

ANNUAL RESULTS: STRATEGIC GOAL 2			
TO FULFILL CONGRESSIONAL INTENT THAT OSC BE MORE AGGRESSIVE IN PROTECTING FEDERAL EMPLOYEES FROM PROHIBITED PERSONNEL PRACTICES, PARTICULARLY THOSE WHO HAVE SUFFERED REPRISAL FOR WHISTLEBLOWING.			
<i>FY 2001 Performance Goals</i>	<i>FY 2001 Results</i>	<i>FY 2000 Results</i>	<i>FY 1999 Results</i>
1. Bring before the MSPB more cases in which OSC believes that a prohibited personnel practice (especially reprisal based on whistleblowing) has occurred.	No litigation required due to agreements by agencies to comply with all OSC requests for voluntarily stays and favorable resolutions.	2 stays obtained (1 in alleged whistleblower reprisal matter) 4 enforcement actions filed (1 in alleged whistleblower reprisal matter) 6 enforcement actions favorably resolved by decision/settlement (50% in alleged whistleblower reprisal/ 1 st amendment speech matter)	3 stays obtained from MSPB 3 enforcement actions filed (1 in alleged whistleblower reprisal matter) 2 enforcement actions favorably resolved by decision/settlement (1 in alleged whistleblower reprisal matter)
2. Seek more stays, corrective actions, and disciplinary actions in cases in which OSC believes that a prohibited personnel practice (especially reprisal based on whistleblowing) has occurred.	13 stays obtained from agencies (85% in alleged whistleblower reprisal matters) 74 favorable actions ¹ obtained from agencies (53% in alleged whistleblower reprisal matters) [1 additional corrective action in USERRA matter]	11 stays obtained from agencies (82% in alleged whistleblower reprisal matters) 75 favorable actions obtained from agencies (68% in alleged whistleblower reprisal matters) ² [1 additional corrective action in USERRA matter]	12 stays obtained from agencies (83% in alleged whistleblower reprisal matters) 52 favorable actions obtained from agencies (69.2% in alleged whistleblower reprisal matters)

¹ "Favorable actions" are actions taken to directly benefit the complaining employee; actions 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 actions taken by an agency: (1) pursuant to a written request by the Special Counsel for corrective action; (2) at the request of OSC as settlement of a prohibited personnel practice complaint before receipt of a written request by the Special Counsel for corrective action; or (3) with knowledge of a pending OSC investigation, when the actions taken satisfactorily resolve matters under inquiry by OSC.

² This figure corrects an error in the number shown in the FY 2000 annual performance report.

ANNUAL RESULTS: STRATEGIC GOAL 2 (cont'd)			
TO FULFILL CONGRESSIONAL INTENT THAT OSC BE MORE AGGRESSIVE IN PROTECTING FEDERAL EMPLOYEES FROM PROHIBITED PERSONNEL PRACTICES, PARTICULARLY THOSE WHO HAVE SUFFERED REPRISAL FOR WHISTLEBLOWING.			
<i>FY 2001 Performance Goals</i>	<i>FY 2001 Results</i>	<i>FY 2000 Results</i>	<i>FY 1999 Results</i>
3. Identify and enter appearances in cases in which OSC's expertise could enhance protections for victims of prohibited personnel practices, with a particular emphasis on favorable developments in whistleblower protection law. ³	1 filing as <i>amicus</i> in case involving standard for protected disclosure applied by administrative judge (<u>Keefer v. Dept. of Agriculture</u>).	1 intervention case on behalf of employee in case involving allegation of reprisal for whistleblowing - led MSPB to reverse ruling that had restricted scope of protected disclosures under the Whistleblower Protection Act. <u>Ganski v. Dept. of the Interior</u> . 1 filing as <i>amicus</i> in case involving allegation of reprisal for whistleblowing. <u>Schmittling v. Dept. of the Army</u> .	2 interventions in related cases involving allegations of reprisal for whistleblowing to argue that denial of a security clearance is a covered personnel action under the WPA. OSC's argument did not prevail. (<u>Roach v. Dept. of the Army</u> / <u>Hesse v. Dept. of State</u>) 1 filing as <i>amicus</i> in case involving allegation of reprisal for whistleblowing. OSC argument prevailed. (<u>Keefer v. Dept. of Agriculture</u>)

³ The Special Counsel has placed greater emphasis upon actively influencing the development of the laws that the OSC enforces. Therefore, in addition to remedies sought after receiving complaints, OSC also seeks to uphold legal protections against prohibited personnel practices (especially reprisal for whistleblowing) through active involvement in litigation filed by federal employees – either by intervention in the matter (with the employee's consent), or by the filing of a brief (known as an *amicus* brief) in support of the employee's position.