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## OSC Agrees EPA's Office of Civil Rights Used Inefficient, Delayed Process in EEOC Cases

**FOR IMMEDIATE RELEASE**

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WASHINGTON – The Office of Special Counsel today sent a [letter](#) to President Trump agreeing with an Environmental Protection Agency (EPA) whistleblower who alleged serious process deficiencies in the handling of cases under Equal Employment Opportunity Commission (EEOC) regulations by the EPA's Office of Civil Rights (OCR).

“Notably, OCR’s mission involves protecting EPA employees from discrimination,” Special Counsel Henry J. Kerner wrote to the President. “By allowing a highly inefficient process to remain uncorrected over a period of at least six years, while thereby adversely affecting the statutory and due process rights of EPA employees, OCR has engaged in management inaction that has a deleterious effect on its ability to accomplish its mission. While EPA has made positive steps to remediate these issues, the established history of delays and their potential consequences are troubling.”

The whistleblower, Susan Lees, a former EPA information technology specialist, who consented to the release of her name, alleged that OCR routinely failed to process cases in a timely manner in violation of EEOC regulations. Her allegations were referred to the EPA for investigation, as statutorily required. The agency substantiated her allegations, finding that since at least fiscal year 2011, OCR systematically failed to issue Final Agency Decisions within the 60-day timeframe specified in EEOC regulations. Instead, OCR has taken on average 491 days to issue such decisions. The investigation found the delays were not the result of misconduct, waste, fraud, or gross mismanagement but systemic process issues concerning the drafting, reviewing, and issuance of decisions.

The whistleblower disputed the assertion that no gross mismanagement occurred. After reviewing the materials, OSC determined that while the EPA report meets all statutory requirements, “the finding that gross mismanagement did not occur is unreasonable.”

As required by law, OSC sent a copy of its letter, an unredacted version of the agency report, and the whistleblower’s comments to the Senate Committee on Environment and Public Works and the House Committee on Science, Space, and Technology. OSC also filed a copy of the [letter](#) to the President, a redacted [report](#), and the whistleblower’s [comments](#) in its public file, available at [www.osc.gov](http://www.osc.gov). This matter is now closed.

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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).*