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Recent OSC Efforts to Stop LGBT Discrimination in the Federal Workplace

FOR IMMEDIATE RELEASE

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As the federal government [recognizes](#) June as Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month, over the last year, the U.S. Office of Special Counsel (OSC) has obtained relief for federal employees who filed complaints alleging they suffered from sexual orientation or gender identity discrimination. The most recent cases are:

- OSC found that the Army discriminated against a civilian employee when it terminated him after his supervisors and coworkers discovered his anonymous online posts that mentioned the employee's sexual orientation. In response to OSC's findings, the Army and the employee agreed to a settlement, which included a monetary payment. The Army also changed a longstanding regulation so it can no longer be used to disqualify civilian employees from holding sensitive positions based solely on their sexual orientation. The Army also agreed to provide remedial and sensitivity training for supervisors and employees. ([October 16, 2014](#))
- OSC found that the Army engaged in gender identity discrimination against Tamara Lusardi, a civilian employee, after she announced her transition from male to female. OSC issued a report (published in redacted form on OSC's website) concluding that Ms. Lusardi experienced a significant change in working conditions when the Army improperly restricted her restroom usage, repeatedly referred to her by her birth name and male pronoun, and excessively monitored her conversations with coworkers. In response, the Army agreed to provide remedial and sensitivity training to correct and prevent future discrimination. The Army already had permitted Ms. Lusardi to use the restroom associated with her gender identity. ([October 23, 2014](#))
- OSC found that the Department of Veterans Affairs discriminated against psychiatrist Patricia Kinne when it threatened her with removal after patients complained that she had disclosed her sexual orientation. OSC's investigation concluded that while there were several hundred change-of-provider requests from patients against psychiatrists, only two requests related to Dr. Kinne's sexual orientation were treated as potential disciplinary issues. The VA was unable to appropriately explain its reasons for the differential treatment. OSC facilitated a settlement agreement between Dr. Kinne and the VA. In addition to providing full relief to Dr. Kinne, including a monetary payment, the VA agreed to provide training to managers and human resources staff and to notify employees that they are not required to conceal their sexual orientation. ([May 12, 2015](#))

In addition, OSC has engaged in substantial education and outreach efforts on LGBT-related discrimination. For instance, earlier this month, OSC – along with the Office of Personnel Management, the Equal Employment Opportunity Commission, and the Merit Systems Protection Board – reissued a substantially revised [resource guide](#) on how LGBT federal applicants and employees can seek redress if they encounter discrimination.

“OSC will continue to seek relief for federal LGBT employees when our investigations find evidence of discrimination,” said Special Counsel Carolyn Lerner. “Through outreach and training, OSC seeks to prevent LGBT discrimination from occurring. Our federal workforce works best only when it treats everyone fairly with dignity and respect.”

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.