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OSC Stays Hiring in Veterans-Preference Case

FOR IMMEDIATE RELEASE

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Last week, the U.S. Office of Special Counsel (OSC) obtained a 45-day stay from the Merit Systems Protection Board (MSPB) that puts a hold on the Justice Department's selection of candidates for two supervisory positions while OSC investigates allegations from two preference-eligible veterans. Those veterans filed complaints with OSC alleging that the Justice Department encouraged them to withdraw from competition for these positions so that the Justice Department could hire its preferred non-veteran candidate. This is the first time that OSC has sought a stay for a non-retaliation-related prohibited personnel practice case.

OSC sought the stay because it has a reasonable belief that the Justice Department's International Criminal Investigative Training Assistance Program may have violated 5 U.S.C. § 2302(b)(6), which bars agency officials from giving applicants an improper preference or advantage for employment for the purpose of improving or injuring the prospects of any particular person.

OSC may request a stay from the MSPB when OSC has a reasonable belief that the personnel action taken or to be taken is the result of a prohibited personnel practice. Such a request by OSC shall be granted unless, under the facts and circumstances, such a stay would not be appropriate. A grant of a stay request is not a finding on the merits of the claim.

The MSPB's stay order, which contains further details, can be found [here](#).

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.