

# STATEMENT OF CHAIRMAN DANIEL K. AKAKA

## *A Review of the Office of Special Counsel and Merit Systems Protection Board*

### **Hearing Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Senate Committee on Homeland Security and Governmental Affairs**

Aloha and good afternoon. I would like to thank you all for joining us for today's hearing to review the Office of Special Counsel (OSC) and the Merit Systems Protection Board. I would like to welcome our two very distinguished witnesses, Special Counsel Carolyn Lerner and Chairman Susan Grundmann.

The Civil Service Reform Act of 1978 created the Office of Special Counsel and the Merit Systems Protection Board to safeguard the merit system principles. They help ensure that federal employees are free from discriminatory and retaliatory actions, especially against those who come forward to disclose government waste, fraud, and abuse.

I believe these two agencies to be among the most important to federal employees. At a time when resources are limited, both agencies provide essential protections to employees so they can perform their duties in the best interests of the American public.

The Board is responsible for monitoring the federal government's merit-based system of employment by hearing and ruling on federal employees' appeals of job removals and other major personnel actions. The Board also reviews the Office of Personnel Management rules and regulations, and it conducts studies that evaluate federal merit systems policies, operations, and practices.

OSC is charged with protecting federal employees and job applicants from prohibited personnel practices, like reprisal for whistleblowing. OSC also serves as a safe and secure channel for federal workers who wish to disclose violations of law, gross mismanagement, or waste of funds. In addition, OSC enforces and provides advisory opinions regarding the Hatch Act and protects the rights of military veterans and reservists under the Uniformed Services Employment and Reemployment Rights Act.

The laws that the Board and OSC enforce are key protections for the federal workforce and for government accountability more broadly. For more than a decade, I have worked to reform protections for Federal whistleblowers. Whistleblowers play a key role in making the government more effective and save the federal government money. Enacting the Whistleblower Protection Enhancement Act is one of my top priorities.

Additionally, earlier this month, I introduced legislation to modernize the Hatch Act. Congress has not amended this law since 1993. My bill would remove the prohibition on state and local employees running for partisan elected office, a prohibition that currently drains OSC of resources, and often results

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in qualified, dedicated public servants not being permitted to run for office. The bill also would provide the Board with more flexibility in issuing penalties violations, and would treat District of Columbia employees like other state and local employees. This common sense legislation would provide a much-needed update to the law and would allow OSC to use its limited resources more efficiently.

As a senior member of the Veterans' Affairs Committee, and a veteran myself, I believe one of the federal government's most sacred responsibilities is to care for our nation's warriors after they return home. Our dedicated service members should not be worried about finding employment or returning to work after the completion of their service. I expect protecting veterans' rights to be among the highest priorities of these agencies.

Finally, as our nation faces pressing fiscal challenges and tough budget choices, we must remember that safeguarding the merit system and protecting whistleblowers are critical to an effective, accountable, and efficient government. We must provide the Board and OSC the resources they need to do their important work.

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