
<i>Objective 1: Recruit, develop, and retain a highly talented, engaged, and diverse workforce.</i>

Target #	Description	FY 2023 Target	FY 2023 Result	FY 2024 Target	FY 2024 Result	FY 2025 Target	FY 2025 Result	FY 2026 Target	FY 2026 Result
34	Develop and maintain up-to-date Human Capital Plan and reassess regularly.	Met		Met					
35	Develop Individual Development Plans (IDP) in support of professional development across the workforce consistent with annual training budget allocation.	Met		Met					
36	Investigate different approaches to measure employee feedback on the effectiveness of OSC's internal programs such as IT, HR, facilities, training, and EEO.	Met		Met					

- **Goal Table 9** relates to the second objective under Strategic Goal 3 and details OSC’s efforts to improve the use of existing technology and deploy new IT systems to enhance organizational operations.

<b>Goal Table 9: Goals 37-41</b>									
<i>Goal 3: Achieve organizational excellence</i>									
<i>Objective 2: Improve the use of existing technology and deploy new Information Technology (IT) systems to enhance organizational operations.</i>									
<b>Target #</b>	<b>Description</b>	<b>FY 2023 Target</b>	<b>FY 2023 Result</b>	<b>FY 2024 Target</b>	<b>FY 2024 Result</b>	<b>FY 2025 Target</b>	<b>FY 2025 Result</b>	<b>FY 2026 Target</b>	<b>FY 2026 Result</b>
37	Periodic assessment and reassessment of agency technology requirements.	Met		Met					
38	Deploy enhancements and reporting capabilities of the current electronic case management system, annually.	Met		Met					
39	Develop and deploy phased approach for adopting zero-trust network security framework.	Met		Met					

40	Develop and implement plan to reduce uncategorized data and labeling.	Met		Met					
41	Ensure that IT staffing remains at 5% of the agency's workforce.	Met		Met					

- **Goal Table 10**, consistent with the third objective under Strategic Goal 3, details OSC's efforts to monitor, evaluate, and improve efficiency and effectiveness of programs and processes.

### Goal Table 10: Goals 42-43

*Goal 3: Achieve organizational excellence*

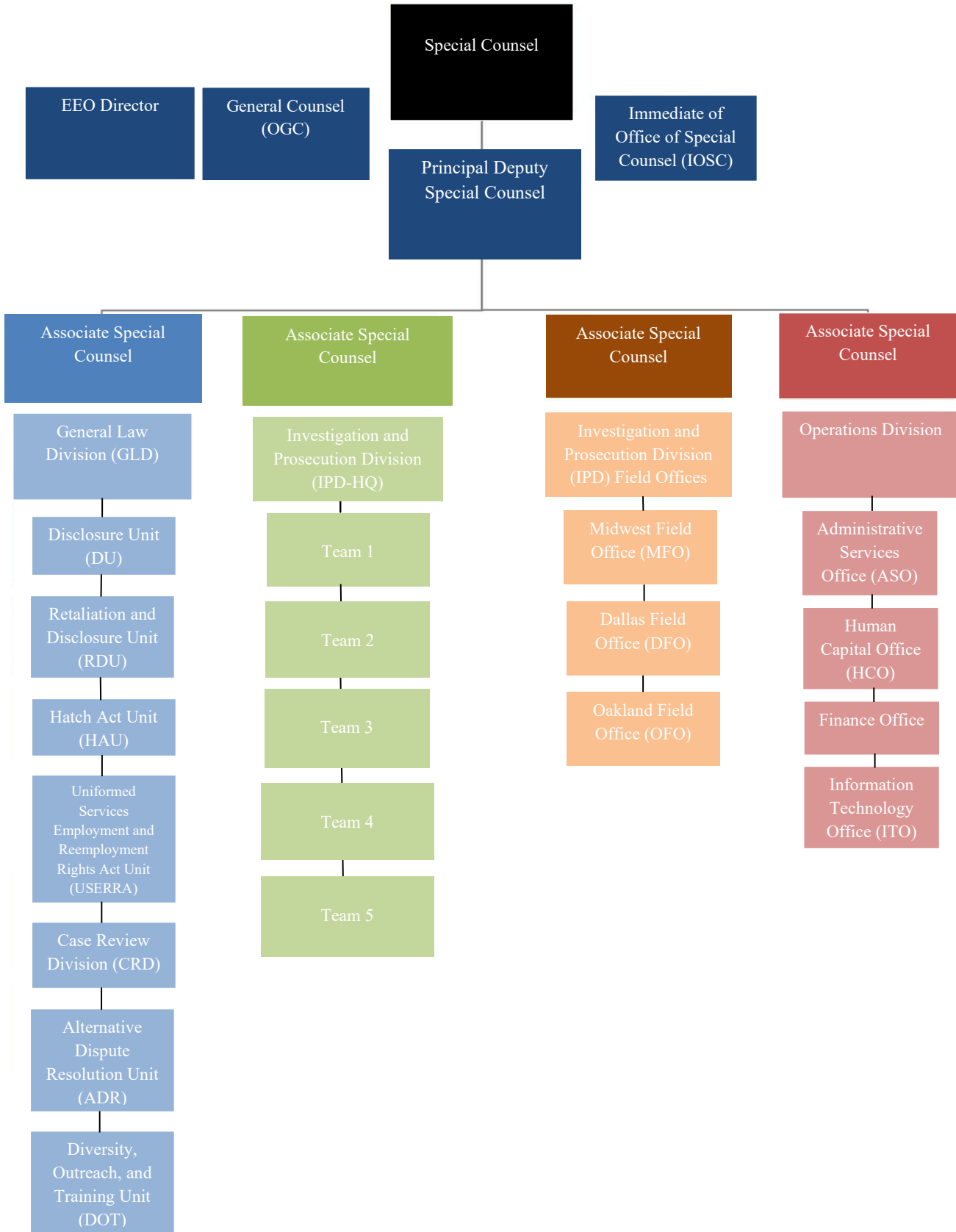
*Objective 3: Monitor, evaluate, and improve the efficiency and effectiveness of programs and processes.*

Target #	Description	FY 2023 Target	FY 2023 Result	FY 2024 Target	FY 2024 Result	FY 2025 Target	FY 2025 Result	FY 2026 Target	FY 2026 Result
42	Hold monthly or regular meetings to evaluate programs and processes and implement any learned best practices.	Met		Met					

43	Continue to issue and review results of annual survey regarding customer satisfaction with programs and processes and assess potential changes to programs and processes based on customer feedback.	Met		Met					
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# Appendix E: OSC Organizational Chart



**U.S. Office of Special Counsel**

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**202-804-7000**

**or**

**1-800-872-9855**

The U.S. Office of Special Counsel (OSC) is an independent investigative and prosecutorial agency and operates as a secure channel for disclosures of whistleblower complaints and abuse of authority. Its primary mission is to safeguard the merit system by protecting Federal employees and applicants from prohibited personnel practices, especially retaliation for whistleblowing. OSC also has jurisdiction over the Hatch Act and the Uniformed Services Employment and Reemployment Rights Act.

**Agency Web Site:**

**[www.osc.gov](http://www.osc.gov)**