POSITION DESCRIPTION

**special counsel, office of special counsel**

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| **OVERVIEW** |
| Senate Committee | Homeland Security and Governmental Affairs |
| Agency Mission | The Office of Special Counsel (OSC) receives and investigates allegations of prohibited personnel practices. Their basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act and the Uniformed Services Employment and Reemployment Rights Act (USERRA).​​[[1]](#endnote-1) |
| Position Overview | The special counsel safeguards the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing.[[2]](#endnote-2) |
| Compensation | Level IV $155,500 (5 U.S.C. § 5315)[[3]](#endnote-3) |
| Position Reports to | OSC is an independent federal investigative and prosecutorial agency.[[4]](#endnote-4) The special counsel may be removed by the president only for inefficiency, neglect of duty or malfeasance in office. (5 U.S.C. § 1211) |
| **RESPONSIBILITIES** |
| Management Scope | OSC has approximately 110 employees composed primarily of personnel management specialists, investigators and attorneys.[[5]](#endnote-5) In fiscal 2015, OSC had a budget of $22 million.[[6]](#endnote-6) |
| Primary Responsibilities | * Provides a safe channel for federal employees, former employees and applicants to disclose violations of law, rule or regulation, gross mismanagement, a gross waste of funds, an abuse of authority or a substantial and specific danger to public health or safety in the federal government
* Brings petitions for stays and petitions for corrective action
* Files a complaint or makes recommendations for disciplinary action
* Reviews rules and regulations issued by the director of the Office of Personnel Management and, where the special counsel finds that any such rule or regulation would on its face or as implemented require the commission of a prohibited personnel practice, files a written complaint with the board
* Investigates and brings actions concerning allegations of violations of other laws within the jurisdiction of the Office of Special Counsel (5 U.S.C. § 1212)
* Enforces USERRA, which:
	+ Protects veterans from employment discrimination
	+ Provides for their reinstatement upon their return from military duty
	+ Represents aggrieved federal employees before the Merit Systems Protection Board and in federal court[[7]](#endnote-7)
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| Strategic Goals and Priorities | [Depends on the policy priorities of the administration] |
| **REQUIREMENTS AND COMPETENCIES** |
| Requirements | * Serves a five-year term; may continue to serve beyond the expiration of the term until a successor is appointed, but may not continue to serve for more than one year after the date on which their term would otherwise expire; serves for the remainder of the term if appointed to fill a vacancy occurring before the end of a term of office of his or her predecessor
* Must be an attorney who has demonstrated ability, background, training or experience to carry out the functions of the position
* May not hold another office or position in the government of the United States except as otherwise provided by law or at the direction of the president (5 U.S.C. § 1211)
* Knowledge of federal personnel laws
* Previous government experience (helpful)
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| Competencies | * Strong interpersonal, communication and management skills
* Good legal judgment and integrity
* Ability to work under high pressure and handle sensitive issues
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| **PAST APPOINTEES** |
| Carolyn Lerner (2011 to 2017): Partner, Heller, Huron, Chertkof, Lerner, Simon & Salzman; Appointed Monitor of the Consent Decree in Neal v. D.C. Department of Corrections; Adjunct Professor, George Washington University School of Law; Mediator, United States District Court for the District of Columbia and the D.C. Office of Human Rights[[8]](#endnote-8) |
| Scott J. Bloch (2003 to 2008): Deputy Director and Counsel to Deputy Attorney General; Associate, Stevens & Brand, LLP; Adjunct Professor, Trial Advocacy[[9]](#endnote-9) |
| Elaine D. Kaplan (1998 to 2003): Senior Deputy General Counsel, National Treasury Employees Union; Attorney, National Treasury Employees Union; Lawyer, Employee Benefits Division and Division of Special Appellate and Supreme Court Litigation, Solicitor's Office, Department of Labor[[10]](#endnote-10)  |

1. https://osc.gov/Pages/WhatWeDo.aspx [↑](#endnote-ref-1)
2. https://osc.gov/Pages/about.aspx [↑](#endnote-ref-2)
3. The Consolidated Appropriations Act, 2017 (Public Law 115-31, May 5, 2017), contains a provision that continues the freeze on the payable pay rates for certain senior political officials at 2013 levels during calendar year 2017. [↑](#endnote-ref-3)
4. https://osc.gov/Pages/about.aspx [↑](#endnote-ref-4)
5. https://osc.gov/Pages/about.aspx [↑](#endnote-ref-5)
6. <https://lo.bvdep.com/OrgDocument.asp?OrgId=-1&LDIBookId=19&LDIOrgId=155562&LDISecId=201&FromRecent=0&Save=1&Position=-1#O155562> [↑](#endnote-ref-6)
7. OPM [↑](#endnote-ref-7)
8. https://osc.gov/Pages/about-bio.aspx?ID=1 [↑](#endnote-ref-8)
9. http://www.dcresultslawyers.com/scott-bloch/ [↑](#endnote-ref-9)
10. http://www.uscfc.uscourts.gov/elaine-d-kaplan [↑](#endnote-ref-10)