

OSC STRATEGIC PLAN (FY 2001-2006)

Submission Date: April 12, 2001

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Under the Civil Service Reform Act (CSRA) and the Whistleblower Protection Act (WPA), the OSC's primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. The OSC also has jurisdiction under the Hatch Act to enforce restrictions on political activity by government employees. Finally, the OSC facilitates disclosures of wrongdoing in federal government by operating a secure channel for whistleblowers.

OSC has significantly revamped its five-year Strategic Plan this year, as well as the associated FY 2002 annual performance plan. OSC's prior strategic and annual performance plans focused heavily upon numerical targets for reducing the agency's backlog of overage matters. The past year, however, has seen a dramatic increase in the number of new complaints filed with the Office. In addition, in the past year, OSC has focused upon improving the quality of its communication with complainants, and has devoted greater attention to enhancing the quality of its investigations and legal analyses. Finally, in the past year, OSC has significantly increased its outreach efforts, and has had to draw upon staff to conduct outreach activities.

The sharp increase in new complaints will affect OSC's efforts to reduce the percentage of overage cases, as those cases move forward for processing. Further, at the start of FY 2001, there were a significant number of new staff members at OSC (due to attrition and the addition of FTEs). There has been transition time needed to get this new staff working to its full capacity. In addition, experienced staff has been diverted from their usual duties by the need to mentor and help train the new staff.

If OSC continues to process cases largely on a first in-first out basis, as it has in the past, cases which are more serious or urgent may not receive the consideration they require. Further, if OSC does not continue to find ways to more wisely allocate its limited resources, then it will be unable to give complex and more urgent cases the amount of attention they merit.

All of these considerations have led OSC to re-engineer its Strategic Plan, and FY 2002 Annual Performance Plan. We do not believe that it is useful to continue to focus single-mindedly on reducing the overall backlog of overage cases. Instead, we have concluded that OSC must make greater efforts to prioritize case handling, both in terms of the order in which cases are processed, and the amount of resources devoted to particular cases. Thus, while OSC continues to adhere to its ultimate goal of reducing and eventually eliminating the backlog

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in its entirety, we believe that this targeted approach will enable us to strike the proper balance between that objective and other, equally important considerations.

The revised plan accordingly places less emphasis upon numerical targets for reducing OSC's backlog, and more emphasis upon prioritizing and improving quality. OSC intends to establish a system of priorities for cases, based upon a combination of factors, one of which will be the age of the case. It will also establish guidelines for the amount of resources to be devoted to particular types of cases. Finally, OSC will create appropriate standards and implement audit procedures that will enable the agency to meet its objective of improving the quality of its work.

In addition, for the first time, the revised Strategic Plan sets forth separate goals for OSC's Disclosure and Hatch Act Units. The objectives for the Disclosure Unit, like the objectives governing OSC's investigation of prohibited personnel practices, include a combination of quality and timeliness factors, and the creation of a priority system. The revised Strategic Plan continues the prior plan's emphasis on using Outreach to promote OSC mission. Finally, the revised plan contains new goals for OSC's Human Resources and Information Technology functions in light of staff increases and the need to ensure that OSC's computer infrastructure will support the other goals of the revised Strategic Plan.

GOAL NUMBER 1

To fulfill congressional intent that OSC use its investigative and prosecutorial authority to protect the merit system and protect federal employees from prohibited personnel practices (PPPs), especially retaliation for whistleblowing.

Objective A:

Conduct high quality investigations and legal analyses to determine whether a violation of a civil service law, rule, or regulation has occurred, or a ppp has been committed.

Strategies for Accomplishing Objective A:

1. Improve quality of investigations and legal analyses by establishing quality standards and holding staff accountable for adhering to established standards.
2. Improve quality of investigations and legal analyses by promoting consultation between attorneys and investigators, and by developing and sharing best practices.
3. Continue to develop and communicate to all relevant staff consistent agency policies on issues of importance.

Objective B:

Resolve ppp complaints expeditiously, in priority order, within the time guidelines set by Congress.

Strategies for Accomplishing Objective B:

1. Continue to create and apply policies in each program unit for dedicating an appropriate level of resources for particular kinds of ppp matters.
2. Create and apply a system of appropriate priorities for the order in which ppp matters should be processed by each program unit.
3. Eliminate unnecessary steps in case processing.
4. Continue to offer OSC's Mediation Program to OSC customers in appropriate cases to encourage quick and mutually agreeable resolution of complaints.
5. Encourage settlement of meritorious cases at earliest possible stage.

6. Ensure OSC case-tracking system has capacity to capture data relevant to measure progress meeting Objective B.

Objective C:

Obtain appropriate corrective, disciplinary, or other relief in cases where OSC concludes that there exist reasonable grounds to believe that a civil service law, rule, or regulation has been violated or a ppp has been committed.

Strategies for Accomplishing Objective C:

1. Voluntary corrective action from federal agencies (including stays) where OSC finds that there exist reasonable grounds to believe a ppp has been committed.
2. Prosecute cases before the MSPB if an agency does not initiate voluntary corrective action (including a stay) where OSC finds that there exist reasonable grounds to believe a ppp has been committed.
3. Obtain disciplinary sanctions in appropriate cases against agency officials who commit ppps, either by persuading the employing agency to take the action itself, or by prosecuting a disciplinary action petition before the MSPB.
4. Ensure OSC case-tracking system has capacity to capture data relevant to measure progress meeting Objective C.

Objective D:

Proactively develop the law governing ppps, especially retaliation for whistleblowing, to reflect congressional intent.

Strategies for Accomplishing Objective D:

Monitor cases before the MSPB and Federal Circuit in which OSC is not a party and seek opportunities for OSC to affect the outcome of their decisionmaking, either by filing an amicus brief, intervening, or providing OSC's perspective to the Justice Department when DOJ represents other federal agencies before the Federal Circuit.

Objective E:

Ensure that OSC provides complainants with a clear explanation of its reasoning in cases where OSC concludes that there exist no reasonable grounds to believe that a civil service law, rule, or regulation has been violated or a ppp has been committed.

Strategies for Accomplishing Objective E:

1. Continue to improve quality of correspondence and other forms of communication between OSC and complainants regarding their cases.
2. Continue to hold telephone conferences with complainants before final closure of their cases.

Key Factors That Could Significantly Affect the Achievement of Goal Number 1 and Objectives A-E:

1. Adequate Staffing Levels.
2. Staff Attrition.
3. Nature, complexity and number of new ppp and disclosure matters received.
4. Number of cases referred out of Complaints Examining Unit for full investigation.
5. Willingness of OSC customers to use OSC Mediation Program, or settle meritorious cases at early stage.
6. Staff experience and skill.
7. Willingness of agencies to initiate corrective or disciplinary action voluntarily upon OSC's determination that there exist reasonable grounds to believe that a ppp has been committed.
8. Willingness of MSPB to provide OSC with an opportunity to file amicus briefs or intervene in relevant cases.
9. Position of the Justice Department regarding OSC's intervention or other participation in matters before the U.S. Court of Appeals for the Federal Circuit.

Performance Measures:

1. Quality of investigations and legal analyses.
2. Extent to which a system to allocate appropriate resources to each case, related to identified case priorities, is established and applied.

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3. Extent to which a system to identify and process incoming cases according to clear targeted priorities is established and applied.
4. Percentage of cases submitted to OSC Mediation Program that are successfully resolved.
5. Length of time between filing of complaint and successful resolution through OSC Mediation Program, as compared to length of time to resolve a case referred to the Investigation Division.
6. The percentage of higher priority overage cases.
7. The percentage of overage cases generally.
8. Clarity of OSC's explanation of its reasoning in cases where OSC concludes that there exist no reasonable grounds to believe that a ppp has been committed.
9. Percentage of matters in which OSC obtains appropriate corrective, disciplinary, or other relief in cases where OSC has concluded that there exist reasonable grounds to believe that a ppp has been committed.
10. Frequency with which OSC participates in cases that are before the MSPB and court of appeals for the Federal Circuit which present an opportunity to influence the development of the law governing pppls, especially retaliation for whistleblowing.

Program Evaluation:

1. Audit sampling of cases in each program unit to ensure that investigation and legal analysis was of high quality, that an appropriate level of resources was dedicated to the case in light of its priority, and that complainants received a clear explanation of OSC's reasoning in cases where OSC finds that there exist no reasonable grounds to believe that a ppp has been committed.
2. Use case-tracking system to monitor reductions in backlog generally, and by targeted case priority.
3. Use case-tracking system to monitor number of cases in which OSC Mediation Program is offered, number in which offer is accepted, number of cases resolved successfully through ADR, and average length of time a case spends in Mediation Program.

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4. Determine percentage of cases in which OSC concludes that there exist reasonable grounds to believe that a ppp has been committed, where OSC obtains corrective, disciplinary, or other relief.
5. Determine percentage of relevant cases before the MSPB and the U.S. Court of Appeals for the Federal Circuit in which OSC is not a party but participates in the disposition of the case.

GOAL NUMBER 2

To fulfill congressional intent that federal and covered state and local employees comply with the Hatch Act's restrictions when they engage in political activity.

Objectives:

1. Ensure that covered federal, state and local employees are aware of the extent to which the Hatch Act permits them to engage in political activity.
2. Enforce the Hatch Act's restrictions on political activity by covered federal, state and local employees.

Strategies:

1. Continue to respond promptly to requests for Hatch Act advisory opinions.
2. Continue to provide information to covered employees and agency ethics officers regarding the Hatch Act's requirements and procedures for filing complaints or seeking advisory opinions.
3. Provide information to appropriate state and local government entities regarding the Hatch Act's application to state and local employees.
4. Publicize Hatch Act advisory opinions.
5. Conduct impartial, thorough and timely investigations of Hatch Act complaints.
6. Conduct high quality legal analyses of investigations.
7. Issue warning letters or obtain appropriate penalties in cases where an OSC investigation reveals a Hatch Act violation.
8. Ensure OSC case-tracking system has capacity to capture data relevant to measure progress meeting objectives.

Key Factors That Could Significantly Affect the Achievement of General Goals and Objectives:

1. Intake level and complexity of issues presented.
2. Adequate Staffing Levels.

3. Staff Attrition.
4. Budget available for Hatch Act outreach.
5. Willingness of agencies to assist OSC in providing Hatch Act information and training.
6. Willingness of Hatch Act subjects to resolve complaints without litigation.
7. Results achieved in litigation before the MSPB.

Performance Measures:

1. Time required to respond to requests for Hatch Act advisory opinions.
2. Employees and agency ethics officers receive information regarding the Hatch Act's requirements, the methods for filing complaints alleging violations of the Hatch Act, and the procedures for obtaining advisory opinions.
3. OSC conducts timely, high quality investigations and legal analyses of Hatch Act complaints.
4. Subject cures violation, OSC issues warning letter, and/or OSC obtains appropriate penalties in cases where a Hatch Act violation has been found.

Program Evaluation:

1. Audit length of time required to respond to Hatch Act inquiries.
2. Determine extent to which employees and agency ethics officers receive training or information regarding the Hatch Act, by surveying agencies.
3. Audit sampling of Hatch Act cases to ensure that investigation and legal analysis was timely and of high quality.
5. Determine percentage of cases in which subject cures violation, OSC issues a warning letter or OSC secures a penalty where a Hatch Act violation found.

GOAL NUMBER 3

To fulfill congressional intent that OSC promote the public interest in the disclosure of violations of law, rule, or regulation; gross waste of funds; gross mismanagement; abuse of authority; or substantial and specific dangers to the public health and safety, by serving as a secure channel for federal employees and applicants to blow the whistle in accordance with 5 U.S.C. § 1213.

Objectives:

1. To conduct high quality legal and factual analyses to determine whether federal employees, former employees, or applicants who contact OSC's Disclosure Unit possess information establishing a substantial likelihood of a violation of law, rule, or regulation; gross waste of funds; gross mismanagement; abuse of authority; or a substantial and specific danger to the public health and safety.
2. To promptly transmit an OSC substantial likelihood determination to the agency head and obtain the agency's compliance with the investigation and reporting requirements of 5 U.S.C. §§ 1213(c) and (d).
3. To promptly and clearly advise federal employees, former employees and applicants of OSC's reasons for deciding that the information they provided does not justify transmittal of a substantial likelihood finding to an agency head.
4. To conduct high quality legal and factual analyses that promptly and accurately determine -- upon consideration of the agency report and the comments of the federal employee or applicant -- whether the findings of an agency head appear reasonable and whether the agency's investigative report contains the information required by statute.
6. To promptly transmit to Congress and the President, reports of investigation that meet the statutory requirements, and to otherwise make publicly available such reports.

Strategies:

1. Create and apply a system of appropriate priorities for the order in which disclosure matters will be processed.
2. Continue to develop and communicate to all relevant staff consistent agency policies on issues of importance to the disclosure function.

3. Continue to improve quality of correspondence and other forms of communication between OSC and federal employees, former employees, and applicants seeking to make disclosures.
4. Educate federal agencies regarding their obligations when a disclosure is transmitted for an investigation.
5. Hold agencies to statutory deadlines for conducting investigations and providing reports to OSC by providing statutory notification to Congress and the President when their responses are untimely, authorizing exceptions only for good cause shown.
7. Conduct high quality analyses of disclosure allegations and of agency reports, consulting with outside experts where feasible and necessary.
8. Publicize agency findings in transmitted cases.
8. Ensure OSC case-tracking system has capacity to capture data relevant to measure progress meeting objectives.

Key Factors That Could Significantly Affect the Achievement of General Goals and Objectives:

1. Adequate staffing and budget levels.
2. Staff attrition.
3. Intake levels and complexity of matters received.
4. Agencies' ability and willingness to adhere to statutory deadlines.
5. Timeliness of whistleblower's response to agency report.
6. Willingness of media to report findings.

Performance Measures:

1. The creation and application of a system of priorities.
2. The percentage of higher priority overage cases.
3. The percentage of overage cases generally.

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4. The clarity of correspondence between OSC and individuals seeking to make disclosures.
5. The extent to which OSC clearly advises agencies of their obligations when a disclosure is transmitted for an investigation and report, including applicable deadlines.
6. The quality of OSC's legal and factual analyses of disclosure allegations and agency reports.
7. The reporting of agency findings to the media in transmitted cases.

Program Evaluation:

1. Analyze length of time between submission of disclosure and OSC transmission or closure by case priority.
2. Audit sampling of cases to ensure that correspondence is clear and that analysis is of high quality.
3. Determine percentage of cases in which agencies comply with statutory deadline.
4. Number of cases in which agency investigations and reports comply with the requirements of § 1213.
5. Determine frequency of media reporting of agency findings in OSC transmittals.

GOAL NUMBER 4

To raise government employees' and managers' awareness of their rights and responsibilities under Chapters 12 and 23 of title 5.

Objectives:

1. Improve agency compliance with informational obligation contained at 5 U.S.C. § 2302(c).
2. Expand access by federal (and covered state and local government) employees and managers to information about OSC's role in enforcement of employee rights and responsibilities.

Strategies:

1. Survey title 5 agencies responsible for implementation of § 2302(c) to determine steps taken to comply with informational requirement.
2. Offer OSC assistance to agencies in complying with § 2302(c) informational requirement.
3. Issue guidance to title 5 federal agencies on compliance with informational obligation in § 2302(c).
4. Proactively render advice and assistance (including sharing of best practices) to title 5 agencies in implementation of systemic informational programs under § 2302(c).
5. Seek systemic and other training in federal agencies in corrective action settlement agreements, mediated resolutions, or litigation at the MSPB.
6. Maintain current and effective informational and training materials for use by OSC and other agencies.
7. Use information technology resources to facilitate access, by federal employees, managers, and others to current informational and training materials.
8. Convene, or participate in conferences and forums for employee representatives, agency representatives, and federal managers and employees to highlight issues related to OSC's mission and seek feedback on OSC performance.

9. Work with sister federal agencies (the Merit Systems Protection Board, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission) on joint outreach projects.
10. Issue press releases when OSC obtains stays, corrective, or disciplinary actions, through settlement agreements or litigation, and use other media opportunities for OSC outreach.

Key Factors That Could Significantly Affect the Achievement of General Goals and Objectives:

1. Adequate staffing and budget levels.
2. Agency willingness to work with OSC to provide information mandated by § 2302(c) to their employees.
3. Agency willingness to agree to, and MSPB willingness to order, systemic or other training of employees.
4. Media willingness to publish stories using press releases and other information furnished about OSC activities.

Performance Measures:

1. Number of agencies in compliance with § 2302(c).
2. Number of systemic or other training commitments obtained by OSC in settlement agreements or litigation before the MSPB.
3. Currency of OSC informational and training materials.
4. Ability to furnish requested informational and training materials, or to direct requesters to sources of requested materials (*e.g.*, GPO).
5. Level of successful utilization of OSC Web site, toll-free telephone line, e-mail link, and other technological resources.
6. Progress towards electronic filing of complaints and disclosures.
7. Number of forums in which OSC participates, through speakers or otherwise.
8. Successful placement of press releases and other information about OSC activities.

9. Feedback from employees, other agencies, Congress, media, and others.

Program Evaluation:

1. Periodic surveys of agencies, and reviews of annual survey responses to question about agency provision of information about employee rights and responsibilities.
2. Reviews of OPM merit system oversight reports, including information on agency compliance with § 2302(c).
3. Reviews of usage of OSC Web site and other technology resources.
4. Assessment of responses to evaluation forms at OSC presentations to determine whether they are effectively communicating information on employee rights and responsibilities.

GOAL NUMBER 5

To maintain a highly skilled, well trained, diverse, customer-oriented workforce to carry out the agency's mission.

Objectives:

1. Recruit, train, and retain skilled, highly motivated and diverse workforce that is customer oriented and will foster the achievement of OSC's mission.
2. Provide a work environment with policies and programs that foster interdivisional cooperation and encourage OSC employees to excel while ensuring accountability and fairness for all employees.

Strategies:

1. Clearly communicate objectives in Strategic Plan and Annual Performance Plan to staff by including it in performance plans, and monitor and rate staff to ensure compliance with objectives.
2. Provide opportunities for feedback from new, existing and exiting employees on work environment, policies and programs.
3. Review current and emerging leadership needs and develop and implement a plan for leadership succession management.
4. Assess training needs of staff and provide opportunities for appropriate training, both in-house and through outside sources.
5. Continue bi-yearly agency training conferences.
6. Review awards programs and continue to re-engineer to focus on rewarding and publicizing tangible accomplishments at the individual or organizational level that improve customer service or otherwise directly contribute to achieving strategic goals and objectives.
7. Design and implement Diversity Plan.
8. Implement Disability Employment Plan.
9. Implement Hispanic Initiatives.

10. Continually review, and if necessary, revise recruitment strategies, to ensure that they will attract a skilled, highly motivated, and diverse staff that will foster the achievement of OSC's mission, and enable the agency to hire new employees in a timely fashion.

Key Factors That Could Significantly Affect the Achievement of the General Goals and Objectives:

1. Adequate staffing and budget levels.
2. Economic and other factors affecting desirability of federal government employment.

Performance Measures:

1. Recruitment of highly motivated, diverse, and well-qualified staff.
2. Retention of experienced staff.
3. Priority training needs addressed.
4. Internal customer satisfaction.
5. Average time taken to recruit and hire.

Program Evaluation:

1. Periodically assess attrition level and reasons employees leave the agency.
2. Assess acceptance rates among job candidates to whom positions are offered.
3. Periodically evaluate percentage of priority training needs addressed.
4. Measure average time taken to recruit and hire.
5. Conduct internal employee surveys.

GOAL NUMBER 6

To integrate current information technology into OSC business processes, in order to improve organizational performance and to comply with statutory mandates.

Objectives:

1. Maintain and continually upgrade technology infrastructure to assist OSC in achieving its mission and improving its business processes, as defined within this strategic plan.
2. Comply with government-wide information technology initiatives, mandates, and statutes.

Strategies:

1. Stay abreast of current information technology, to determine possible improvements to OSC's current business processes -- including internal and external communication, case management, planning, evaluation and research.
2. Maintain and enhance case management and tracking systems that capture the data needed to evaluate the performance of OSC's programs consistent with strategic and annual plans.
3. Implement web-based technology to exchange information, both internally and externally, including electronic filing of complaints and disclosures, consistent with the Government Paperwork Elimination Act.
4. Develop and implement ongoing security and vulnerability assessment study. Revise systems as necessary to ensure that systems and information are secure.
5. Identify applicable government-wide statutes, mandates and initiatives, and develop compliance plans.

Key Factors That Could Significantly Affect the Achievement of the General Goals and Objectives:

1. Adequate staffing, budget levels, and IT training.

Performance Measures:

1. Cost/benefit analyses are conducted to apply current technology to OSC business processes--including internal and external communication, case management, planning, evaluation and research.
2. Case management and tracking systems accurately capture all data needed to evaluate the performance of OSC's programs consistent with strategic and annual plans.
3. Establishment of a plan to convert all paper-based processes to electronically-based processes, including the use of a Web-based database system to accept the electronic filing of complaints and disclosures, consistent with the Government Paperwork Elimination Act.
4. Information systems operate in highly secure manner, in compliance with all applicable government-wide mandates.

Program Evaluation:

1. Determine extent to which technically current technology is being utilized for internal and external communication, case management, planning, evaluation and research.
2. Audit performance of case management and tracking system through generation of case performance reports.
3. Determine extent of cost savings generated by application of electronically-based process to previous OSC paper-based business process.
4. Measure extent of compliance with laws and regulations through internal evaluations.
5. Measure whether OSC's systems are secure through internal evaluation.