

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

May 8, 2025

## VIA EMAIL

The Honorable Jamieson Greer  
Acting Special Counsel  
U.S. Office of Special Counsel  
1730 M Street NW, Suite 218  
Washington, D.C. 20036

Dear Mr. Greer:

We write regarding the Office of Special Counsel's ("OSC") troubling decision to stop investigating prohibited personnel practice allegations resulting from President Trump's mass firings of tens of thousands of probationary federal government employees earlier this year.<sup>1</sup> These abrupt terminations caused significant disruption to federal workers themselves and to core government functions. Disposing of these complaints without due consideration removes an important avenue for these workers to obtain an appropriate remedy.<sup>2</sup> This decision was also made amid concerning leadership changes at OSC that weaken accountability for such policy changes. We urge you to reverse this decision and to ensure that employees' complaints receive the full attention and investigation that they deserve. We also write to request information and records to assist the Homeland Security and Governmental Affairs Committee, as the primary Senate committee with jurisdiction of OSC, and the Permanent Subcommittee on Investigations ("the Committees"), in their oversight of OSC.

OSC is an independent agency responsible for investigating and prosecuting unlawful federal employment practices and claims of improper political activity by federal officials.<sup>3</sup> OSC protects current, former, and prospective federal employees from 14 different prohibited personnel practices, including retaliating against whistleblowers, coercing an employee's political activity, nepotism, and more.<sup>4</sup> In 2024, OSC investigated and made findings related to over-prescription of opioids at a Department of Veterans Affairs clinic, air traffic control issues at the Detroit Metropolitan Airport, deficiencies in the Social Security Administration's customer service, and more.<sup>5</sup> OSC's investigations resulted in 450 favorable actions on behalf of federal

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<sup>1</sup> Memorandum from Charles Baldis, Senior Counsel, U.S. Office of Special Counsel (Apr. 8, 2025), <https://aboutblaw.com/bhWW>.

<sup>2</sup> *What Happens When an Employee Files a Prohibited Personnel Practices Complaint?*, U.S. OFFICE OF SPECIAL COUNSEL, <https://osc.gov/Services/Pages/PPP-Process.aspx> (last visited on May 6, 2025).

<sup>3</sup> About OSC, U.S. OFFICE OF SPECIAL COUNSEL, <https://osc.gov/Agency> (last visited May 6, 2025).

<sup>4</sup> 5 U.S.C. § 2302.

<sup>5</sup> Press Release, U.S. Office of Special Counsel, OSC's 2024 Accomplishments Include Record Breaking Results and First Ever Actions (Jan. 6, 2025), <https://osc.gov/News/Pages/25-15-OSC-2024-Accomplishments.aspx>.

employees related to prohibited personnel practices and the resolution of 391 Hatch Act cases in 2024 alone.<sup>6</sup>

On February 11, 2025, President Trump issued an executive order aimed at “significantly reduc[ing] the size of the federal government” through “large-scale reductions in force.”<sup>7</sup> On February 12, the Office of Personnel Management began issuing guidance to federal agencies instructing them to terminate their probationary employees, after which federal agencies began indiscriminately terminating probationary employees, thousands of whom turned to OSC to contest these seemingly arbitrary and unlawful actions.<sup>8</sup> These included a father of small children who had a mortgage to pay who was fired by the General Service Administration despite excellent performance reviews and one month left on his probationary period and a National Parks Service employee with more than two decades of experience who was fired simply because he had accepted a promotion to a new position last summer.<sup>9</sup> The Department of Veterans Affairs reportedly fired a pregnant employee who said no thought was given to her medical needs and described her treatment as “a showcase of civil irresponsibility and a lack of morality for human rights.”<sup>10</sup>

In February, finding reasonable grounds that agencies engaged in prohibited personnel practices by terminating probationary employees, the Merit Systems Protection Board granted OSC’s request for a 45-day stay of termination for employees at the Departments of Veterans Affairs, Education, Energy, Housing and Urban Development, Agriculture, and the Office of Personnel Management.<sup>11</sup> The stay gave OSC additional time to continue its investigations.

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<sup>6</sup> *Id.*

<sup>7</sup> Press Release, The White House, Fact Sheet: President Donald J. Trump Works to Remake America’s Federal Workforce (Feb. 11, 2025), <https://www.whitehouse.gov/fact-sheets/2025/02/fact-sheet-president-donald-j-trump-works-to-remake-americas-federal-workforce/>.

<sup>8</sup> Jory Heckman, *OPM advises agencies to fire probationary employees after ‘deferred resignation’ deadline*, FED. NEWS NETWORK (Feb. 13, 2025), <https://federalnewsnetwork.com/workforce/2025/02/opm-fires-probationary-employees-after-deferred-resignation-deadline/>; Caroline Nihill, *GSA looks to terminate probationary employees*, FEDSCOOP (Feb. 12, 2025), <https://fedscoop.com/gsa-looks-to-terminate-probationary-employees/>; Eric Katz, *Oversight agency finds Trump’s federal worker firings unlawful, asks for some employees to be reinstated*, GOVT. EXEC. (Feb. 24, 2025), <https://www.govexec.com/workforce/2025/02/oversight-agency-finds-trumps-federal-worker-firings-unlawful-asks-some-employees-be-reinstated/403218/>.

<sup>9</sup> Tim Reid, Nathan Layne & Karen Freifeld, *Thousands fired in US government as Trump, Musk purge federal workers*, REUTERS (Feb. 13, 2025), <https://www.reuters.com/world/us/mass-firings-federal-workers-begin-trump-musk-purge-us-government-2025-02-13/>; Mark Thiessen & Chris Megerian, *Experienced workers, not just rookies, get cut as Trump slashes probationary employees*, ASSOCIATED PRESS (Feb. 21, 2025), <https://apnews.com/article/donald-trump-probationary-federal-workers-doge-0eb7d59f42d0b07b2f7b98b044b90533>; see Tim Prudente, *Dream promotion ends with a DOGE layoff for Baltimore federal worker*, THE BALT. BANNER (Mar. 4, 2025), <https://www.thebaltimorebanner.com/economy/from-a-dream-promotion-to-doge-layoff-inside-in-the-federal-workplace-SESE7FG37NAR7PHKXB6KBXS3LE/>.

<sup>10</sup> Dominique Moody & Maggie More, *‘No notice’: Pregnant VA employee, active counsel among probationary federal workers fired*, NBC4 WASHINGTON (Feb. 14, 2025), <https://www.nbcwashington.com/news/local/no-notice-pregnant-va-employee-active-counsel-among-probationary-federal-workers-fired/3845607/>.

<sup>11</sup> Press Release, U.S. Office of Special Counsel, MSPB Grants Stays of Probationary Employee Terminations (Feb. 25, 2025), <https://osc.gov/News/Pages/25-23-Stays-Granted-Probationary-Terminations.aspx>.

Under your leadership, however, OSC is now pursuing a sudden and complete reversal, abandoning these investigations and, in turn, the thousands of federal employees who came to OSC for help. An April 8, 2025 memorandum authored by OSC Senior Counsel Charles Baldis states, “It is hereby the policy of OSC that any previous position taken by OSC in filings before the Merit Systems Protection Board (MSPB) are repudiated and that these terminations, in general, do not constitute prohibited personnel practices in violation of 5 U.S. Code § 2302.”<sup>12</sup> This flip-flop disguised as a policy update appears designed to further President Trump’s goal of decimating the federal workforce instead of relying on the evidence gathered in more than 2,000 complaints OSC received from terminated probationary employees.

Additionally, on April 3, you sent a memo to OSC employees prohibiting them from communicating with other federal agencies about claims brought by terminated employees.<sup>13</sup> The memo stated that “OSC is in the process of reviewing and refining its interpretation of certain federal rules governing the termination of employees.”<sup>14</sup> This memo raises concerns that OSC may be considering other steps contrary to its mission of protecting the rights of federal employees.

It is further troubling that these changes are occurring at a time when the President has not only unlawfully removed former Special Counsel Hampton Dellinger, but also named you as Acting Special Counsel, presenting an inherent conflict of interest with your role as United States Trade Representative, which is in OSC’s oversight jurisdiction. Moreover, you have delegated the functions and duties of the office to Mr. Baldis – an extraordinary step, and one that seems intended to evade oversight and the Senate confirmation process.<sup>15</sup>

For the reasons stated above and pursuant to Senate Rule XXV of the Standing Rules of the Senate and Senate Resolution 94 (119th Cong.), Section 12, please provide the following information and documents before May 22, 2025.

1. All records<sup>16</sup> referring or relating to OSC’s investigations of any termination of federal employees on probationary status since January 20, 2025.
2. All records referring or relating to consideration of changes to OSC policy on investigating prohibited personnel practices since January 20, 2025, including:

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<sup>12</sup> Memorandum from Charles Baldis, *supra* note 1.

<sup>13</sup> Memorandum from Jamieson L. Greer, Acting Special Counsel, U.S. Office of Special Counsel (Apr. 3, 2025), <https://aboutblaw.com/bhWV>.

<sup>14</sup> *Id.*

<sup>15</sup> Memorandum from Charles Baldis, *supra* note 1.

<sup>16</sup> “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (text messages, WhatsApp or Signal messages, emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

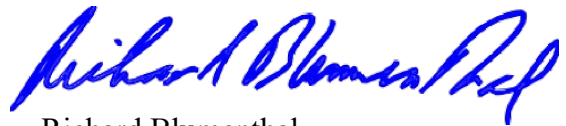
- a. Records reflecting the rationale for any changes to OSC policy related to the claims of terminated federal employees;
  - b. All internal and external communications related to decisions to change OSC policy;
  - c. All records related to OSC's April 3, 2025, Memorandum titled, "Temporary and Limited Restriction on Communications with Agencies Pending Interpretation Review; Requirement to Summarize Communications with Agencies;"
  - d. All records related to OSC's April 8, 2025, Memorandum titled, "Updated Policy Regarding Recent Probationary Employee Cases;" and
  - e. Any other OSC memoranda, internal or external, related to OSC policy changes, including any enumerated directives issued by you in your capacity as Acting Special Counsel.
3. All memoranda and guidance, formal and informal, from the Executive Branch, including the White House and other federal agencies, received by OSC on or after January 20, 2025, related to the termination of employees, including probationary employees.
  4. A list of all OSC cases since January 2025 involving a prohibited personnel practice against an employee where the OSC requested a stay from, or otherwise referred the matter to, the MSPB. Please indicate the prohibited personnel practices associated with the complaint and the outcome of those cases.
  5. All records related to the formal delegation of functions and duties to Mr. Baldis.

Please contact the Committees should you have any questions about responding to these requests. Thank you for your attention to this matter.

Sincerely,



Gary C. Peters  
Ranking Member  
Homeland Security and  
Governmental Affairs Committee



Richard Blumenthal  
Ranking Member  
Permanent Subcommittee on  
Investigations

cc: The Honorable Rand Paul  
Chairman  
Committee on Homeland Security and Governmental Affairs

The Honorable Ron Johnson  
Chairman  
Permanent Subcommittee on Investigations