
**A Report to Congress
From The
U.S. Office Of Special Counsel
For
Fiscal Year 2001**



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The Special Counsel

The Honorable Richard B. Cheney
President of the Senate
Washington, D.C. 20510

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. President and Mr. Speaker:

I respectfully submit to the Congress, in accordance with 5 U.S.C. § 1218, the Annual Report from the Office of Special Counsel for Fiscal Year 2001. As is customary, a copy of this report will also be sent to each Member of Congress.

Sincerely,

Elaine Kaplan

Enclosures

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U.S. OFFICE OF SPECIAL COUNSEL

BIOGRAPHY OF ELAINE KAPLAN SPECIAL COUNSEL



On May 8, 1998, Elaine Kaplan was sworn in to serve a five-year term as Special Counsel of the U.S. Office of Special Counsel (OSC). Ms. Kaplan was nominated for the position of Special Counsel by President Clinton in November 1997, and was unanimously confirmed by the Senate in April 1998.

Ms. Kaplan came to OSC with extensive experience litigating employment-related issues before federal courts and administrative tribunals. Prior to her appointment as Special Counsel, Ms. Kaplan served as Deputy General Counsel of the National Treasury Employees Union (NTEU), where she represented the interests of 150,000 employees in the areas of civil liberties, administrative law, racial and sexual discrimination, and labor law. During her 13 years at NTEU, Ms. Kaplan briefed and argued dozens of cases at all levels of the federal courts on behalf of the union and the federal employees it represented. Many of the cases in which Ms. Kaplan participated resulted in important precedent-setting decisions including, among others, *National Treasury Employees Union v. Von Raab*, 489 U.S. 656 (1989) (the first Supreme Court decision addressing Fourth Amendment implications of urinalysis drug-testing in the public workforce) and *National Treasury Employees Union v. United States*, 115 S.Ct. 1003 (1995) (which struck down on First Amendment grounds the statutory “honoraria ban” as applied to federal employees).

Ms. Kaplan began her legal career in 1979 at the U.S. Department of Labor, Office of the Solicitor, where she worked as a staff attorney in the Division of Employee Benefits. In 1982, Ms. Kaplan was selected to serve on the staff of the newly created Division of Special Appellate and Supreme Court Litigation, which was established to handle the Department’s most significant appellate cases and all of its Supreme Court work. She subsequently held the position of staff attorney at the State and Local Legal Center, where she drafted amicus briefs on behalf of state and local governments for submission to the United States Supreme Court.

Ms. Kaplan, who is a native of Brooklyn, New York, received her undergraduate degree from the State University of New York at Binghamton and her law degree from the Georgetown University Law Center.

I. INTRODUCTION AND SUMMARY

OSC is an independent federal investigative and prosecutorial agency. Under the Civil Service Reform Act (CSRA) and the Whistleblower Protection Act (WPA), OSC's primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices (PPPs), especially reprisal for whistleblowing. OSC also has jurisdiction under the Hatch Act to provide advice and enforce restrictions on political activity by government employees. In addition, OSC facilitates disclosures of wrongdoing in the federal government by operating a secure channel for whistleblowers. Finally, upon referral by the U.S. Department of Labor, OSC is authorized to represent federal employees whose rights under the Uniformed Services Employment and Reemployment Rights Act have been violated.

Fiscal Year (FY) 2001 marked the halfway point of Special Counsel Elaine Kaplan's tenure. Early in her term, Special Counsel Kaplan identified two major challenges to OSC's successful accomplishment of its ambitious mission: 1) the backlog of overage matters pending at the agency; and 2) the widespread ignorance by the public and within the federal workforce of OSC and the laws it enforces.

In each year since taking office, Special Counsel Kaplan has taken specific steps to meet these challenges. To address the problem of backlogs, OSC has sought and Congress has granted the agency additional resources. During FY 2000 and 2001, Congress appropriated funds for 15 additional Full-Time Equivalents (FTEs). Special Counsel Kaplan also re-directed 2 FTEs to program functions as a result of internal reforms. By the end of FY 2001, these additional staff were on board and operating at the full performance level.

Special Counsel Kaplan has also implemented substantial management changes. Most recently, during FY 2001, OSC implemented its most significant reorganization in over 15 years by merging investigative and prosecution functions that had been housed in two separate divisions. The reorganization joined investigators and attorneys in three teams (IPDs—Investigation and Prosecution Divisions), each of which reports to a single Associate Special Counsel. The reorganization eliminated several layers of management review to which cases referred for investigation had previously been subject. It also permits closer more effective and efficient coordination of strategy between investigators and attorneys. This enhanced coordination is expected to reduce case processing times, permit OSC to make better decisions about allocation of investigative resources, and improve the quality of OSC's investigative and legal work.

During FY 2001, the impact of the additional staff and the reorganization was evident. First, the number of cases pending at the close of FY 2001 was 733, down substantially from the 1,114 cases that were pending at the end of FY 2000. Moreover, there were significant gains in the number of cases referred for investigation that OSC resolved. Thus, in FY 2001, OSC resolved 410 cases that were referred for investigation. This represented a 79% increase over FY 2000's 228 cases resolved.

To address the problem of ignorance among the public and in the federal workforce about OSC's mission, OSC continues to operate the formal Outreach Program, established by Special Counsel Kaplan. That program provides education and training to federal employees and managers, giving effect to 5 U.S.C. section 2302(c)'s requirement that federal agencies, in consultation with OSC, inform their employees of their rights and remedies under chapters 12 and 23 of the U.S. Code. As discussed in more detail below, the Outreach Program is preparing to launch a significant new initiative to certify agency compliance with section 2302(c). That project is currently being piloted by the U.S. Office of Personnel Management, and is expected to be available more broadly later in FY 2002.

In addition, in FY 2001, OSC continued its policy of issuing press releases to announce litigation petitions as well as significant corrective or disciplinary action achieved informally. OSC has also continued to publicize the reports of investigations conducted as a result of disclosures made by whistleblowers through OSC's secure channel.

Finally, during FY 2001, OSC created its Public Servant Award Program, which is designed to recognize the contributions to the public interest made by federal employees and applicants who blow the whistle on official misconduct, often at risk to themselves. OSC issued the award to two federal employees, Dr. Donald Sweeney (of the Army Corps of Engineers), and Martin Andersen (of the U.S. Department of Justice), each of whom made important and substantiated disclosures of wrongdoing in the federal government.

II. THE OFFICE OF SPECIAL COUNSEL

A. Statutory Background

The Office of the Special Counsel was established on January 1, 1979, by Reorganization Plan Number 2 of 1978. *See*, 5 U.S.C.A. App.1, § . 204. The Civil Service Reform Act (CSRA) of 1978, effective on January 11, 1979, enlarged its functions and powers. Pub. L. No. 95-454, 92 Stat. 1111 (1978). The Office operated as the autonomous investigative and prosecutorial arm of the Merit Systems Protection Board (MSPB) until 1989, enforcing the laws concerning PPPs, as well as the restrictions on the political activity of federal employees as governed by the Hatch Act.

In March of 1989, Congress enacted the Whistleblower Protection Act (WPA) of 1989. Pub. L. No. 101-12, 103 Stat. 16. The WPA established the Office of the Special Counsel as an independent agency within the Executive Branch, separate from the MSPB, and renamed it the United States Office of Special Counsel (OSC). Under the WPA, OSC kept its basic investigative and prosecutorial functions and its role in litigating cases before the MSPB. The WPA also substantially amended the CSRA to enhance protections against reprisal for those employees who disclose wrongdoing in the federal government, and improve the ability of OSC to enforce those protections.

Five years after passage of the WPA, Congress enacted the Office of Special Counsel Reauthorization Act of 1994. Pub. L. No. 103-424, 108 Stat. 4361 (1994). In response to

widespread criticism concerning inordinate delays in the processing of complaints by OSC, Congress imposed a 240-day time limit on the agency, within which it is required to determine whether there are reasonable grounds for believing that a PPP has been committed.¹ The 1994 legislation also added approximately 160,000 employees of the Veterans Administration and certain government corporations to coverage under the statutes administered by OSC, and significantly broadened the definitions of the types of personnel actions covered under these statutes.² Finally, the 1994 legislation made federal agencies explicitly responsible for informing their employees of available rights and remedies under the WPA, and directed that OSC play a consultative role in that process. See 5 U.S.C. § 2302(c).

B. OSC's Mission

OSC's mission is to protect federal employees and applicants, especially whistleblowers, from prohibited employment practices; to promote compliance by government employees with legal restrictions on political activity; and to facilitate disclosures of wrongdoing in the federal government. OSC carries out this mission by:

- investigating complaints of prohibited employment practices, especially reprisal for whistleblowing, and pursuing remedies for violations;
- operating an independent and secure channel for disclosure and investigation of wrongdoing in federal agencies;
- providing advisory opinions on, and enforcing, the Hatch Act;
- protecting the reemployment rights of veterans under USERRA; and

¹ In the 1994 legislation, Congress also imposed a requirement that OSC's annual report list the number of "cases in which it did not make a determination that there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken within the 240-day period specified in section 1214(b)(2)(A)(i)." See 5 U.S.C. § 1218. The number of cases in which OSC did not meet the 240-day deadline in FY 2001 is listed below at p. 7.

² The Uniformed Services Employment and Reemployment Rights Act (USERRA), Pub. L. No. 103-353, 108 Stat. 3149 (1994) (codified at 38 U.S.C. § 4301 et seq.), also enacted in 1994, gave OSC additional responsibilities. Among other provisions, the Act authorized OSC, under certain circumstances, to represent before the MSPB and the U.S. Court of Appeals for the Federal Circuit, a federal employee who is a veteran or reservist, if a federal agency has failed to reemploy that person in accordance with provisions of the law.

Further changes relating to veterans' reemployment rights were enacted by the Veterans' Employment Opportunities Act of 1998 (VEOA), Pub. L. No. 105-339. VEOA created a new prohibited personnel practice, at section 2302(b)(11), which makes it improper to knowingly take, recommend, or approve (or fail to take, recommend, or approve) any personnel action, if taking (or failing to take) such action would violate a veterans' preference requirement. The former section 2302(b)(11) was redesignated as section 2302(b)(12).

- promoting greater understanding of the rights and responsibilities of government employees under the statutes enforced by OSC.

C. OSC's Internal Organization and Procedures

OSC maintains its headquarters in Washington D.C., and has field offices: in Dallas, Texas, and Oakland, California. The agency is organized into three divisions, and two administrative support branches: the Human and Administrative Resources Management Branch and the Information Systems Branch. The branch functions include budget, finance, personnel, procurement, information technology, and records management services. During FY 2001, OSC operated with approximately 106 FTEs.

The Special Counsel and her staff, who are responsible for policy making and the overall management of OSC, including Congressional relations and public affairs, are located within the Immediate Office of the Special Counsel (IOSC). OSC's Outreach Director is assigned to the IOSC, and is responsible for developing and/or coordinating outreach efforts by OSC, and for promoting compliance by federal agencies with the employee information requirement at 5 U.S.C. § 2302.

The agency is organized into three operating divisions. These are the Complaints and Disclosure Analysis Division, the Investigation and Prosecution Division, and the Planning and Advice Division. Their functions, briefly, are as follows:

1. The **Complaints and Disclosure Analysis Division** includes OSC's two principal intake units for new matters received by the agency – the Complaints Examining Unit (CEU) and the Disclosure Unit (DU).

CEU. This unit is the intake point for all complaints alleging prohibited personnel practices and other violations of civil service law, rule, or regulation within OSC's jurisdiction.³ The attorneys and personnel management specialists in CEU conduct an initial review of complaints to determine whether they are within OSC's jurisdiction and whether further investigation is warranted. CEU refers all matters stating a potentially valid claim to the Investigation and Prosecution Division.⁴

DU. This unit is responsible for reviewing information submitted by federal whistleblowers, and for advising the Special Counsel on the appropriate disposition of the matter (including possible referral to the head of the relevant agency for investigation, referral to an agency Inspector General, or closure). DU also analyzes agency reports of

³ Unless noted otherwise, all successive references to prohibited personnel practice complaints received by CEU include complaints alleging violations of civil service law, rule, or regulation listed at 5 U.S.C. § 1216, except for alleged violations of the Hatch Act. The latter are treated as a separate category of complaints, and are processed by the Hatch Act Unit, as described at p. 15.

⁴ When a matter is not referred for investigation, CEU must by law provide complainants with a written statement of reasons to which they may respond. On the basis of the response, if any, CEU decides whether to finalize its preliminary determination to close the matter, or to refer the matter to the Investigation and Prosecution Division.

investigation to determine whether they appear reasonable and meet statutory requirements before the Special Counsel transmits them to the President and appropriate congressional oversight committees.

2. The **Investigation and Prosecution Divisions (IPDs)** consist of three parallel Investigation and Prosecution Divisions, as well as the Hatch Act unit (HA) and the Alternative Dispute Resolution (ADR) unit.

IPDs. The three divisions investigate complaints referred after the preliminary inquiry by CEU. Each division conducts investigations to review pertinent records and to interview complainants and witnesses with knowledge of the matters alleged. Matters not resolved during the investigative phase undergo legal review and analysis to determine whether the matter warrants corrective action, disciplinary action or both. Attorneys from these units conduct litigation before the MSPB. The units also represent the Special Counsel when OSC intervenes or otherwise participates in other proceedings before the MSPB.

HA. This unit is responsible for enforcing the Hatch Act's restrictions on the political activities of federal and certain state and local government employees. The unit receives and reviews complaints alleging Hatch Act violations and where warranted will prosecute violations before the MSPB. The unit also issues advisory opinions to individuals seeking information about the provisions of the Act.

ADR. In selected cases that have been referred for further investigation, this unit contacts the complainant and the employing agency to invite them to participate in OSC's voluntary Mediation Program. If both parties agree, OSC conducts a mediation session, led by OSC mediators who have extensive mediation training and experience in federal personnel law. When mediation resolves the complaint, the parties execute a written and binding settlement agreement. If mediation does not bring about resolution, the case is referred for further investigation, as it would have been had the parties not tried mediation.

3. The **Planning and Advice Division** provides legal advice and support to OSC on general administrative matters; engages in strategic planning and policy development, including outreach and education activities; and manages the agency's Freedom of Information/Privacy Act and ethics programs.

III. OVERVIEW OF OSC OPERATIONS

A. Budget and Staffing

During FY 2001, OSC operated with a budget of \$11,122,000 and approximately 106 FTEs.

B. Prohibited Personnel Practice Matters

1. Receipts and Investigations

During FY 2001, OSC received 1,292 new matters alleging PPPs with 2,595 separate allegations. Of the 1,589 matters processed by CEU in FY 2001, OSC lacked jurisdiction in 188 of the matters (or 11.8% of the total matters processed), leaving 1,401 matters (88%) in which OSC was authorized by statute to conduct an inquiry. Following CEU review, 267 matters were referred for field investigation (19% of the matters over which OSC had jurisdiction). CEU closed 1,300 matters because there was insufficient basis for further OSC action, or because of satisfactory resolution of an employee's complaint during the initial review. The types of PPP allegations received in FY 2001 and the types of PPP allegations referred for field investigation are included in Tables 1- 4.

In 1994, Congress imposed upon OSC a requirement that its annual report list the number of "cases in which it did not make a determination whether there are reasonable grounds to believe that a PPP has occurred, exist, or is to be taken within the 240-day period specified in section 1214(b)(2)(A)(I)." See, 5 U.S.C. § 1218. At the end of FY 2001, 232 pending matters were older than 240 days.

2. Enforcement Actions

Enforcement actions are cases filed by OSC with the MSPB that seek corrective action (relief intended to make an aggrieved employee whole), or disciplinary action (the imposition of discipline on an employee who has committed a violation). Under 5 U.S.C. § 1214, before OSC may initiate proceedings for corrective action before the MSPB, OSC must report its findings and recommendations to the agency involved. Only when the agency has had a reasonable period of time to take corrective action and fails to do so, may OSC proceed to petition the Board for corrective action.

If OSC believes a PPP has been committed and initiates discussions with the agency, the matter is often resolved through settlement between the complainant and the agency. When an agency refuses to grant appropriate corrective action after a formal request from the Special Counsel, OSC generally proceeds immediately to file a complaint with the MSPB. In addition to rectifying the matter at issue, corrective action litigation often has the additional benefits of clarifying and expanding existing law, and of bringing greater public attention to the mission and the work of OSC. This significantly increases the deterrent effect of OSC's efforts. In FY 2001, OSC was able to successfully settle with agencies all PPP matters in which it believed a violation occurred, and did not file any enforcement actions with the MSPB.

Under 5 U.S.C. § 1215, when OSC determines that disciplinary action against an employee is warranted, OSC can file a complaint directly with the MSPB. Should the agency agree to take appropriate disciplinary action on its own initiative, then the matter can be settled without resort to an MSPB proceeding.

3. Favorable Actions Achieved

OSC obtained 74 informal favorable actions⁵ in FY 2001 in 66 PPP matters. Of these favorable actions, four were disciplinary actions. Cases involving allegations of reprisal for whistleblowing accounted for 39 of the total favorable actions. OSC obtained 13 stays of personnel actions through voluntary negotiations with agencies.

Table 1

Summary of Prohibited Personnel Practice Matters			
	FY 1999	FY 2000	FY2001
Matters received	1,716	1,958	1,292
Matters processed by Complaints Examining Unit (CEU)	1,661	1,610	1,589
Matters processed in which OSC had jurisdiction	1,413	1,343	1,401
Matters closed by CEU	1,380	1,351	1,300
Matters referred for full investigation	287	259	267
Enforcement actions	3	4	0
Stays – negotiated	12	7	13
Stays – obtained from the MSPB	3	2	1
Favorable actions obtained	52	75	74

⁵ “Favorable actions” are actions taken to directly benefit the complaining employee; actions taken to punish, by disciplinary or other corrective action, the supervisor(s) involved in the personnel action; and systemic actions, such as training or educational programs, to prevent future questionable personnel actions. The term encompasses: (1) those actions taken by an agency pursuant to a written request for corrective action by the Special Counsel; (2) actions taken by an agency at the request of OSC as a settlement of a PPP complaint in advance of a written request for corrective action by the Special Counsel; or (3) actions taken by an agency with knowledge of a pending OSC investigation, which satisfactorily resolve those matters under inquiry by OSC.

Table 2

Summary of Whistleblower Reprisal Matters			
	FY 1999	FY 2000	FY2001
Matters received	749	773	546
Matters processed by CEU	741	647	700
Matters processed in which OSC had jurisdiction	670	598	626
Matters closed by CEU	519	470	499
Matters referred for full investigation	224	177	201
Enforcement actions	1	2	0
Stays – negotiated	10	4	11
Favorable actions obtained	36	51	39

Corrective Actions

The following is a representative sample of corrective actions obtained by OSC during FY 2001:

- The complainant, a Program Manager in the Criminal Division of the Department of Justice (DOJ), alleged that agency officials failed to renew his term appointment in September 1997, in retaliation for his protected disclosures and for filing an Equal Employment Opportunity (EEO) complaint. In November 1995, the complainant filed an EEO complaint against his supervisors, and in April 1997, he disclosed security violations, including a disclosure that DOJ officials provided classified information to employees who did not have security clearances. His disclosures to the Office of Inspector General initiated a widespread investigation in the Criminal Division. DOJ agreed to award the complainant \$87,500. The agency also agreed to place a letter in his background investigation file stating that there was no reason why he could not be granted a security clearance. The agency further agreed to provide a neutral reference to prospective employers and to allow OSC to train managers in the Criminal Division. In April 2001, OSC awarded the complainant the Special Counsel’s Public Servant award for his disclosures of security violations.
- In January 2001, OSC secured a favorable settlement for a former Deputy Director of the Office of Post-Secondary Education at the Department of Education. OSC investigated the complainant’s allegation that the Department reassigned him to a less desirable position because it suspected him of making whistleblower disclosures to

the Department's Office of Inspector General (OIG) concerning alleged improper and preferential treatment for a financially troubled private college. The disclosures led to an OIG investigation into the Department's monitoring of the college's participation in student financial assistance programs under Title IV of the Higher Education Act of 1965. The OIG concluded that the Department had compromised its gate-keeping function and risked setting negative precedent in some enforcement areas. OSC determined there were reasonable grounds to conclude that the Department reassigned the complainant soon after the OIG issued its report because the Department believed that he had made disclosures to the OIG. After OSC sent a Report of Prohibited Personnel Practice to the Secretary of Education, the parties reached a mutually agreeable settlement. Under the settlement, the Department detailed the complainant pursuant to the Intergovernmental Personnel Act of 1970 (5 U.S.C. § 3371-3376) and reimbursed his attorney's fees.

- A Community Planning and Development Representative alleged that the Department of Housing and Urban Development (HUD) detailed him to unclassified duties, failed to rate him for the 1998 appraisal period, denied training, and failed to select him for three positions because he reported misuse of HUD funds and cooperated with the Federal Bureau of Investigation and Office of Inspector General investigations into funding irregularities. OSC investigated to determine whether the agency had violated 5 U.S.C. §§ 2302(b)(8), (b)(9) and (b)(12). The agency agreed to settle the matter with the complainant. HUD agreed to pay the complainant a lump sum of \$3,005; rescind his detail and return him to his former position; provide him with an "outstanding" rating for the 1998 rating period; provide him an opportunity to participate in training; and pay his attorney's fees of \$1,875 associated with his EEO complaint. In consideration, the complainant agreed to withdraw his EEOC and OSC complaints.
- An Assistant Refuge Manager at a National Wildlife Refuge (Refuge), alleged that officials at the Fish and Wildlife Service directed his geographic reassignment and proposed his removal for declining the reassignment because he reported lead contamination on property owned by the Refuge. The complainant also alleged that the information he disclosed was used as a basis for an article in the local newspaper, which caused the Environmental Protection Agency to initiate an investigation into the lead contamination. During the OSC investigation the agency voluntarily agreed to rescind both the reassignment and the proposed removal action.
- In August, 2001, OSC facilitated favorable settlement agreements on behalf of two former Department of Veterans Affairs employees. The employees, who were husband and wife, alleged that their removals from service -- one under chapter 75, the other one through coercion -- resulted from retaliatory actions by their service chief. The employees alleged that the agency had retaliated against them because they blew the whistle on a gross waste of government funds in connection with a vendor contract. The agency agreed to jointly settle these complaints by a mix of

back pay, retroactive promotion, restored annual leave, compensatory damages, and a clean record. The cash value of the settlement was \$123,130.36, plus an early retirement annuity for the husband. The wife left federal employment for a job in the private sector. In a related case, OSC obtained corrective action for four other employees who were denied cash awards for their role in exposing the wasteful contract. Reimbursement for these employees totaled \$16,000.

- In April, 2001, OSC facilitated a favorable settlement for a Forest Service employee who alleged that she was forced to take a one-grade demotion to another geographic location in order to escape a hostile work environment. She alleged that the hostile work environment resulted from disclosures that she made and a grievance that she filed against her former supervisor for engaging in an abuse of authority, in violation of 5 U.S.C. §§ 2302(b)(8) and (9). Because the employee did not want to leave her current position, the agency reimbursed the employee \$27,000 for the decreased pay and restored to her 160 hours of sick and annual leave.
- In July, 2001, OSC facilitated favorable settlement agreements for two HUD employees. The employees complained to their Regional Director about their first-level supervisor's mistreatment of employees and abuse of authority. Subsequently, one employee was not selected for a permanent position and, although the second employee received a permanent position, it was not at the location the employee requested (where the former first-level supervisor was located). Unexplained irregularities in the recruitment process led OSC to seek an informal settlement as a possible violation of 5 U.S.C. § 2302(b)(8). The cases settled with HUD selecting the first employee for a permanent position and reimbursing the employee \$8,000 in relocation expenses. The second employee received \$3,131 in relocation expenses as well. HUD also agreed to pay for OSC training.
- In July, 2001, OSC facilitated a favorable settlement for an Immigration and Naturalization Service (INS) Supervisory District Adjudications Officer. The employee had received two proposed 14-day suspensions for what appeared to be only minor misconduct, and he alleged that the proposed suspensions were due to age discrimination and an improper attempt to coerce him to retire. He also alleged that for some years, INS had failed to give him performance appraisals. OSC obtained an informal 45-day stay and a subsequent extension from INS. OSC then facilitated the INS's agreement to rescind both proposed suspensions and present the evidence supporting the actions to officials completely outside of the employee's chain of command, and completely separate from any of the subject officials. INS ultimately gave the employee a simple reprimand instead of the two 14-day suspensions, and provided the employee the performance appraisals that it had failed to give him.

Disciplinary Actions

The following are a representative sample of disciplinary actions obtained by OSC during FY 2001:

- In July 2001, a Forest Service employee alleged that the agency had violated 5 U.S.C. §§ 2302(b)(4) and (b)(5)'s respective proscriptions against obstructing federal employees' right to compete for positions and influencing applicants to withdraw from competition for the purpose of benefiting another individual or injuring the applicant. OSC's investigation revealed that the complainant's second-line supervisor, acting on the advice of the personnel officer, unlawfully issued a "moratorium" on off-Forest details and temporary promotions in order to maintain staffing levels in the aftermath of downsizing. Under the moratorium, before applying for temporary assignments outside the National Forest, employees were required to obtain the concurrence of their supervisors and a Management Team, and demonstrate that the temporary assignments would not interfere with the National Forest's ability to handle its planned workload for the fiscal year. Pursuant to the "moratorium," the Forest Service employee's supervisors also had unlawfully directed him to withdraw from competition for two temporary promotions. At the request of OSC, the Forest Service agreed to suspend an agency personnel officer for one week, reprimand two supervisors, and provide OSC training to agency managers.
- An Internal Revenue Service (IRS) GS-12 special agent alleged that from March 1995 until October 1999 his then group supervisor discriminated against him on the basis of his marital status (single) and because he had previously filed an EEO complaint. Prior to OSC's involvement, the agency's IG and EEO Offices investigated this matter. Those investigations revealed that while this special agent was not the victim of any prohibited personnel practices, he and other special agents had been treated inappropriately by the group supervisor. For example, the group supervisor had engaged in profane name-calling and authored letters containing profanity under the guise that they were written by someone else. To resolve the matter, the supervisor agreed to accept a one-grade demotion to a non-supervisory position and a letter of reprimand.
- At OSC's request, the National Aeronautics and Space Administration (NASA) agreed to discipline a Senior Executive Service (SES) manager for retaliating against a subordinate employee. The SES manager caused the employee to be reassigned from her position because she cooperated with an Office of Inspector General investigation of the SES manager. The IG's investigation had addressed allegations concerning the manager's inappropriate remarks and lunchtime use of alcohol. The employee did not want corrective action because she decided to stay in her new position. OSC and NASA agreed that the SES supervisor would serve a 15-day suspension, and the agency also agreed to OSC training.

Table 3

Allegations Contained in Matters Received During FY 2001	
Nature of Allegation	Number of Allegations
Reprisal for whistleblowing [§ . 2302(b)(8)]	553
Disclosures of alleged violation of a law, rule or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or a danger to public health or safety [§ . 1213(c) or § . 1213(g)]	438
Reprisal for exercise of a right of appeal [§ . 2302(b)(9)]	401
Violation of a law, rule or regulation implementing or concerning a merit system principle [§ . 2302(b)(12)]	347
Discrimination on the basis of race, color, sex, national origin, religion, age, or handicapping condition [§ 2302(b)(1)(a)(D)]	343
Granting of unauthorized preference or advantage [§ . 2302(b)(6)]	337
Deception or obstruction of the right to compete [§ . 2302(b)(4)]	213
Allegations which did not cite or suggest any prohibited personnel practice or prohibited activity	90
Solicitation or consideration of unauthorized recommendations [§ . 2302(b)(2)]	68
Discrimination on the basis of non-job related conduct [§ . 2302(b)(10)]	67
Violation of the Hatch Act by a state or local government employee [5 U.S.C. ch. 15]	53
Appointment, promotion, or advocating the appointment or promotion of a relative [§ . 2302(b)(7)]	53
Attempts to secure withdrawal from competition [§ . 2302(b)(5)]	41
Arbitrary or capricious withholding of information requested under the Freedom of Information Act [§ . 1216(a)(3)]	29
Violation of a Veterans Preference Requirement [2302(b)(11)]	27
Discrimination on the basis of marital status or political affiliation [§ . 2302(b)(1)(E)]	25
Violation of the Hatch Act by a federal employee [§§ . 7323-24]	21
Coercion of political activity [§ . 2302(b)(3)]	1
Suit against OSC – FOIA or PA	1
Total	3,108⁶

⁶ Each matter may contain more than one allegation. Thus, this total exceeds the total number of matters received. Moreover, while a matter is being handled by OSC, additional allegations may be added to those initially presented to OSC.

Table 4

Allegations Contained in Matters Referred for Field Investigation During FY 2001	
Nature of Allegation	Number of Allegations
Reprisal for whistleblowing [§ . 2302(b)(8)]	201
Violation of a law, rule, or regulation implementing or concerning a merit system principle [§ . 2302(b)(12)]	96
Reprisal for exercise of a right of appeal [§ . 2302(b)(9)]	158
Granting of unauthorized preference or advantage [§ . 2302(b)(6)]	72
Deception or obstruction of the right to compete [§ . 2302(b)(4)]	46
Discrimination on the basis of race, color, sex, national origin, religion, age, handicapping condition, or marital status [§2302(b)(1)(A)-(E)]	52
Discrimination on the basis of non-job related conduct [§ . 2302(b)(10)]	17
Securing of withdrawal from competition [§ 2302(b)(5)]	12
Appointment, promotion, or advocating the appointment or promotion of a relative [§ . 2302(b)(7)]	6
Discrimination on the basis of marital status	3
Solicitation or consideration of unauthorized recommendations [§ . 2302(b)(2)]	11
Violation of a veterans preference requirement	4
Violation of the Hatch Act by a federal employee [5 U.S.C. § 7323-24]	4
Violation of the Hatch Act by a state or local government employee [5 U.S.C. Ch. 15]	6
Arbitrary or capricious withholding of information requested under the Freedom of Information Act [§ . 1216(a)(3)]	6
Allegation which did not cite or suggest any prohibited personnel practice or prohibited activity	1
Total	695⁷

⁷ See fn. 6.

C. Hatch Act Matters

1. Overview of Jurisdiction

Under the Hatch Act, as enacted in 1939, federal employees, employees of the District of Columbia (D.C.) government, and some employees of state and local governments are prohibited from engaging in certain types of political activity. Following amendments enacted in 1993, many federal and D.C. employees are now permitted to take an active part in political management and in political campaigns. Nevertheless, there continue to be important restrictions on the political activities of federal employees, including partisan candidacy, solicitation of political contributions, and political activity while on duty. The 1993 amendments did not change the provisions applying to state and local government employees.

OSC receives and investigates complaints of Hatch Act violations, and where warranted, will prosecute violations before the MSPB. In matters in which violations are not sufficiently egregious to warrant prosecution, OSC will issue a warning letter to the employee. In addition, OSC issues advisory opinions upon request, enabling individuals to determine whether they are covered by the Hatch Act and whether their contemplated activities are permitted under the Act.

2. Advisory Opinions

During FY 2001, OSC issued approximately 2,534 advisory opinions in response to telephone and written inquiries and responded to 272 e-mail inquiries.

3. Violations and Enforcement

During FY 2001, the number of matters alleging violations of the Hatch Act nearly doubled, with OSC receiving 185 new matters as compared to 98 in FY 2000. Following initial review by the Hatch Act Unit, 10 matters were referred for field investigation. OSC issued 59 warning letters and filed eight enforcement actions. Additionally, OSC obtained informal corrective action in several cases, including 21 candidacy withdrawals, six resignations from employment, and two employee reassignments to positions that are not covered by the Hatch Act.

Table 5

Summary of Hatch Act Matters			
	FY 1999	FY 2000	FY 2001
Advisory opinions issued	2,063	2,810	2,806
Matters received	71	98	185
Matters referred for investigation	3	5	10
Disciplinary action complaints filed with MSPB	3	4	8
Disciplinary actions obtained Before MSPB and through negotiation	1	2	8
Warning letters issued	21	21	59
Corrective actions taken by employees in response to OSC warning letter:			29 ⁸
Withdrawal from partisan races			21
Resignation from Hatch-covered employment			6
Other			2

D. Recent Hatch Act Cases

The matters summarized below were filed with the MSPB in FY 2001:

- In October 2000, OSC filed complaints for disciplinary action against two U.S. Postal Service employees, charging that they violated the Hatch Act's ban on candidacy for public office in a partisan election. In March 2001, the MSPB granted OSC's petitions for disciplinary action against the employees and ordered the employees removed from their positions as letter carriers. (Special Counsel v. Simmons, MSPB Docket No. CB-1216-99-0063-T-1) (Special Counsel v. Hicks, MSPB Docket No. CB-1216-01-0001-T-1.)
- In October 2000, OSC filed a complaint for disciplinary action against the Director of Maintenance for the Warwick Housing Authority in Rhode Island, for running for public office in a partisan election. On February 16, 2001, the MSPB found that employee violated the Hatch Act and that he should be subject to removal from his employment and to an 18-month disbarment from state and local employment within

⁸ As this is the first year OSC has monitored this category, results are not available for prior years.

the State of Rhode Island. (Special Counsel v. O'Donnell, MSPB Docket No. CB-1216-00-0004-T-1.)

- In December 2000, OSC filed a petition for disciplinary action against a Community Outreach Coordinator employed by the Joint Council for Economic Opportunity for Clinton and Franklin Counties, Inc., (in New York) who ran for public office in partisan election. (Special Counsel v. Perry, MSPB Docket No. CB-1216-01-0006-T-1.)
- In December 2000, OSC obtained a disciplinary action decision from the MSPB in a case in which OSC had sought removal of an employee of the Alabama Department of Human Resources for violating the Hatch Act's ban on candidacy for public office in a partisan election. The MSPB found that the employee violated the Hatch Act and that she should be subject to an 18-month debarment from state and local employment within the State of Alabama. (Special Counsel v. Tinker, MSPB Docket No. CB-1216-00-0029-T-1.)
- In January 2001, OSC filed a petition for disciplinary action with the MSPB against a U.S. Postal Service employee who ran for public office in a partisan election. In April 2001, the MSPB concurred with OSC's argument that the employee's violation of the Act warranted removal. In view of the employee's resignation from employment before the MSPB's decision, the MSPB required the Postal Service to place a copy of its decision in the employee's personnel file. (Special Counsel v. Higgins, MSPB Docket No. CB-1216-01-0011-T-1.)
- In February 2001, OSC filed a petition for disciplinary action with the MSPB against an Environmental Engineer employed by the New York State Department of Environmental Conservation who ran for public office in a partisan election. (Special Counsel v. Rafferty, MSPB Docket No. CB-1216-01-0013-T.)
- On June 2001, OSC obtained a disciplinary action decision from the MSPB which ordered the removal of an employee of the Washington State Department of Social and Health Services for violating the Hatch Act's prohibition on being a candidate for public office in a partisan election. The MSPB found that the employee violated the Hatch Act and that she be subject to an 18-month debarment from state and local employment within the State of Washington. (Special Counsel v. Ledesma, MSPB Docket No. CB-1216-00-0025-T-1.)

E. Uniformed Services Employment Rights

The Uniformed Services Employment and Reemployment Rights Act (codified at 38 U.S.C. § 4301, *et seq.*), prohibits discrimination against persons because of their service in the Armed Forces Reserve, the National Guard, or other uniformed services. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the right of veterans, reservists,

National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

Where the employer is a federal executive agency, OSC may appear on behalf of, and act as attorney for, the aggrieved person. In such a case, however, the person must first file his/her USERRA complaint with the Department of Labor's Veterans' Employment and Training Service (VETS). If VETS is unsuccessful in resolving the complaint, the claimant may request that VETS refer the complaint to OSC. If the Special Counsel believes there is merit to the complaint, OSC will initiate an action before the MSPB.

OSC received 17 USERRA referrals from the U.S. Department of Labor in fiscal year 2001. Including four USERRA referrals that were pending at the end of fiscal year 2000, representation was declined by OSC in 17 cases. The Special Counsel initiated no actions before the MSPB on USERRA referrals in fiscal year 2001, but obtained corrective action on behalf of one complainant (summarized below). Six USERRA referrals were pending at the end of fiscal year 2001.

- In September 2001, OSC secured a favorable settlement of a complaint filed by a Major in the U.S. Army Reserve. The complainant alleged that the U.S. Postal Service (USPS) violated his reemployment rights under USERRA. Because of injuries suffered while he was performing military duty overseas in Bosnia, the complainant could not perform his letter carrier duties, a job he had held for eight years. Although he requested a change in position because of his injuries, the Postal Service put him on disability retirement. OSC secured a settlement under which the USPS reemployed the complainant as a customer service representative at the same pay and seniority level he would have received had he not lost his letter carrier job. The complainant also received compensatory damages for the time he was unemployed following his separation from the USPS.

F. Whistleblower Disclosures

In addition to its investigative and prosecutorial mission, OSC provides a safe channel through which federal employees, former federal employees, or applicants for federal employment may disclose information they reasonably believe evidences a violation of law, rule, or regulation, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. See, 5 U.S.C. § 1213(a).

Upon receipt of such information from a current or former federal employee or applicant for federal employment, the Special Counsel is required by section 1213(c) to transmit the information to the head of the agency concerned if the Special Counsel determines that there is a substantial likelihood that the information discloses the kind of wrongdoing described in the statute. OSC will not divulge the identity of an employee who provided the information unless he or she consents. The agency head is then required to conduct an investigation and submit a report to the Special Counsel on the findings of the investigation. OSC is not authorized to investigate allegations of the kind described in section 1213(a). The Special Counsel sends the

agency report, along with any comments provided by the whistleblower who made the disclosure, and any comments or recommendations by the Special Counsel, to the President, and the congressional committees having jurisdiction over the agency. A copy of the report and any comments are also placed in a public OSC file in accordance with 5 U.S.C. § 1219(a).

After review of the information received from a whistleblower, the Special Counsel may determine that, although there is not a substantial likelihood that the information discloses the type of wrongdoing described in section 1213(a), the information nonetheless merits attention. In such cases, the Special Counsel may, under section 1213(g)(2), with the consent of the whistleblower, require the agency head to review the matter and inform the Special Counsel of what action has been or is being taken. OSC then notifies the whistleblower.

Disclosures are processed by the Disclosure Unit. Complainants often include with their allegations information which may be covered by section 1213(a). Disclosures are referred to the Disclosure Unit by the CEU for further review and follow-up with the complainant as needed to confirm the facts and issues involved. After completion of its review, OSC decides whether to: (1) transmit the information developed to the agency concerned under section 1213(c) or section 1213(g)(2); (2) refer the matter to the agency Inspector General or comparable office for any appropriate action; or (3) close the matter without further action.

During FY 2001, OSC received 380 disclosure matters for possible referral to the agency concerned under sections 1213(c) or 1213(g). In addition, 245 disclosure matters were carried over from FY 2000. A disclosure matter usually contains multiple allegations of a violation of law, rule or regulation; gross mismanagement; gross waste of funds; abuse of authority; or a substantial and specific danger to public health or safety. In FY 2001, the Disclosure Unit referred 15 matters to agency heads for their review and completed action on 348 matters.

Table 6

Summary of Disclosure Matters			
	FY1999	FY2000	FY2001
Matters received	369	422	380
Disclosures referred for investigation and a report under section 1213(c)	15	8	15
Disclosure allegations referred to agency Inspectors General	71	106	119
Disclosure allegations closed due to lack of sufficient basis for further action	349	303	342
Remaining disclosures carried over to next fiscal year for completion of review	209	245	245

Results of Referrals

During FY 2001, OSC closed six reports from agencies to which statutory referrals had been made. OSC reviews of agency reports disclosed the following results from statutory referrals:

Section 1213(c) Reports

Cases in which allegations were substantiated in whole or in part	5
Cases in which allegations were wholly unsubstantiated	1

Disclosure Unit Matters

The following is a representative sample of matters that were either referred by the Special Counsel to the head of the agency pursuant to 5 U.S.C. § 1213(c) during FY 2001, or in which reports were received from the agency and the matter closed during FY 2001:

- OSC referred allegations of violations of law, rule, gross mismanagement, a gross waste of funds, and an abuse of authority at the Department of Education, Washington, D.C. The agency's report of investigation addressed allegations that the Office of the Chief Financial Officer (OCFO) had failed to properly account for billions of dollars of Federal grant money. It was alleged that the grantee payment arm of the agency's new financial management system, known as the Grants Administration and Payment System (GAPS), implemented in late 1997, does not

contain proper internal and external security controls, audit trails, or accounting functions. As a result, it was alleged that Education has been unable to fully account for grant monies, audit its accounts, or produce financial statements necessary for year-end reconciliations.

The agency's report partially substantiated the allegations, which had already been investigated independent of the OSC referral by, among others, Education's Office of Inspector General (OIG). According to the report, Education has addressed most of the concerns raised by the OIG regarding GAPS, and is currently addressing additional concerns raised by the General Accounting Office and the agency's independent financial statement auditor. Education's report included a GAO review of its use of a deposit fund known as the grantback account. GAO issued a report critical of the agency's financial management system and manual internal controls over grantback activity and related funds control. The GAO report found that financial management system deficiencies, inadequate systems of funds control, and manual internal control weaknesses continued to exist in the OCFO, creating an increased risk of fraud, waste, and mismanagement. The Education report concluded that while it did identify violations of federal financial management laws, the allegations did not rise to the level of gross mismanagement, a gross waste of funds, or an abuse of authority, in part because it did not act in deliberate disregard of known deficiencies.

In transmitting the report, the Special Counsel noted her disagreement with the agency's legal conclusion. She observed that the agency's failure to maintain adequate accounting controls, to produce auditable financial statements, and to account for billions of taxpayer dollars, suggests management action or inaction that has created a substantial risk of significant adverse impact upon the agency's ability to accomplish its mission. *Referred February 2000; closed January 2001.*

- OSC referred allegations of violations of law, rule, or regulation, a gross waste of funds, and an abuse of authority at the Small Business Administration (SBA), Washington, D.C. It was alleged that the former Associate Deputy Administrator for Government Contracting unlawfully directed that money allocated to a certification program for small, disadvantaged businesses (the SDB program), be used to pay costs and expenses associated with other SBA programs. The SBA report fully substantiated the allegation, and found, through an audit, that approximately three million dollars designated for the SDB program were used for non-SDB purposes. The unauthorized expenditures and obligations included the construction and furnishing of office space for other SBA programs, the purchase of equipment, and personnel, consulting, training, and marketing costs.

The report substantiated a number of the whistleblower's related allegations that SBA violated procurement regulations, as well as standards of conduct regulations designed to guard against conflicts of interest and preferential treatment. The report also found that the former Associate Deputy Administrator abused his authority by ignoring evidence of compounding problems in the administration of a cosponsorship

agreement between SBA and a contractor. The SBA's investigative findings were supported by audit reports confirming these violations. Based on the report's findings, the SBA has reimbursed approximately \$2.3 million to the agencies contributing to the SDB program, and de-obligated \$645,000 from SDB obligations. The agency has denied wrongdoing or bad faith on the part of SBA officials. Nonetheless, it has proposed to address areas of major concern through policy changes, stricter controls, and personnel changes in its government contracting and minority enterprise development programs. *Referred November 1999; closed January 2001.*

G. Outreach Program

The Outreach Program has been established to assist agencies in meeting their statutory mandate under 5 U.S.C. § 2302(c), which Congress imposed in 1994. Under that provision, federal agencies are responsible "for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them" under chapters 12 and 23 of title 5. Because of this clear statutory mandate, OSC considers outreach to federal managers and employees to be an essential part of its mission.

In an effort to assist federal agencies in complying with 5 U.S.C. § 2302(c), OSC began designing a certification program late in FY 2001, that will outline the necessary steps agencies need to take to be in compliance with section 2302(c). Agencies who complete the program will receive a certification of compliance from OSC. This program will be piloted with the Office of Personnel Management in the winter of 2002 with the goal of broader availability in the summer of 2002.

Other outreach achievements during FY 2001 included a revision of the OSC booklet, *The Role of the Office of Special Counsel* and development of a one-page fact sheet for state and local employees covered by the Hatch Act. Additionally, OSC employees continue to be available to provide training to agency personnel throughout the country. In FY 2001, 61 OSC employees spoke at 57 different events. OSC continues to expand the information available on its website, making most of its publications and training materials accessible from this venue.

H. Mediation Program

OSC's Mediation Program began its second year in FY 2001. During the second half of FY 2001, as the program matured, two significant program design modifications were implemented. First, the scope of cases in which OSC offers mediation was substantially broadened. Among the factors that determine "mediation-appropriate" cases are the relationship of the parties, the complexity of the issues, and the relief sought by the Complainant. Consequently, the rate at which OSC offers mediation to parties doubled from 15% in FY 2000 to 30% in the 4th quarter of FY 2001.

After identifying a case as having mediation potential, the focus turns to the second major program change implemented by OSC in FY 2001. Specifically, a more comprehensive

approach to the convening process is undertaken. At that stage, the OSC Alternative Dispute Resolution Specialist contacts the parties to invite them to mediation and discuss the mediation process. This “pre-mediation” dialogue is instrumental in ensuring that the parties arrive at mediation with realistic expectations and well-defined objectives. This program enhancement has brought about a slight increase in the Agency acceptance rate from 55% in FY 2000 to 60% in FY 2001. The Complainant mediation acceptance rate also increased from 59% in FY 2000 to 70% in FY 2001. Finally, all indications are that these recently instituted changes are leading to an increased case resolution rate, which has risen from 33% for FY 2000-01 to 40% during the first two months of FY 2002.

IV. Annual Survey Program

Each year, by law, OSC surveys persons who have contacted the agency for assistance and whose cases were closed during the previous fiscal year. Survey forms are sent to all identifiable persons in closed matters (with or without favorable action) who: (1) alleged a PPP or other prohibited employment activity;⁹ (2) received a written Hatch Act advisory opinion; or (3) filed a report through the whistleblower channel operated by the OSC Disclosure Unit. OSC had not completed the survey process for matters closed in FY 2001 when this report was released for printing. Survey results for FY 2001 matters will be described in OSC’s next annual report.

V. Legislation

A. Pending Appropriations

Consistent with the Administration’s budget request, OSC has requested \$12,965,000 for FY 2003. This represents an increase of \$1,074,000 over OSC’s FY 2002 appropriation of \$11,891,000.

B. Reauthorization of the Office of Special Counsel

H.R. 3610, the omnibus consolidated appropriations bill for FY 1997, included a reauthorization for OSC through fiscal year 2002.

⁹ Related violations include other matters investigated by OSC pursuant to law – e.g., complaints alleging Hatch Act violations, or arbitrary or capricious withholding under FOIA.

VI. Further Information¹⁰

A. Annual Report

Additional copies of this report, may be obtained by writing or contacting:

Director, Congressional and Public Affairs
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 201
Washington, D.C. 20036-4505
Telephone: (202) 653-5163

B. Prohibited Personnel Practice Complaints

Complainants with questions about PPPs may call the OSC Officer of the Week at:

Complaints Examining Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 201
Washington, D.C. 20036-4505
Telephones: (800) 872-9855
(202) 653-7188

The PPP complaint filing form, the use of which is mandatory for initiating a PPP complaint (5 C.F.R. § 1800.1), may be downloaded from OSC's Web site at www.osc.gov/documents/forms/osc11.pdf.

C. Whistleblower Disclosures

Disclosures of information evidencing violations of law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or a danger to public health or safety may be reported in confidence to:

Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 201
Washington, D.C. 20036-4505
Telephones: (800) 572-2249
(202) 653-9125

¹⁰ For callers with hearing/speech disabilities, all of the OSC telephone numbers listed here may be accessed via TTY by first dialing the Federal Relay Service at 1-800-877-8339.

The whistleblower disclosure filing form may be downloaded from OSC's Web site at www.osc.gov/documents/forms/osc12.pdf.

D. Hatch Act Questions

Inquiries about the Hatch Act may be made in writing, by telephone, or by e-mail to:

Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 201
Washington, D.C. 20036-4505
E-mail address: hatchact@osc.gov
Telephones: (800) 85-HATCH or (800) 854-2824
(202) 653-7143

The OSC Web site may be visited for additional substantive information about the Hatch Act, including frequently asked questions by federal, state and local employees, as well as a sampling of written advisory opinions on common factual scenarios.

E. Outreach Program

Requests about OSC's outreach efforts and requests for OSC publications should be made to:

Director of Outreach
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 201
Washington, D.C. 20036-4505
Telephone: (202) 653-8962
Fax: (202) 653-5161

Many OSC forms and publications may also be downloaded from OSC's Web site at www.osc.gov/forms.htm.

F. OSC Mediation Program

Information about the program can be obtained by:

1. Clicking on the Alternative Dispute Resolution (ADR) link on the OSC Web site;

or

2. Contacting the ADR Unit at:

U.S. Office of Special Counsel
Alternative Dispute Resolution Unit

1730 M Street, N.W., Suite 201
Washington, D.C. 20036-4505
E-mail address: adr@osc.gov
Telephones: (800) 872-9855
(202) 653-7188, ext. 4606

G. OSC Online

Information about OSC can be obtained at its home page on the Internet. OSC's address is:
<http://www.osc.gov>.