

January 13, 2005

The Honorable Susan Collins  
Chair  
Senate Committee on Homeland Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, DC 20510-6250

Dear Senator Collins:

We are seasoned and dedicated employees of the Office of Special Counsel (OSC) with many years of federal service among us, and we feel compelled to come forward and reaffirm the wrongdoing disclosed in the January 10, 2005, letter sent to you and Senator Lieberman by the Public Employees for Environmental Responsibility (PEER), the Government Accountability Project (GAP), and the Project on Government Oversight (POGO). The January 10 letter documents the culture of fear created by Special Counsel Scott Bloch and highlights his recent retaliatory and fiscally irresponsible actions.

As you may be aware, Special Counsel Bloch has ordered the involuntary geographic reassignments of twelve outstanding OSC employees, including two career members of the Senior Executive Service. Although we are not among the twelve employees subject to these involuntary reassignments, we strongly believe this action is capricious, retaliatory, and contrary to the merit system that OSC is mandated to protect. Because OSC has no Office of Inspector General, we may neither file a complaint with an independent, outside agency nor secure an objective OSC review of the Special Counsel's actions. Thus, we are pleading with you to conduct oversight hearings and order an independent investigation into the Special Counsel's wrongdoing. Below, we have highlighted some of our more grave concerns.

First, directing reassignments to field offices, including the newly created Detroit office, is completely unsupported and, at a minimum, constitutes gross mismanagement. The Special Counsel's proffered reason for the involuntary reassignments – reducing the backlog in the Investigation and Prosecution Division (IPD) and fostering collaboration among those employees moved to the field – is pretextual and nonsensical. Moreover, his claim that this decision was made after “extensive discussions with staff and an outside assessment team's review of the agency's structure” is disingenuous. Shockingly, there were no discussions with staff, including the senior executives, about opening a Detroit field office or involuntarily reassigning staff to field offices. And, the assessment team did not recommend opening a new field office, in Detroit or anywhere else.

Furthermore, we cannot fathom how involuntarily reassigning employees to the field will reduce the backlog of cases in IPD. In fact, this action will likely have the

opposite effect. We will lose significant productivity from the twelve employees, who, without warning, must take directed house-hunting trips and completely relocate themselves and their families within the next 60 days. Furthermore, OSC is likely to lose seasoned employees who cannot relocate to the field, creating a void of knowledgeable and trained employees to reduce the backlog. The proffered reasons also fail to address the justification for relocating the ADR Unit - a headquarters program - to the field. Lastly, it is inexplicable why the Special Counsel would send the most experienced Senior Executive, who on a number of occasions has served as Acting Special Counsel, to the most efficient field office simply to manage a handful of highly-capable employees.

Next, even assuming there is a legitimate justification for opening a new field office, the manner in which this has been undertaken suggests a retaliatory motive and smacks of an attempt to purge existing career staff. The twelve employees were clearly targeted. Some have voiced serious concerns with several of the Special Counsel's sweeping initiatives, including the decision to place a political appointee in charge of the Hatch Act Unit and his attempt to deny protection to federal employees suffering from sexual orientation discrimination. Moreover, all of the affected attorneys and investigators work for the reassigned Senior Executive who is unfairly viewed as aligned with the former Special Counsel's politics and policies.

In addition, the Special Counsel gave employees an absurdly short amount of time (10 days) to accept the reassignments or face termination. He did not ask for volunteers, and in fact, affected employees were told that they are not permitted to switch with other employees willing to transfer. Also, there are at least 11 vacancies at OSC and it is unclear why some of these vacancies cannot be moved to the field and new employees hired locally. Hiring local employees would save the agency significant relocation costs. These relocation costs could easily reach half a million dollars, a significant portion of OSC's budget. In sum, these reassignments are unjust and inconsistent with the merit system.

The Special Counsel's reorganization plan is fiscally irresponsible, not only because of the unnecessary and significant cost of reassigning twelve employees to the field, but also in light of OSC's recent budgetary problems and expected spending cuts in FY2006. OSC has been plagued by budget short-falls in recent years; there has been little, if any, money available for performance awards and training, and during the last quarter of FY2004, most travel (including travel to conduct mission-critical functions such as investigations and litigation) was frozen. Given the backlogs OSC has experienced in the past, there was an expectation that additional funding would be used to hire new employees, not to pay relocation expenses and start-up costs for an extraneous field office. We challenge the Special Counsel to come forward with any cost-benefit analysis conducted prior to his decision to create this new field office and to reassign twelve employees.

Given the Special Counsel's blatant abuse of the merit system within OSC, how can he be trusted to protect federal employees from merit system abuses? The Special

Page 3

Counsel's inexplicable actions have already led to the exodus of experienced career staff, and this trend is likely to continue, further hindering OSC's ability to accomplish its mission. We reiterate our plea for an outside, independent investigation of the Special Counsel's abuses of the merit system.

Ironically, we are extremely fearful of suffering retaliation for signing this letter because of the Special Counsel's public statements of animus toward "leakers" (i.e., whistleblowers) within OSC. However, we are committed to honestly and openly cooperating with an independent Congressional investigation of the Special Counsel's actions.

Employees of the Office of Special Counsel