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January 26, 2005

The Honorable Scott J. Bloch
Special Counsel
Office of Special Counsel
1730 M Street, NW
Suite 300
Washington, DC 20036

Dear Mr. Bloch:

We are writing about the proposed reorganization of the Office of Special Counsel (OSC), including the involuntary transfer of a dozen OSC employees to field offices outside of Washington, D.C.

The affected employees have raised questions about the short amount of notice they were given. As we understand it, these employees were given only 10 days to accept the transfer and 60 days to report to their new assignments.¹ Any employees not accepting the transfer would be fired. Other questions have been raised about OSC's decision to open a new field office in Detroit, where some of the affected employees will be transferred. The employees assert that the agency before which OSC litigates — the Merit Systems Protection Board (MSPB) — does not even have an office in Detroit, with the nearest MSPB office in Chicago.

In order for us to conduct oversight of this issue, we request that you respond to the following questions:

- How were these 12 employees chosen for transfer? What are the job responsibilities of these employees and how long have they been with OSC?

¹ We understand that the deadline for employees to accept the transfer has been extended from January 16, 2005, to January 26, 2005.

- Prior to this transfer order, had any of these employees publicly or privately complained about or disagreed with your policies or decisions? If so, please describe the circumstances surrounding each complaint or disagreement.
- Why were these employees given such short notice for accepting the transfer and moving to their new assignments? Who within OSC was consulted about the proposed transfer and the opening of a Detroit field office?
- Instead of transferring these 12 employees, has OSC solicited volunteers to relocate to these field offices? If not, why not?
- Instead of transferring these 12 employees, has OSC considered hiring new employees who already live near the field offices? If not, why not?
- What is the rationale behind opening a field office in Detroit? What is OSC's caseload in Michigan or neighboring states?
- Was the Office of Management and Budget, the Office of Personnel Management, or the General Services Administration consulted in the decision either to transfer these 12 employees or to open a Detroit field office?
- What is the estimated cost of relocating these 12 employees? What is the estimated cost of opening a Detroit field office?
- During your tenure as Special Counsel, how many new employees have been hired by OSC? For these newly hired employees, please provide information about their qualifications and experience, including their educational background. Have all of these employees been hired through a competitive, merit-based hiring process?
- During your tenure as Special Counsel, has OSC used no-bid contracts? If so, please describe the circumstances surrounding each contract.
- Is the Alternative Dispute Resolution (ADR) function being transferred from the Washington office to a field office? If so, what were the FY2003 operating costs of the ADR program? What are the budgeted operating costs of the program once it moves?
- How are personnel allocated between the Washington office and the various field offices?

Given the time-sensitive nature of this matter, we request that you respond to these questions by January 28, 2005. We also urge you to delay requiring employees to decide

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whether to accept a transfer until congressional committees have had the opportunity to examine OSC's decision.

Sincerely,



Henry A. Waxman
Ranking Minority Member



Danny K. Davis
Ranking Minority Member
Subcommittee on Civil Service
and Agency Reorganization