

GUIDE TO FILING A DOD INTELLIGENCE COMMUNITY EMPLOYEE WHISTLEBLOWER REPRISAL COMPLAINT

1. INSTRUCTIONS

a. There are multiple avenues for filing a complaint with DoD Hotline. For unclassified complaints, the most efficient and secure method is to use the online complaint form on the DoD Hotline website at www.dodig/Hotline/reprisalcomplaints.html. Alternatively, you may send the information requested in Section 2, "Complaint Information," to: Defense 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>.

b. If you have any questions, please call the Defense Hotline at 1-(800)-424-9098 or 1-877-363-3348 (SWA only).

2. COMPLAINT INFORMATION

a. If you previously filed this reprisal complaint with another agency, be prepared to provide a copy of the complaint and the reply. If the documents are not available, please provide the details (identify agency, dated filed).

b. Provide your full name, job title, organization, duty location, work and residence telephone numbers, and mailing and email addresses.

c. Be prepared to provide a copy of the protected disclosure (if written) and any reply you received about the matter. If a copy is not available, please provide the following information:

- (1) The date of the disclosure.
- (2) To whom the protected disclosure was made (name, title, organization and location, and telephone number).
- (3) The content of the protected disclosure.
- (4) Whether the matter was investigated, when, and by whom.

d. Identify each personnel action taken, withheld, or threatened to be taken or withheld.

e. Be prepared to provide documentation for each personnel action. If documentation is not available, please describe each personnel action and the date of the action.

f. Provide, to the extent possible, the following information for **each** official responsible for signing, taking, recommending, or influencing the personnel action(s) at issue: full name, rank and/or grade, duty title, duty status, organization, duty location, commercial or DSN telephone number.

g. Explain why and how any responsible official knew of the protected disclosure before taking the personnel action.

h. State why you believe there is a connection between your protected disclosure and the personnel action taken against you.

i. Identify key witnesses that can provide evidence to support your reprisal complaint and include their contact information.

3. DEFINITIONS (*Reference: Presidential Policy Directive 19 and Directive Type Memorandum 13-008*)

a. Prohibition of Retaliatory Personnel Actions.

(1) No officer or employee of a covered agency who has the authority to take, direct others to take, recommend, or approve any Personnel Action, shall not take or fail to take, or threaten to take or fail to take, a Personnel Action as a reprisal for a Protected Disclosure.

(2) No officer or employee of an executive branch agency who has the authority to take, direct others to take, recommend, or approve any action affecting an employee's eligibility for access to classified information shall not take or fail to take, or threaten to take or fail to take, any action affecting an employee's eligibility for access to classified information as a reprisal for a Protected Disclosure.

b. **Personnel Action.** The term "Personnel Action" means 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.

c. Protected Disclosure.

(1) 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 abuse of authority, or a substantial and specific danger to public health or safety;

- (2) 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);
- (3) 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;
- (4) 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
- (5) 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.

d. **Covered Agency.** 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.

e. **Intelligence Community Element.** The term “Intelligence Community Element” means 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.