

GAO Highlights

Highlights of [GAO-18-400](#), a report to congressional committees

Why GAO Did This Study

OSC is responsible for safeguarding the merit system in federal employment by protecting employees and applicants, including whistleblowers. Consequently, OSC must ensure its case processes are adequate to protect the federal workforce, including its own employees.

GAO was asked to review OSC case processes and procedures for whistleblower disclosures and PPPs. For both types of cases, this report among other things (1) examines trends in cases received and closed from fiscal year 2011 to 2016, (2) examines timeliness of cases closed from fiscal year 2011 to 2016, and (3) assesses the extent to which safeguards are in place for OSC employees who make allegations.

GAO reviewed OSC case guidance, processes, controls, and the latest available OSC data from fiscal year 2016. GAO also assessed whether OSC's processes adhered to *Standards for Internal Control in the Federal Government*, and surveyed and interviewed OSC employees.

What GAO Recommends

GAO is making seven recommendations, including that OSC communicate timelines to whistleblowers and finalize a time frame for obtaining an independent internal review process for OSC employees. OSC agreed with GAO's recommendations.

View [GAO-18-400](#). For more information, contact Yvonne D. Jones at (202) 512-2717 or JonesY@gao.gov.

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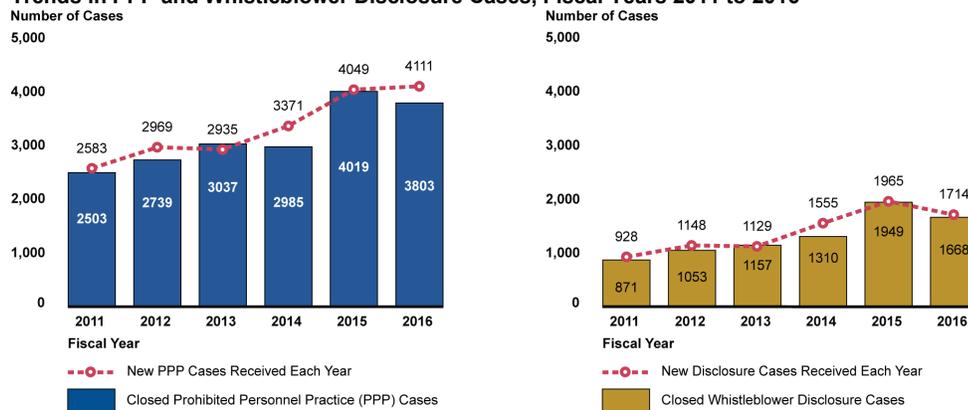
OFFICE OF SPECIAL COUNSEL

Actions Needed to Improve Processing of Prohibited Personnel Practice and Whistleblower Disclosure Cases

What GAO Found

Between fiscal years 2011 and 2016, the number of prohibited personnel practice (PPP) and whistleblower disclosure cases the Office of Special Counsel (OSC) received from employees of other federal agencies increased by 66 percent. Although the number of cases OSC closed increased by 62 percent during this period, the pace at which cases were closed did not keep pace with the number of cases received. As a result, the backlog also grew. OSC closed the vast majority of cases it received for various reasons, including a lack of sufficient evidence or lack of OSC jurisdiction.

Trends in PPP and Whistleblower Disclosure Cases, Fiscal Years 2011 to 2016



Source: GAO analysis of Office of Special Counsel (OSC) data. | GAO-18-400

OSC's processing time increased for both types of cases from fiscal year 2011 to 2016, but the time for processing whistleblower disclosure cases experienced a significantly greater increase, from a median of 10 days to 29 days. Because processing times for whistleblower disclosures include the time that agencies take to conduct investigations and respond to OSC, they can be significant, especially if an agency requests an extension from OSC for additional time. GAO found that in fiscal year 2016, OSC approved on average 2.7 extensions per whistleblower referral, and that the average time to process these cases was 1.8 years. However, OSC does not provide whistleblowers specific information on timelines for agency responses to OSC referrals; as a result these individuals may not know how long the process could potentially take.

OSC's process for reviewing and referring allegations submitted by its own employees includes the involvement of officials and staff. This involvement was identified as a key concern by OSC employees. Specifically, 17 of the 87 OSC employees who responded to GAO's survey reported that they considered filing internal allegations against another OSC employee but chose not to do so in part because they feared losing anonymity, feared management reprisal, or were uncertain how to file an internal OSC complaint. Congress recently enacted statutory changes to provide additional safeguards to OSC employees who file internal complaints, including establishing an agreement with an agency inspector general to review internal OSC cases. However, OSC has not yet fully implemented such an agreement.