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## OSC Looks to Build on Notable 2018 Accomplishments

### FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./December 20, 2018 – The U.S. Office of Special Counsel (OSC) today released a summary of the historic accomplishments achieved in 2018 and committed to continue the agency’s success in 2019 and beyond.

“OSC is performing at unprecedented levels in carrying out its role as an independent investigative and enforcement agency, bringing greater integrity and efficiency to the federal government,” said **Special Counsel Henry J. Kerner**. “OSC is working harder and smarter, with better results than at any time in its history. Ensuring accountability is a job I do not take lightly, and in the coming year OSC will continue to work diligently with the federal community, Congress, and stakeholders towards that goal.”

### With more success comes more cases

OSC continued to provide outsized returns for the federal government and achieve unparalleled success for federal workers. For the fourth year in a row, OSC received around 6,000 new matters in FY 2018. With an increasing caseload, OSC was able to increase productivity across its multiple units by resolving more than 6,000 matters—61% above recent historical averages.

### Fixing problems and saving taxpayer dollars

When federal air traffic controllers witness dangerous flight protocols, when Pentagon procurement officers find significant irregularities in government contracts, or when U.S. Department of Veterans Affairs (VA) professionals observe unsafe practices in hospitals and clinics, OSC acts to ensure that whistleblowers’ disclosures are heard and acted upon. OSC redoubled its efforts to address disclosures in a timely fashion and to ensure that waste, fraud, abuse, and violations of law are identified and remedied quickly. Of the disclosures referred by OSC for investigation that were closed in FY 2018, agencies substantiated allegations in 88 percent of the cases.

In recent years, whistleblowers have proven invaluable to highlighting quality of care issues at VA health facilities and ensuring our government fulfills its solemn commitment to our veterans. Through its work on these cases, OSC has helped improve public safety, prevent fraud and abuse, and recoup significant funds to the U.S. Treasury. For example, a Navy whistleblower reported to OSC that \$32 million in equipment was unaccounted for due to lax accountability measures at the facility, a claim substantiated by the agency. As a result, new policies were put in place to improve accountability and prevent further equipment loss, thus saving valuable taxpayer resources.

In another recent case, OSC referred a whistleblower’s disclosure that an Environmental Protection Agency (EPA) regional office had failed to conduct proper lead-based paint inspections as required by law. The EPA’s Office of Inspector General investigated and largely substantiated the whistleblower’s disclosures. The EPA agreed to multiple systemic improvements to increase oversight and accountability.

## **Addressing whistleblower retaliation and other prohibited personnel practices**

Whistleblowers often face retaliation for disclosing wrongdoing. In FY 2018, OSC nearly tripled its historic success rate in achieving favorable actions in cases alleging whistleblower retaliation and other prohibited personnel practices. The 314 favorable outcomes achieved this year include corrective action for complainants as well as disciplinary action against agency officials found to have engaged in misconduct.

Of note, this year OSC resolved three related whistleblower retaliation cases where Transportation Security Administration (TSA) supervisory employees were involuntarily geographically reassigned after making disclosures related to airport operations and safety. The settlement agreement included unprecedented compensatory damages of approximately \$1 million.

OSC also filed an *amicus curiae* brief to clarify the broad scope of whistleblower protections for federal employees. Additionally, OSC filed five letter motions with federal courts of appeals and the Merit Systems Protection Board (MSPB), informing these adjudicatory bodies of supplemental authorities that may affect pending cases in which OSC previously filed *amicus curiae* briefs.

## **Enforcing the Hatch Act and USERRA**

Through its enforcement of the Hatch Act, OSC preserves the integrity of the civil service system, ensuring that federal employees do not engage in partisan politics while on duty and are not coerced by their superiors into partisan political activity. OSC also enforces the Uniformed Services Employment and Reemployment Rights Act (USERRA) to protect returning military service members and reservists against employment discrimination and retaliation in their federal jobs.

OSC has continued to achieve impressive results in its handling of both the Hatch Act and USERRA cases. In FY 2018, OSC issued more than 1,300 advisory opinions on the Hatch Act, issued nearly 50 warning letters, and obtained corrective or disciplinary action in 18 cases. On the USERRA front, OSC achieved favorable outcomes in three meritorious cases where veterans received back pay, retroactive promotions, and restored leave for service members. Earlier this year, OSC filed a complaint with the MSPB challenging an agency's decision to deny reemployment to a service member. This case is still pending.

## **Increased training and prevention**

It is critical that OSC work with agencies to ensure they receive robust training to prevent civil service violations before they occur. For FY 2018, OSC again dramatically increased its training of the federal community. OSC conducted nearly 200 outreach events—a new agency record—and certified an additional 23 agencies under its Section 2302(c) Certification Program, which requires agencies to take specific steps to inform their managers and employees about whistleblower protections and prohibited personnel practices.

## **Additional 2018 accomplishments**

Read more about OSC's accomplishments in our annual [Performance and Accountability Report](#) to Congress.

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*The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at [www.osc.gov](http://www.osc.gov).*