

**Testimony of Special Counsel Carolyn N. Lerner  
U.S. Office of Special Counsel**

**U.S. House of Representatives  
Committee on Oversight and Government Reform  
Subcommittee on Government Operations**

**Reauthorization of the U.S. Office of Special Counsel**

**December 16, 2015, 10:00 A.M.**

Chairman Meadows, Ranking Member Connolly, and Members of the Subcommittee:

Thank you for the opportunity to testify today about the U.S. Office of Special Counsel (OSC). I am pleased to be here today with Chairman Grundmann and Director Shaub. I greatly appreciate the Committee's interest in reauthorizing OSC and strengthening our ability to carry out our good government mission.

**I. The Office of Special Counsel**

OSC promotes accountability, integrity, and fairness in the federal workplace. We protect federal employees from "prohibited personnel practices" (PPPs), including retaliation for whistleblowing. We provide a safe and secure channel for government whistleblowers to report waste, fraud, abuse, and threats to public health and safety. Further, OSC protects veterans and service members from job discrimination under the Uniformed Services Employment and Reemployment Rights Act (USERRA). And, we enforce the Hatch Act, which keeps partisan political activity out of the federal workplace. OSC also prioritizes outreach and education to federal employees and managers to prevent violations of these merit systems laws before they occur.

As Congress considers reauthorizing OSC for the first time in many years, I am pleased to report that this office is operating more efficiently and effectively than at any time in its history. For example, OSC received and resolved approximately 6,000 cases in 2015, a 55 percent increase in case volume and productivity from when I took office in 2011. By eliminating unnecessary expenses and implementing efficiency measures, we cut our cost to resolve a case to historic lows. In 2010, OSC's cost per case was \$5,174. In 2015, we dropped that number to \$3,696, allowing us to review and process thousands of additional cases each year with comparable resources, and without compromising quality or results. As summarized below, in each of OSC's program areas, we have achieved remarkable successes on behalf of whistleblowers and the taxpayers, while cutting costs and adapting to record-setting levels of cases.

*A. Investigations of prohibited personnel practices*

OSC's primary mission is to investigate allegations of whistleblower retaliation, one of the thirteen PPPs that federal employees may challenge with our office. After receiving a retaliation complaint, we conduct an investigation to determine whether the employee has been fired, demoted, suspended, or subjected to some other personnel action because the employee blew the

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whistle. If OSC can demonstrate that a personnel action was retaliatory, we work with the agency to provide relief to the employee. OSC also commonly works with the agency involved to implement systemic corrective actions, such as management training on whistleblower protections. Frequently, we resolve cases through alternative dispute resolution, including mediation. If the agency does not agree to provide the requested relief to the employee, either through mediation or based on our investigative findings, we have the authority to initiate formal litigation on behalf of the whistleblower before the Merit Systems Protection Board (MSPB). In egregious cases, we can also petition the MSPB for disciplinary action against a subject official.

In 2015, we were able to secure 278 “favorable actions” for whistleblowers and other employees. Only seven years ago, the total number of favorable actions was 29. These victories for whistleblowers include reinstatement, back pay, and other remedies, such as stays of improper removals or reassignments and disciplinary actions against those who retaliate. Helping courageous public servants maintain successful careers after facing retaliation is a central role for OSC, and each year, we have been able to generate more of these important actions. In recent years, OSC secured relief for these and hundreds of additional courageous whistleblowers:

- Dr. Katherine Mitchell blew the whistle on critical understaffing and inadequate triage training in the Phoenix Department of Veterans Affairs’ Medical Center (VAMC). Dr. Mitchell disclosed that Phoenix VAMC leadership engaged in a series of targeted retaliatory acts that included removing her as Emergency Room director. Working with OSC, the VA settled Dr. Mitchell’s claim and agreed to, among other things, assign her to a new position in the VA that allows her to oversee the quality of patient care.
- Bradie Frink is a disabled Army veteran who was hired at the Baltimore Regional Office of the Veterans Benefits Administration in February 2013. The VA mismanaged Mr. Frink’s benefits claims, delaying his ability to receive care for him and his family. Mr. Frink sent a request for assistance to Senator Barbara Mikulski. Shortly thereafter, the VA terminated Mr. Frink during his probationary period. OSC investigated and submitted a report with our findings to the VA. The VA agreed to provide full corrective action for Mr. Frink, including reemployment with the agency, back pay for the months of unemployment, and compensatory damages for emotional distress. OSC further recommended that the VA consider disciplinary action against two of Mr. Frink’s supervisors.
- Franz Gayl, a Marine Corps civilian scientist, blew the whistle about delays in the military’s procurement of blast-resistant trucks known as Mine Resistant Ambush Protected vehicles. Mr. Gayl raised congressional awareness of the problem at a time when U.S. troops were increasingly vulnerable to death and injury from improvised explosive devices in Iraq. Mr. Gayl alleged retaliation for his whistleblowing. OSC investigated his claims, and Mr. Gayl and the Marine Corps successfully resolved his complaints through OSC’s alternative dispute resolution program.
- Teresa Gilbert, an Army civilian infection control analyst at Womack Army Medical Center in Fort Bragg, North Carolina, disclosed violations of infection control policies

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and regulations that created a significant threat to the health and safety of patients. Her disclosures resulted in improved hospital conditions and significant disciplinary action against senior leaders at Womack. In response to OSC's investigation, the Army reached a settlement with Ms. Gilbert.

These are important victories for employees who risked their professional lives to improve government operations, promote accountability, and protect the taxpayers.

### *B. Whistleblower disclosures*

OSC provides a safe channel through which federal employees may allege violations of law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. Unlike its role in retaliation and other PPP cases, OSC does not have investigative authority in disclosure cases. Rather, OSC evaluates disclosures of information to determine whether there is a "substantial likelihood" that wrongdoing has been disclosed. If OSC makes a "substantial likelihood" determination, I transmit the information to the head of the appropriate agency. The agency head, or their designee, is required to conduct an investigation and submit a written report on the investigative findings to my office.

Upon receipt of the agency's report, I am required by law to determine whether the report contains the information mandated by the statute and whether the findings of the agency head appear reasonable. I then transmit the report with my office's determination and the whistleblower's comments to the President and the congressional committees with oversight responsibility for the agency involved. OSC is also required to place the report and whistleblower comments in a public file.

Through this process, Congress has tasked OSC with a critical oversight role in reviewing allegations of potential government misconduct. The system helps improve government operations in three key ways. First, if an agency is reluctant to investigate possible wrongdoing raised internally by a whistleblower, OSC can require the agency to conduct an investigation. Second, OSC provides an important accountability and quality control function in the investigative process. The whistleblowers, who are commonly the experts on the subject matter of the allegations, are allowed to comment on the quality of the investigation and corrective actions. OSC also maintains a dialogue with the investigating agency throughout the process to make sure that the actions taken are reasonable and address the concerns raised by the whistleblowers. Finally, the process is transparent. At the conclusion, OSC posts the results on our website, creating a public record of all cases which have been referred for investigation.

In recent years, the OSC disclosure process has prompted significant changes in government operations. Our cases have saved lives and millions of taxpayer dollars. For example:

- Whistleblowers at the Air Force's Port Mortuary in Dover, Delaware, disclosed misconduct regarding the improper handling of human remains of fallen service members. After OSC reviewed the allegations and made recommendations, the Air Force took important, wide-scale corrective action. OSC's work helped to ensure that problems

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were identified and corrected, and the Air Force is now better able to uphold its sacred mission on behalf of fallen service members and their families.

- In addition, OSC's work with whistleblowers at the Department of Homeland Security (DHS) exposed the department's longstanding failure to manage hundreds of millions of dollars in annual overtime payments. The lack of adequate safeguards in these overtime payments resulted in a significant waste of taxpayer dollars over many years. Repeated investigations in response to OSC referrals confirmed that overtime payments were routinely provided to individuals who were not eligible to receive them. This work resulted in a series of reforms within DHS, multiple congressional hearings, and bipartisan support for legislation to revise the pay system for Border Patrol agents that will result in \$100 million in annual cost savings at the Department of Homeland Security—an amount roughly five times the size of OSC's annual appropriation.
- Finally, in a report to the President and Congress last year, OSC documented severe shortcomings in Department of Veterans Affairs' (VA) investigations of threats to patient care at VA hospitals. This work with VA whistleblowers led to an overhaul of the VA's internal medical oversight office, drastically improving the reports now issued in response to OSC referrals. Just recently, a VA report confirmed an egregious threat to the health and safety of veterans at a medical center in Beckley, West Virginia. In order to meet budget goals, the facility altered prescriptions for veterans over the objections of their mental health providers, with no medical reason for the substituted drugs, in violation of VA policies. The VA investigated, determined that the substitutions created medical risks for the impacted veterans, and recommended both corrective steps to be taken and disciplinary actions for those responsible. It is this type of accountability that the OSC disclosure process promotes.

Through OSC's review of hundreds of VA whistleblower disclosures, OSC has played a pivotal role in the efforts to promote confidence and restore accountability at the VA.

### *C. OSC's Hatch Act program*

OSC's Hatch Act Unit enforces and investigates complaints of unlawful political activity by government employees under the Hatch Act, and represents OSC in seeking disciplinary actions before the MSPB. In addition, the Hatch Act Unit is responsible for providing legal advice on the Hatch Act to federal, Washington, D.C., state, and local employees, as well as to the public at large. OSC issues thousands of informal and formal advisory opinions during a typical presidential election cycle, and we expect the number of requests for advice and formal complaints to increase sharply over the coming months.

In general, the Hatch Act prohibits all federal employees from soliciting, accepting, or receiving political contributions from any person and, with limited exceptions, engaging in any political activity while on duty or in the federal workplace. Federal employees, including high-ranking officials, may not engage in political activity in their official capacity or otherwise use their official authority for the purpose of interfering with or affecting the result of an election. Some

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federal employees are further restricted under the Hatch Act, meaning they may not take an active part in partisan political management or partisan political campaigns. Recent cases that illustrate these important restrictions include the following:

- In January 2015, OSC filed a complaint with the MSPB, alleging that a career senior executive service (SES) official at the Department of Agriculture (USDA) approached a subordinate and outlined the official's proposal to establish a political action committee (PAC) in support of President Barack Obama's 2012 reelection campaign. The official told the subordinate that the official hoped to obtain a political appointment by contributing a large sum of money to President Obama's campaign and that if the subordinate contributed to the official's proposed PAC and the official received a political appointment, the official would help the subordinate obtain a career SES position. OSC alleged that the official asked the subordinate for a \$2,400 contribution and twice in October 2011 suggested that the subordinate contribute their performance bonus to the proposed PAC. The official solicited the subordinate again in January 2012. OSC also alleged that in September 2011, the official informed another USDA coworker of the proposed PAC, asked the coworker to contribute \$2,000, and told the coworker that donating to PACs is how federal employees advance their careers. Shortly after OSC filed its complaint, the USDA official retired from federal employment. The MSPB dismissed the case without prejudice, allowing OSC to refile within five years if the official returns to federal service.
- In a recent case, OSC investigated allegations involving a GS-15 Federal Emergency Management Agency employee who hosted a partisan political fundraiser and used his personal email account to invite others to attend and make a contribution. The employee also forwarded fundraising invitations for other candidates, sometimes while he was at work. He also recruited campaign volunteers, planned candidate events, and posted partisan messages to Facebook while at work. In addition to the Hatch Act information his agency provided him, his supervisor specifically warned him about engaging in prohibited political activity. Despite this warning, the employee continued to engage in activity that violated the Hatch Act. As disciplinary action for his admitted violations, the employee agreed to accept a 112-day suspension without pay.

In addition to these types of enforcement actions, to better educate the federal workforce and prevent Hatch Act violations from occurring in the first place, OSC conducts training and outreach sessions for employees, as detailed below.

### *D. Uniformed Services Employment and Reemployment Rights Act*

OSC protects the job rights of members of the Armed Forces employed by the federal government. OSC's USERRA Unit protects service members and veterans from employment discrimination and allows them to regain their civilian jobs and benefits upon their return from service. OSC's jurisdiction is limited to USERRA cases filed by service members and veterans who hold jobs (or apply for jobs) with federal Executive agencies. OSC receives USERRA cases from the Department of Labor (DOL) following an initial investigation and attempted resolution

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by DOL. Some examples of USERRA cases OSC successfully resolved during the last fiscal year are:

- An Army Reservist sustained injuries during military service, rendering him unable to perform his former duties as a Federal Air Marshal after his discharge. OSC intervened and negotiated a settlement whereby the agency agreed to place the Reservist on paid light duty for approximately six months while his disability retirement application was processed.
- The Air Force refused to allow the reemployment of an Army National Guard member as a federal contractor following his return from active duty. As a result, he was unemployed for several months before finding a new job. OSC informed the Air Force that it could be liable for improperly interfering with the Guardsman's reemployment rights under USERRA. After OSC's intervention, the Air Force agreed to pay the Guardsman \$18,500 in lost wages as compensation.
- A National Guardsman alleged that his federal agency threatened him with termination because the agency believed his military service made him "unreliable." His agency also denied him other benefits of employment, including overtime, temporary overseas duty assignments, promotion, and training. OSC's Alternative Dispute Resolution (ADR) Unit mediated the case. As a result, the Guardsman agreed to withdraw his USERRA claim in exchange for both monetary and time off awards, an assigned mentor to help prepare him for advancement, and the opportunity for a temporary overseas duty assignment. The agency also agreed to conduct USERRA training for supervisors and managers to reduce the risk of future USERRA violations.

### *E. Outreach and education*

Government functions best and can address problems most effectively when employees feel comfortable and confident that they can blow the whistle at their agencies without retaliation. Creating this environment requires employees at all levels to be educated about their rights and responsibilities. Since my tenure as Special Counsel began in 2011, OSC has expanded its education and outreach efforts in all of our program areas, including prevention of PPPs, whistleblower disclosures, Hatch Act, and USERRA. OSC provides formal and informal outreach sessions, including making materials available on the agency website. OSC provided 104 outreach sessions during FY 2014 and 118 in FY 2015.

In addition, federal agencies have a statutory obligation to inform their workforces about the rights and remedies available to them under whistleblower protection laws. OSC's 2302(c) Certification Program helps agencies meet this obligation through the following simple steps: agencies must place informational posters at agency facilities; provide information to new and existing employees and train supervisors about PPPs, the Whistleblower Protection Act, and the Whistleblower Protection Enhancement Act; and display a link to OSC's website on the agency's website or intranet.

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To strengthen and expand whistleblower protections for federal government personnel, the Administration mandated participation in OSC's certification program under the White House's second National Action Plan on Open Government. To date, we have certified 46 agencies or agency components under our program and 20 agencies or components are currently registered to become certified.

Similarly, OSC continues to proactively engage with Offices of Inspector General across the federal government. For example, as Special Counsel, I am a member of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) and its Integrity Committee. Senior OSC leadership also participate in the Offices of Inspector General Whistleblower Protection Ombudsman working group, as well as DOL's Whistleblower Protection Advisory Committee.

### **II. OSC Reauthorization**

The demand for OSC's limited resources, in each of the program areas described above, has skyrocketed since 2013. OSC has approximately 135 employees and, as stated, we received approximately 6,000 cases in 2015. Our dedicated employees have responded admirably to this surge in cases. But the rapidly growing caseload places enormous strains on our small staff and is not sustainable. For example, in our Complaints Examining Unit, which does the initial review and attempted resolution in PPP cases, each employee currently handles a docket of 70 cases, up from 31 in 2012. In our Disclosure Unit, which receives and evaluates whistleblower disclosures, each employee carries a docket of over 40 cases, up from 13 in 2012.

The recommendations to the Committee for OSC reauthorization would help ease the burden resulting from the increased demand for our services. The recommended changes would also allow OSC to better fulfill its good government mission. In addition to reauthorizing OSC for a period of five years, OSC has the following recommendations.

#### *A. Clarifying and streamlining OSC's access to agency information*

OSC recommends that Congress establish statutory authority for the Special Counsel to seek information, including certain privileged information, from government agencies. This will assist OSC in its independent investigations of whistleblower retaliation and other PPPs and in our reviews of whistleblower disclosure cases. Statutory access to agency records would be much like the authorities Congress has provided to Inspectors General and the Government Accountability Office.

Currently, OSC's authority to request documents is regulatory. An Office of Personnel Management (OPM) regulation directs agencies to comply with information requests from OSC. While agencies typically comply with our OPM civil service rule 5.4 requests, we have had some difficulty in our investigations where agencies do not provide timely or complete responses or claim common law privileges as a basis for withholding documents.

Congress has tasked OSC with determining the legality of personnel actions taken against whistleblowers. Our investigations typically assess whether an agency acted for legitimate, non-retaliatory reasons, or whether agency justifications are really a pretext for retaliating against an

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employee. To make these assessments, it is often necessary to review communications between management officials and agency counsel. In fact, these communications can demonstrate that management officials acted responsibly, sought legal advice, and had a legitimate basis for disciplining a purported whistleblower. Yet, agencies frequently assert that these communications are privileged and withhold this information from OSC. In such cases, OSC must engage in prolonged disputes over access to information or attempt to complete our investigation without the benefit of highly relevant communications. This undermines the effectiveness of the whistleblower law and prolongs OSC investigations.

We recommend that Congress clarify OSC's ability to receive all information from agencies, including information that may be protected by common law privileges in other contexts. It is inconsistent with the historical intent of the attorney-client and deliberative process privileges to assert them in the course of an intra-Executive branch investigation. This is particularly true where OSC must step into the shoes of the agency to determine whether the agency allowed illegal conduct to occur. The public interest in a transparent and accountable government is best served by allowing OSC access to all information, including potentially privileged information. More important, the privileges should not be used to shield government managers from accountability for their actions, or to hide potentially retaliatory conduct.

In addition to providing better access to information in our reprisal investigations, we also recommend that Congress clarify OSC's ability to receive information to assist in our review and resolution of whistleblower disclosure cases. This will help OSC to avoid unnecessary and duplicative government investigations. In both our retaliation investigations and our review of whistleblower disclosures, direct and clear access to agency records will help us resolve disputes over documents more quickly, resulting in faster relief for employees, and better enabling OSC to respond to the increased demand and case levels.

### *B. Increasing agency accountability and oversight in whistleblower disclosure cases*

As described above, OSC provides a safe channel through which federal employees may allege violations of law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.

Over the last three fiscal years, OSC formally referred nearly 200 whistleblower disclosures for investigation. In response, agencies substantiated, in whole or in part, approximately 90 percent of the allegations. Typically, the agency will commit to taking corrective actions to remedy the identified misconduct. Nevertheless, sometimes the corrective action plans are insufficient or incomplete at the time OSC submits the report and whistleblower comments to the President and Congress.

To further strengthen the whistleblower disclosure process, we recommend that Congress enhance OSC's ability to ensure that agencies take action to correct substantiated claims of misconduct. Specifically, we ask that Congress require agencies to provide an explanation if they fail to take action, including disciplinary action, in the case of substantiated misconduct. And, for any agency action that is planned but not yet implemented, OSC should have the statutory authority to request and receive detailed follow-up information.

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OSC also recommends that Congress amend section 1213 to allow 45 days for the initial review of disclosures. This is a more realistic benchmark, given the increase in disclosure cases filed in recent years.

### *C. Modifying onerous procedural requirements on OSC in prohibited personnel practice cases.*

In light of the steadily increasing workload, and to bolster OSC's ability to focus on meritorious claims, Congress should consider reducing the procedural requirements imposed on OSC in all PPP cases.

In 1994, the last time Congress considered significant changes to OSC's authorities and mandates, OSC received a total of 1,837 PPP allegations. In 2015, we received over 4,000. Accordingly, our PPP case intake more than doubled during that period, but staffing has remained relatively flat. It is important to note also that the rate of PPP cases accelerated significantly over the last five years. In 2010, the year before I took office, OSC received 2,415 PPP cases, which was consistent with the steady but slow increase of cases since 1994. But since 2010, OSC has absorbed a remarkable 1,600 case increase. We expect this total to further increase in 2016.

The requirements on OSC to close a PPP case, developed in 1989 and 1994, when OSC had far fewer cases and a comparable staff size, are extremely onerous. Summarized briefly, section 1214 of title 5 requires OSC to provide an employee with repetitive status reports, a detailed, fact-based letter, the legal reasons for terminating the investigation, and an opportunity to comment before OSC may close a complaint file. All of these steps are required, regardless of the complaint's merits. The steps are required even if OSC does not have jurisdiction over the allegations, if the same allegations had been filed previously with OSC, if the MSPB or another judicial or administrative forum is already considering the claim, and even if the case is 10 years old, as there is no statute of limitations on cases brought to OSC.

These requirements cause us to devote significant resources to *closing* non-meritorious, repetitive complaints, or ones in which OSC has no jurisdiction, instead of focusing on prosecuting and resolving meritorious cases. These requirements are unique to OSC, and hinder our ability to use our prosecutorial discretion to allocate resources to strong cases.

OSC recommends changes to section 1214 of title 5 that would allow OSC to spend its limited resources on the investigation and prosecution of strong cases. Quite simply, we believe the onerous procedural requirements should not apply in certain categories of cases, such as old claims, repetitive claims, and those in which OSC does not have jurisdiction or the employee has sought relief elsewhere. Such changes would also provide OSC with the ability to generate more positive outcomes on behalf of whistleblowers, the merit system, and the taxpayers.

### *D. Updating public reporting requirements to correspond to OSC's current practice.*

Congress may want to consider requiring OSC to make more information available to the public in whistleblower disclosure cases. These recommended changes are consistent with OSC's

current practice, which is to post to OSC's public file the whistleblower's comments on the agency's investigative report (where appropriate and with the consent of the whistleblower), and OSC's analysis of the completeness and reasonableness of the agency's investigation and corrective actions.

*E. Annual survey*

OSC recommends that Congress eliminate the annual survey requirement that was passed as part of an OSC reauthorization in the 103<sup>rd</sup> Congress. Under this provision, OSC is required by statute to conduct a survey of the employees who sought OSC's assistance during the previous fiscal year. The survey was intended to evaluate OSC's "customer service." In reality, however, the survey results change little from year to year, no matter how effectively OSC is resolving complaints. The information adds little value to the public understanding of OSC's work, as it suffers from an irreparable response bias—the survey is largely completed by employees whom OSC was not able to assist. For example, in 2014, only 10 percent of recipients responded, and only 9 out of 199 respondents stated that they "obtained the result they wanted from OSC." In addition to having little statistical or informational value, the survey is costly and time-consuming for OSC to carry out. We recommend that Congress eliminate the requirement.

I also note that we are taking practical steps to improve the customer experience at OSC. For example, I recently established a new project, the Retaliation and Disclosure Team, which implements a common sense and potentially more efficient model for handling whistleblower cases. OSC's historical practice has been to assign several attorneys to review the same set of facts in cases in which an employee files both a whistleblower disclosure and a retaliation complaint. In addition to improving our agency's efficiency, the new model improves the customer experience at OSC, as one person can review, assist, and resolve all aspects of an employee's case. Complainants have expressed relief at not having to dissect their story to provide only the retaliation side to one attorney and only the disclosure components to another. The facts are often interwoven, and complainants find it helpful to be able to tell one person the full story. Having a single point of contact with OSC also improves the experience from the agency's perspective.

*F. Technical amendment to Hatch Act penalties*

In 2012, Congress passed the Hatch Act Modernization Act, which provided for a range of penalties for Hatch Act violations. In 2012, Congress also passed the Whistleblower Protection Enhancement Act (WPEA). A provision in the WPEA provided that the MSPB could impose a "combination" of penalties for PPP violations. For consistency, the Hatch Act penalty language in section 7326 of title 5 should mirror the PPP penalty language in section 1215 of title 5, and also allow for a "combination" of penalties or sanctions.

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I thank you for the opportunity to testify today and for considering these options for improving OSC's authorities. I would be happy to answer the Committee's questions.

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**Special Counsel Carolyn N. Lerner**

The Honorable Carolyn N. Lerner heads the United States Office of Special Counsel. Her five-year term began in June 2011. Prior to her appointment as Special Counsel, Ms. Lerner was a partner in the Washington, D.C., civil rights and employment law firm Heller, Huron, Chertkof, Lerner, Simon & Salzman, where she represented individuals in discrimination and employment matters, as well as non-profit organizations on a wide variety of issues. She previously served as the federal court appointed monitor of the consent decree in *Neal v. D.C. Department of Corrections*, a sexual harassment and retaliation class action.

Prior to becoming Special Counsel, Ms. Lerner taught mediation as an adjunct professor at George Washington University School of Law, and was mediator for the United States District Court for the District of Columbia and the D.C. Office of Human Rights.

Ms. Lerner earned her undergraduate degree from the Honors College at the University of Michigan, where she was selected to be a Truman Scholar, and her law degree from New York University (NYU) School of Law, where she was a Root-Tilden-Snow public interest scholar. After law school, she served two years as a law clerk to the Honorable Julian Abele Cook, Jr., Chief U.S. District Court Judge for the Eastern District of Michigan.