

Employees of Contractors, Subcontractors, Grantees, Subgrantees, or Personal Services Contractors How to File a Whistleblower Reprisal Complaint

Employees of DoD contractors, subcontractors, grantees, subgrantees, or personal services contractors who believe they have been discharged, demoted, or otherwise discriminated against in reprisal for disclosing certain information may file a whistleblower reprisal complaint under section 4701 of title 10 United States Code (10 U.S.C. § 4701), “Protected communications; prohibition of retaliatory personnel actions.” However, the provisions of 10 U.S.C. § 4701 do not apply to an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor of an element of the intelligence community whose disclosure relates to an element of the intelligence community or was discovered while providing services to the intelligence community.

Employees of DoD contractors, subcontractors, grantees, subgrantees, or personal services contractors who allege a retaliatory action affecting eligibility for access to classified information may file a complaint under Presidential Policy Directive 19 (PPD-19).

If you believe you have experienced reprisal in violation of 10 U.S.C § 4701 or PPD-19 read on for more information about how to file a complaint with the DoD Hotline.

Instructions

The online complaint form on the DoD Hotline website at <https://www.dodig.mil/Components/Administrative-Investigations/DoD-Hotline/Hotline-Complaint/> is a secure method of filing a complaint. Alternatively, you may download the PDF form and send the information requested in Part 2, “Complaint Details” to: DoD Hotline, The Pentagon, Washington, DC 20301-1900; or fax to: 703-604-8567, DSN 664-8567.

For classified complaints up to SECRET, you can file on SIPR at <http://www.dodig.smil.mil/hotline>. For TOP SECRET complaints, file via the Joint Worldwide Intelligence Communications System (JWICS) at <http://www.dodig.ic.gov/hotline/index.html>.

If you have any questions, please call the DoD Hotline at 1-800-424-9098.

Information You’ll Need For Filing a Complaint

- Provide your full name, job title, status as an employee or former employee, company and location, work and residence telephone numbers, and mailing and e-mail addresses.
- Be prepared to provide a copy of the protected disclosure (if written) and any reply you received about the matter. If a copy of the disclosure is not available, please provide the following information:
 - The date of the disclosure.

- Identify the official to whom the disclosure was made by including the official's name, title, organization and location, and telephone number.
- The content of the disclosure.
- Whether the matter was investigated, when, and by whom.
- Identify each action taken (for example, demotion, discharge, or other discrimination). If you are filing a PPD-19 complaint, identify each action affecting your eligibility for access to classified information.
- Be prepared to provide documentation for each action or action affecting eligibility. If documentation is not available, please describe the action and the give date of the action.
- Indicate why you believe there is a connection between your protected disclosure and the action taken against you.
- Provide the full name, title, company and location, and telephone numbers of the company officials responsible for recommending or taking the action at issue.
- Explain why and how any responsible official knew of the protected disclosure before taking the personnel action.
- Identify key witnesses that can provide evidence to support your reprisal complaint and include their contact information.
- If more than three years have elapsed since a personnel action was taken or withheld, please explain why the complaint was not filed sooner.
- If you previously filed this reprisal complaint with another agency, be prepared to provide a copy of the complaint and any reply. If the documents are not available, please provide details such as the agency, contract number, and date filed.

Glossary

The following terms and descriptions may be helpful as you file a whistleblower reprisal complaint:

Term	Description	Related to
Abuse of Authority	<ul style="list-style-type: none"> ● An arbitrary and capricious exercise of authority that is inconsistent with the mission of the DoD or the successful performance of a Department contract or grant, ● an arbitrary and capricious exercise of authority that is inconsistent with the mission of the National Aeronautics and Space Administration or the successful performance of an Administration contract or grant. 	10 U.S.C. § 4701

Term	Description	Related to
Agency	The DoD, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration.	10 U.S.C. § 4701
Authorized Recipient	<ul style="list-style-type: none"> • A Member of Congress or a representative of a committee of Congress; • an Inspector General; • the Government Accountability Office; • an employee of the DoD responsible for contract oversight or management; • an authorized official of the Department of Justice or other law enforcement agency; • a court or grand jury; and • a management official or other employee of the contractor or subcontractor who has the responsibility to investigate, discover, or address misconduct. 	10 U.S.C. § 4701
Contract	A contract awarded by the head of an agency.	10 U.S.C. § 4701
Contractor	A person awarded a contract with an agency.	10 U.S.C. § 4701
Eligibility for Access to Classified Information	The result of the determination whether an employee (a) is eligible for access to classified information in accordance with Executive Order 12968 (relating to access to classified information), or any successor thereto, and Executive Order 10865 of February 20, 1960, as amended (relating to safeguarding classified information with industry), or any successor thereto; and (b) possesses a need to know under such orders.	PPD-19
Grant	A legal instrument used to enter into a relationship: (a) of which the principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, rather than to acquire property or services for the DoD's direct benefit or use; (b) in which substantial involvement is not expected between the	10 U.S.C. § 4701

Term	Description	Related to
	DoD and the recipient when carrying out the activity contemplated by the grant.	
Grantee	A person awarded a grant with an agency.	10 U.S.C. § 4701
Inspector General	An inspector general appointed under the Inspector General Act of 1978, as amended, and any Inspector General that receives funding from or has oversight over contracts awarded for or on behalf of, the Secretary of Defense.	10 U.S.C. § 4701
Investigation of Complaints	A Department of Defense (DoD) contractor, subcontractor, grantee, subgrantee, or personal services contractor employee who believes that he or she has been subjected to a reprisal prohibited by 10 U.S.C. § 4701 may submit a complaint to the DoD Office of Inspector General. Unless the IG determines that the complaint is frivolous or untimely, fails to allege a violation of the prohibition in subsection (a) of the statute, or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the Complainant, the IG shall investigate the complaint. Upon completion of such investigation, submit a report of findings of the investigation to the person who filed the complaint; the contractor concerned; and the head of the agency.	10 U.S.C. § 4701
Personal Services Contract	A contract that, by its express terms or as administered, makes the contractor personnel appear to be, in effect, government employees.	10 U.S.C. § 4701
Qualifying Action	A discharge, demotion, or other discriminatory action with respect to any employee of a DoD contractor, subcontractor, grantee, subgrantee, or personal services contractor as a reprisal.	10 U.S.C. § 4701
Protected Disclosure	A communication to an authorized recipient, of information that the employee reasonably believes is evidence of: <ul style="list-style-type: none"> • gross mismanagement of a DoD contract or grant; 	10 U.S.C. § 4701

Term	Description	Related to
	<ul style="list-style-type: none"> • a gross waste of DoD funds; • an abuse of authority relating to a DoD contract or grant; • a violation of law, rule, or regulation related to a DoD contract (including the competition for or negotiation of a contract) or grant; or • a substantial and specific danger to public health or safety. <p>Protected disclosures also include providing evidence of contractor or subcontractor misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a DoD contract or grant. Authorized recipients of such information are:</p> <ul style="list-style-type: none"> • a Member of Congress or a representative of a committee of Congress; • an Inspector General; • the Government Accountability Office; • an employee of the DoD responsible for contract oversight or management; • an authorized official of the Department of Justice or other law enforcement agency; • a court or grand jury; and • a management official or other employee of the contractor or subcontractor who has the responsibility to investigate, discover, or address misconduct. 	
<p>Protected Disclosure</p>	<ul style="list-style-type: none"> • A disclosure of information by the employee to a supervisor in the employee’s direct chain of command up to and including the head of the employing agency, to the Inspector General of the employing agency or Intelligence Community Element, to the Director of National Intelligence, to the Inspector General of the Intelligence Community, or to an employee designated by any of the above officials for the purpose of receiving such disclosures, that the employee reasonably believes evidences (i) a violation of any law, rule, or regulation; or (ii) gross mismanagement, a gross waste of funds, an 	<p>PPD-19</p>

Term	Description	Related to
	<p>abuse of authority, or a substantial and specific danger to public health or safety;</p> <ul style="list-style-type: none"> • Any communication described by and that complies with subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.); subsection (d)(5)(A) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q); or subsection (k)(5)(A), (D), or (G), of section 103H of the National Security Act of 1947 (50 U.S.C. 403-3h); • The exercise of any appeal, complaint, or grievance with regard to the violation of Section A or B of PPD-19 that does not disclose classified information or other information contrary to law; • Lawfully participating in an investigation or proceeding regarding a violation of Section A or B of PPD-19 that does not disclose classified information or other information contrary to law; or • Cooperating with or disclosing information to an Inspector General, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General that does not disclose classified information or other information contrary to law. 	
Subcontract	The term “subcontract” means a contract or contractual action entered into by a subcontractor for the purpose of obtaining supplies, materials, equipment, or services of any kind under a prime contract.	10 U.S.C. § 4701
Subcontractor	The term “subcontractor” means any supplier, distributor, vendor, or firm that furnishes supplies or services to or for a prime contractor or another subcontractor.	10 U.S.C. § 4701
Subgrant	A subgrant is an award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee.	10 U.S.C. § 4701

Term	Description	Related to
Subgrantee	The term includes financial assistance when provided by contractual legal agreement, but does not include procurement purchases, nor does it include any form of assistance which is excluded from the definition of grant in this part. The term “subgrantee” means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided.	10 U.S.C. § 4701