

TESTIMONY OF NATRESHA DAWSON

BEFORE THE SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL  
SERVICE, AND GOVERNMENT MANAGEMENT OF THE HOUSE OVERSIGHT  
AND GOVERNMENT REFORM COMMITTEE

on

THE U.S. OFFICE OF SPECIAL COUNSEL

July 12, 2007

MR. CHAIRMAN,

Thank you for inviting my testimony for today's hearing. I can speak from experience on the U.S. Office of Special Counsel, because it was the most disillusioning experience of my professional life. Its stated mission and public relations identity is defending the merit system and whistleblowers. But in practice it has ignored whistleblowers, and internally violated the same merit system principles it is charged with enforcing in the rest of the civil service system. I know, because my duties were to staff the Customer Service Unit (CSU) that Special Counsel Scott Bloch created in response to congressional criticisms two years ago.

From June 25, 2005 until October 13, 2006 I was employed by the OSC. Prior to that time I had worked in the federal government for 17 years, most recently as legal secretary for the Chief Administrative Law Judge (ALJ) at the U.S. Department of Agriculture. Until taking extended medical leave in April 2006, I was one of two Paralegal Specialists initially hired for the new Customer Service Unit. My stated duties were to receive initial calls and work with intakes to understand their cases, review associated documents and prepare introductory analyses of whether and how the OSC could be of assistance.

I accepted the offer to work under Mr. Bloch for two reasons: 1) I had reached a career ceiling as a GS-9 Legal Secretary for the Chief Administrative Law Judges at the U.S. Department of Agriculture, and the OSC offered me a GS 9-11 Paralegal Specialist position. 2) It was an opportunity to make a difference helping to enforce employee rights. During the course of my employment, I spoke with hundreds of employees seeking help against prohibited personnel practices or attempting to blow the whistle.

Based on my experience at the CSU, I drew two conclusions. 1) As an overwhelming rule the OSC did not respect or help victims of illegal retaliation. I knew of no one who contacted the CSU and received assistance. Eventually I stopped making any statements offering hope to those who sought help from the Special Counsel, because I believed it would be dishonest. 2) In terms of practices for its own staff, the OSC was the lowest common denominator in the Executive branch in terms of respect for and compliance with the merit system. While he is always superficially pleasant, through his managers Mr. Bloch has ruled by an atmosphere of fear. I know, because I blew the whistle internally on the Office's neglect of whistleblowers. The response was swift, ugly retaliation.

Before coming to the OSC, I had a spotless record of federal service, with consistently positive performance appraisals and no disciplinary or other personnel actions against me. For example, I had just received an Outstanding rating in my mid term review from USDA's Chief ALJ. By contrast, despite approval of all relevant medical leave in October 2006 the Special Counsel fired me for being AWOL during the leave period.

Similarly, I had never asserted legal rights against an employer. However, based on less than a year of active service working under Special Counsel Bloch, I filed 2 EEO complaints, 3 Whistleblower Protection Act claims, 2 Office of Workman's Compensation claims, and a Federal Tort Claims Act lawsuit. Currently I am pursuing a mixed WPA-EEO case. I came today to defend the merit system, however, not my personal rights except as the retaliation I suffered is necessary for context. The

Government Accountability Project (GAP) represents me in the Whistleblower Protection Act claim.

My specific concerns are summarized below.

#### I. Customer Service Unit

\* Initially the other new CSU staffer and I worked with the Complaints Examining Unit (CEU). Although other staffers helped on evaluating intakes and filling out CEU disposition forms, there was no formal training beyond general reading material.

\* In September the CSU inexplicably was moved to become part of the Human Resources branch run by Mr. Robert Wise, Director of Human Resources. He instructed me to limit myself to receiving phone calls and summarizing what was on the OSC website.

\* OSC personnel never questioned or discussed with me any specific calls from alleged victims of prohibited personnel practices seeking assistance. Their calls were nothing more than an opportunity to make noise. There was a 100 percent disconnect with the rest of the agency, and I could not point to any indications that my discussions intakes had any relevance for handling of their cases, other than that other OSC staff would not have to talk with them.

\* Intakes were dismissed arbitrarily, even though their alleged facts appeared to correspond directly to the elements of prohibited personnel practices summarized on the OSC website. OSC supervisors and other staff regularly referred to whistleblowers as "crazy." I empathized deeply with many of the callers and wanted to help change that attitude. I protested that intakes seemed that way, because they were under attack,

bewildered and in danger of losing their professional lives. There was no empathy or commitment to help, as evidenced by a CEU Team Leader throwing an emergency stay request on a stack of other papers and refusing to discuss it with me. It felt like I was talking to walls. Other than CEU chief Audrey Williams, no OSC manager ever discussed with me the agency's mission to help whistleblowers.

\* By February 2006 the other CSU Paralegal had left the unit, taking a lateral reassignment and the other component of the unit took a position outside OSC. After my last day of active duty on March 28, there was no CSU at least through October 13, 2006 when I was terminated. Shutting down the Customer Service Unit enabled a "Don't Want to Know (or Be Bothered) Syndrome" at the OSC, since we were supposed to screen for the best cases and refine raw complaints into a record that attorneys could follow through on.

## II. Whistleblowing disclosures and response.

\* I was not passive about the disillusioning practices. I made both verbal and written internal whistleblowing disclosures ranging from supervisors to Mr. Bloch on the following issues:

- structurally and functionally isolating CSU staff from the Complaints Examining Unit, when they should have been working in partnership to assess whether and how the Special Counsel most effectively could help prohibited personnel practice victims.

- Refusing to permit call intake sheets, so that Mr. Wise would know what issues the complainants had raised, and assess whether and how the OSC could help.
- failing to make an honest effort to respect or help whistleblowers and other reprisal victims who sought relief.
- hiring three CEU staffers without vacancy announcements.
- hiring a Freedom of Information Act (FOIA) specialist who had no prior expertise or federal experience, and without a vacancy announcement despite my request to be kept informed because I was interested in applying for the position and had FOIA training.
- monopolizing agency power at the top, illustrated by the practice of supervisors so disenfranchised that they did not meet their staff until after hiring decisions in which they played no role.
- reducing efficiency and exacerbating backlogs, due to Mr. Wise's orders that he would have to be the intermediary for all communications with other OSC staff, supervisors and employees assigning work to the Customer Service Unit.
- absence of performance standards for my position.
- downgrading my position without a desk audit or performance evaluation.
- Creating unauthorized preferences for favored employees.

\* I did not have any employment history of being a critic, and did not initially raise my concerns in that context. I was responding to Mr. Wise's request at the introductory meeting that he wanted the new CSU staff's help to get the unit off the

ground. I consistently tried to present my concerns as constructive suggestions to solve problems. But Mr. Wise appeared threatened, refused to discuss my ideas and summarily rejected them.

\* In September 2005 I appealed to Mr. Bloch to provide leadership against threats to the merit system from within the OSC. It was in an email also copied to Deputy Special Counsel McVay. Mr. Bloch never responded, but a few days later Mr. McVay told me in response to the emails, "We're sticking with management." Other employees described that phrase as a mantra at the agency. The day after Mr. McVay's response, Mr. Wise said I had placed him and his supervisor in a bad light by going to the Special Counsel, so he gave me a gag order in the form of a "letter of counseling." It ended with an open ended threat of termination if I communicated again with Mr. Bloch. Mr. Wise said that Mr. Bloch personally directed that I stop communicating with him, that it was Mr. Bloch's decision to issue the gag order/so-called letter of counseling, and that it could not be removed until he gave instruction to remove it. It never was. The action and threat directly contradicted the Special Counsel's anti-harassment policy. Mr. Wise later explained that he issued the letter of counseling, "because technically Mr. Bloch is not in Ms. Dawson's chain of command."

\* On July 22, 2006 I alerted Mr. Anderson of my intention to disclose the CSU breakdown to Congress, as well as the atmosphere of internal repression. The next month he proposed my termination.

### III. Racism.

\* There was a system of de facto segregation in office placement for OSC staff. Seasoned employees referred from one side of Mr. Bloch's office to the end as "Mahogany Row," because no black staff could occupy an office and work there. After getting ordered to move from that side, I asked why other minority employees or I couldn't be located in vacant offices there and was told that they were reserved for storage of old furnishings, files and potential new hires. Later I was told the rooms were reserved for future SES hires who did not arrive before my departure.

\* Initially I had been assigned to another office on Mahogany Row, but Mr. Wise removed me with the explanation that Associate Special Counsel Lenny Dribinsky complained that he couldn't walk by my door "without his stomach turning." Mr. Wise confirmed that there was nothing else which could have caused Mr. Dribinsky's distress besides me, the only employee in the office. He also said it was reserved for SES employees, but ultimately it was used by white interns, contractors, and for office files.

#### IV. Hostility to the merit system.

\* The OSC leadership was rigidly intolerant of agency employees asserting their rights, which created an atmosphere of fear. Numerous employees warned me that anyone who filed a complaint about working conditions would be ruined and go down. One veteran employee was so upset about internal harassment that s/he cried in telling me about it, but the employee was afraid to file a legal challenge due to certainty that it would lead to certain termination.

\* The reaction to correcting an administrative mistake illustrates the hostility to employees asserting themselves. Shortly after being hired, I learned that due to an error I



would not receive a paycheck for my first pay period. When I could not obtain cooperation within OSC, I directly contacted the National Finance Center and easily straightened the matter out. I notified Mr. Wise. To my surprise, he and his Assistant Human Resource Specialist angrily accused me of a “security breach.” A few days later Mr. Wise passed along the comment the sight of me made Mr. Dribinsky sick. He also ordered me not to call OPM or the NFC. A few weeks later he moved my workstation next to the men’s room, where I was distracted by regular flushing and felt sick from the smell of disinfectant-masked urine.

\* On August 8, 2005 I complained to my second line supervisor about the seating arrangement. Mr. Wise moved me to new seating locations five times over two months and six times total prior to my termination. The last was a storage room with excess furniture unstably stacked six feet high. In late August I decided to disclose the matter in compliance with the agency anti-harassment policy, when a chair fell and came close to striking my head. Mr. Wise responded by canceling my flexible schedule. Mr. Anderson smiled while advising that if he had complained about his seating arrangement he would have been fired.

\* I returned to work from sick leave the day after the Office of Personnel Management (OPM) Office of Inspector General (OIG) opened an investigation of Mr. Bloch. Without warning on my second day back, Federal Protective Service officers and an OSC security guard escorted me from my desk to the library, where they questioned me. This all took place in front of other employees, and appeared intended to make an example of me. The FPS staff explained the OSC had called them in, because allegedly I had made threatening statements. Supposedly I was dangerous and had been threatening

to bring a machine gun in to work and shoot the place up. To illustrate the crude dishonesty, these statements allegedly occurred in the office, while I had been out on medical leave. I was never charged, and FPS closed the case for lack of substantiation because no one would testify about any such threats. After being released, I called Mr. Bloch's name and attempted to get his attention and find out what had happened, since he was observing by an elevator. But he quickly turned away. The FPS agreed with my request to investigate the basis, but the OSC then refused to cooperate – dismissing the incident as an EEO personnel matter. Mr. Wise and Mr. Anderson continued to repeat the allegation in statements to the EEOC and OWCP answering my harassment charges.

\* On October 2, 2005 I filed an EEO complaint challenging hostile working conditions, and my gag order/threatened termination for communicating with Mr. Bloch. A little less than three weeks later, Mr. Wise downgraded me from a GS-9/11 to a GS-9 with no possibility for future advancement to the GS-11 track I had been hired in – all without a desk audit, performance appraisal or any adverse action to justify the demotion.

\* On October 10, 2006 I communicated to Mr. Bloch a protest that the OSC was violating an EEO judge's settlement order. On October 13 he finalized my termination, which I received via email on October 17, 2006, explaining that I had been terminated effective October 13, 2006. As mentioned initially, the termination was for AWOL, but the agency was aware of my medical reports and had approved my medical leave based on them. While the agency terminated me, it insists that it was not disciplinary so I do not have civil service rights to appeal my firing.

\* The physical effects of the harassment were severe. Although I did not have a history of medical problems, I developed insomnia and migraine headaches, to the point

where on one occasion I had to be taken to the emergency room. My doctor ordered me not to work, I submitted all required medical documentation, and sick leave was approved. While out, however, it was arbitrarily removed without notifying me. The OSC changed my status to AWOL and then terminated me for the “offense” they had not communicated. I do not understand how the OSC can carry out a mission to protect the same rights of other federal employees, that it regularly violates for its own staff.

Some hope for accountability based on an investigation by the Office of Personnel Management (OPM) Inspector General (IG) into a Whistleblower Protection Act complaint by six other OSC employees and several public interest groups. I’m not holding my breath. The OPM investigator was on the premises when Mr. Bloch tried to scare off other witnesses by making an example of me. She did not follow through. Several months ago my attorney Tom Devine sent my affidavit with the same information as in this testimony. There has been no response, not even an acknowledgement. If there is going to be any accountability, it will have to come from Congress. The OIG’s effort has all the symptoms of the same type window dressing that Mr. Bloch has mastered.

Unlike many other critics, I am not an advocate of abolishing the Office of Special Counsel. I listened to too many desperate whistleblowers whose careers were ruined for doing the right thing, and who had no where else to turn. What’s needed is a Special Counsel who makes an honest effort, instead of playing cynical games that have stripped his office of credibility and respect from those it is charged with serving. I am glad to work further with committee staff on any items in this testimony.

It is a great relief that Congress is investigating to learn the truth about the Office of Special Counsel. There is no realistic hope elsewhere. I have presented evidence of all these abuses to the Office of Personnel Management (OPM) Office of Inspector General (OIG), which officially is investigating Mr. Bloch. They have not seen fit to follow through, or even to return my GAP attorney calls and emails when we presented a detailed affidavit and exhibits on the points summarized today. It is long overdue that Congress faces what has happened in this agency, and what that means for whistleblowers whose only hope is the Office of Special Counsel.