



U.S. OFFICE OF SPECIAL COUNSEL

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The Special Counsel

October 16, 2014

Via Email

Mr. James M. Read
Director, Policy and Evaluation
Merit Systems Protection Board
1615 M Street, N.W.
Washington, D.C. 20419
Research.agenda@mspb.gov

Re: Solicitation of Public Comments on MSPB's Proposed Research Agenda

Dear Mr. Read:

The U.S. Office of Special Counsel (OSC) submits the following comments concerning the Board's proposed research agenda for studies of the federal merit system.¹ As you know, my office's primary mission is to safeguard the merit system in federal employment by protecting employees and applicants from prohibited personnel practices (PPPs), especially reprisal for whistleblowing and protected activity. As such, OSC has a strong interest when the Board studies any of the PPPs, especially whistleblower retaliation.

While all the proposed topics are important, OSC recommends that the Board study at least one of these topics: 3) "Freedom from Prohibited Personnel Practices: A Vision Achieved?"; 5) "Reprisal for Protected Activity"; and 9) "Whistleblowing After the Whistleblower Protection Enhancement Act (WPEA)."

Besides our statutory interest in these topics, we have experienced a general increase in PPP complaints over the last several years. Complaints of retaliation make up roughly half of our PPP caseload.

While it is unclear why there has been an increase, the WPEA of 2012 may be leading more current and former federal employees to come forward with allegations. It would also be valuable to learn how aware federal employees are of OSC and MSPB as

¹ Merit Systems Protection Board, "Current Projects, Planned Projects, and Proposed Research Topics for 2015 – 2018," August 2014. Link: <http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=1069726&version=1074028&application=ACROBAT> (Last accessed October 14, 2014)

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vehicles to secure their employment rights. The time is ripe to see how the new law has changed the federal environment.

Studies of any of these three proposed topics could help OSC better enforce the law in federal agencies and improve public understanding of the federal merit system.

If the Board has any questions regarding these comments, please direct them to Deputy Special Counsel for Policy Adam Miles. He can be reached at (202) 254-3607, or by email at amiles@osc.gov.

Respectfully,

A handwritten signature in cursive script that reads "Carolyn Lerner".

Carolyn N. Lerner