

## **DoD Civilian Appropriated Fund Employees How to File a Whistleblower Reprisal Complaint**

Civilian appropriated fund DoD employees or applicants for employment who believe they have experienced reprisal as a result of a disclosure of information may file a whistleblower reprisal complaint, consistent with DoD Directive 5106.01, "Inspector General of the DoD (IG DoD)," April 20, 2012," with the DoD Hotline. In general, if your complaint alleging reprisal does not involve senior officials, security classifications, intelligence community matters, or DoD OIG sources (including audit and DCIS sources), we recommend that you file your complaint with the Office of Special Counsel (OSC) at <https://www.osc.gov>.

Defense Civilian Intelligence Personnel System (DCIPS) Employees who have experienced a personnel action as a result of a disclosure may file a complaint with the DoD Hotline under Presidential Policy Directive 19 (PPD-19 Part A).

All civilian appropriated fund DoD employees, including DCIPS employees, who allege a retaliatory action affecting eligibility for access to classified information may file a complaint with the DoD Hotline under Presidential Policy Directive 19 (PPD-19 Part B).

If your complaint is that you have been discriminated against based on your inclusion in a protected class, you may file your complaint with your local Equal Employment Opportunity (EEO) Office. Likewise, if you are filing a complaint of retaliation for raising concerns about discrimination or filing a complaint with EEO that complaint may also be filed with EEO.

Complaints involving termination or suspensions greater than 14 days (i.e., proposed or taken) should be filed with the Merit Systems Protection Board (MSPB) at <https://e-appeal.mspb.gov/>.

If you believe you have experienced reprisal as a DoD civilian employee 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 To File a Complaint

- Provide your full name; current position; job title; series and grade; status as an applicant, employee or former employee; organization 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, rank/grade, 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), or if you are filing a PPD-19 Part B complaint, identify each action affecting your eligibility for access to classified information.
- Be prepared to provide documentation for each personnel action or action affecting eligibility. If documentation is not available, please describe the action and the give date of the action.
- 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 action at issue.
- Indicate why you believe there is a connection between your protected disclosure and the action taken against you.
- Identify key witnesses that can provide evidence to support your reprisal complaint and include their contact information.
- If you previously filed this reprisal complaint with another agency (e.g. MSPB, OSC, or OSHA), 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
<b>Covered Agency</b>	The term "Covered Agency" means an executive department or independent establishment, as defined under sections 101 and 104 of title 5, United States Code that contains or constitutes an Intelligence Community Element.	PPD-19

Term	Description	Related to
<b>Eligibility for Access to Classified Information</b>	<p>The result of the determination whether an employee:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Possesses a need to know under such orders.</li> </ul>	PPD-19
<b>Intelligence Community Element</b>	<p>Any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities, including but not limited to the Office of the DNI, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office. For purposes of this directive, the term “Intelligence Community Element” does not include the Federal Bureau of Investigation.</p>	PPD-19
<b>Personnel Action</b>	<p>An appointment, promotion, detail, transfer, reassignment, demotion, suspension, termination, reinstatement, restoration, reemployment, or performance evaluation; a decision concerning pay, benefits, or awards; a decision concerning education or training if the education or training may reasonably be expected to lead to an appointment, reassignment, promotion, or performance evaluation; a decision to order psychiatric testing or examination; and any other significant change in duties, responsibilities, or working conditions.</p>	PPD-19
<b>Protected Disclosure</b>	<ul style="list-style-type: none"> <li>• 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</li> </ul>	PPD-19

Term	Description	Related to
	<p>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 abuse of authority, or a substantial and specific danger to public health or safety;</p> <ul style="list-style-type: none"> <li>• 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);</li> <li>• 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;</li> <li>• 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</li> <li>• 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.</li> </ul>	