



**DEFENSE LOGISTICS AGENCY**  
DEFENSE DISTRIBUTION CENTER  
2001 MISSION DRIVE  
NEW CUMBERLAND, PA 17070-5000

IN REPLY  
REFER TO

DDC-GC

JUL 15 2003

MEMORANDUM FOR DDC EMPLOYEES

SUBJECT: Your Rights as a Federal Employee

It is against the law for a Federal employee to be subjected to retaliation for engaging in protected whistleblowing activities. In addition Title 5 of the U.S. Code mandates that we not engage in certain prohibited personnel practices. It is my commitment that each employee's rights are safeguarded. I will not tolerate either a prohibited personnel practice or reprisal against a whistleblower in DDC. Whistleblowing is defined as the disclosure of information that an employee reasonably believes is evidence of a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or a substantial danger to public health or safety.

It is important that you know that you have the right to go to the Office of Special Counsel (OSC) with complaints of a prohibited personnel practice or retaliation for protected whistleblowing. OSC provides a secure channel through which current and former federal employees and applicants may make confidential disclosures. It is an independent agency that will investigate allegations and seek corrective and disciplinary action, as warranted.

To learn more about your rights and the OSC process, please take the opportunity to go to the DDC Intranet Home Page, the DDC Office of Counsel Home Page, or the OSC Home Page at [www.osc.gov](http://www.osc.gov).

  
KATHLEEN M. GAINERY  
Brigadier General, USA  
Commander

# YOUR RIGHTS AS A FEDERAL EMPLOYEE

**The U.S. Office of Special Counsel requires federal agencies to periodically educate their employees about the rights and remedies available to them under the prohibited personnel practice (PPP) and whistleblower retaliation provisions of the Whistleblower Protection Act (WPA).**

**Do you know your rights? If not, please read on:**

## WHAT IS THE OFFICE OF SPECIAL COUNSEL?

The U.S. Office of Special Counsel, OSC, is an independent agency that investigates and prosecutes complaints alleging the commission of prohibited personnel practices by federal agencies, including Whistleblower Protection Act retaliation. The OSC provides a safe channel through which current and former federal employees, and applicants for employment, may confidentially disclose information that they believe is misconduct by an agency.

## WHAT IS A WHISTLEBLOWER DISCLOSURE?

A whistleblower disclosure can be made orally or in writing, and may be made as part of the employee's duties. The general requirement is that the disclosure must be made to any person (except the wrongdoer). Under 5 U.S.C. §2302(b)(8), a personnel authority *may not* take, fail to take, or threaten to take a personnel action against an employee or applicant because of any disclosure to OSC, an Inspector General, or comparable official which the employee or applicant reasonably believes evidences:

- violation of law, rule, or regulation;
- gross mismanagement;
- gross waste of funds;
- abuse of authority; or
- a substantial and specific danger to public health or safety.

## WHAT IS A PROHIBITED PERSONNEL PRACTICE (PPP)?

Under 5 U.S.C. §2302(b)(1)-(b)(12), a federal employee authorized to take, direct others to take, recommend or approve any personnel action may not:

**Discriminate (including discrimination based on marital status and political affiliation).** *EXAMPLE: Supervisor Joe refuses to promote Employee Jane because Jane is a registered Republican.*

**Solicit or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics.** *EXAMPLE: Selecting Official Joe hires Applicant Jack based on Senator Smith's recommendation that Jack be hired because Jack is a constituent.*

**Coerce the political activity of any person, or take action against any employee as reprisal for refusing to engage in**

**political activity.** *EXAMPLE: Supervisor Jane takes away significant job duties of Employee Jack because Jack will not make a contribution to Jane's favorite candidate.*

**Deceive or willfully obstruct any person from competing for employment.** *EXAMPLE: Supervisor Joe, located in Headquarters, orders that no vacancy announcements be posted in the field office where Employee Jack works because he does not want Jack to get a new job.*

**Influence any person to withdraw from competition for a position to improve or injure the employment prospects of any other person.** *EXAMPLE: Supervisor Jane, in an effort to hire Employee Joe, tells Employee Jack that he should not apply for a position because he is not qualified and will never be selected. Employee Jack is qualified.*

**Give an unauthorized preference to a person to improve or injure the employment prospects of any particular employee or applicant.** *EXAMPLE: Supervisor Jane specifies that Spanish-speaking skills are necessary for a vacant position, for the purpose of selecting Employee Jack, who speaks fluent Spanish. The position, however, does not require Spanish-speaking skills.*

**Engage in nepotism.** *EXAMPLE: Second level Supervisor Jane asks First-level Supervisor Joe to hire her son.*

**Take a personnel action against an employee because of whistleblowing.** *EXAMPLE: Supervisor Joe directs the geographic reassignment of Employee Jack because Jack reported safety violations to the agency's Inspector General.*

**Take a personnel action against any employee because of the exercise of an appeal, complaint, or grievance right.** *EXAMPLE: Supervisor Jane places Employee Jack on an undesirable detail because Employee Jack filed an administrative grievance about his performance rating.*

**Discriminate against an employee on the basis of conduct, which does not adversely affect the performance of the employee (including discrimination based on sexual orientation).** *EXAMPLE: Supervisor Joe fires Employee Jack because he saw Employee Jack at a local Gay Pride Day event.*

**Take or fail to take a personnel action, if such action would violate a veterans' preference requirement.** *EXAMPLE: Supervisor Jane hired Employee Jack, without considering Veteran Jennifer, who was included on the list of eligible employees.*

**Take a personnel action against an employee, which violates a law, rule, or regulation, which implements a merit systems principle.** *EXAMPLE: Supervisor Joe terminates the probationary appointment of Employee Jack because of Jack's letter to the editor criticizing affirmative action—a valid exercise of First amendment rights, a law implementing a merit system principle.*

## **WHAT ARE YOUR RIGHTS AS A FEDERAL EMPLOYEE?**

An employee, who believes a prohibited personnel practice has been committed, or they have been retaliated against for a whistleblower disclosure, may file a written complaint with OSC. Complaint forms are available on the Web at <http://www.osc.gov>. Information on filing a complaint is available by calling (202) 653-7188, or 1-800-872-9855. Information on making a disclosure is available by calling (202) 653-9125, or 1-800-572-2249.

In an attempt to help further educate all DDC employees of their rights as a Federal Employee, the DDC Office of Counsel will be:

- Distributing posters and informational brochures to all DDC Centers regarding prohibited personnel practices and protections afforded under the Whistleblower Protection Act.
- Posting informational brochures and a Power Point presentation on PPP and WPA on the DDC Intranet Home Page.
- Establishing a link to the Office of Special Counsel (OSC) from the DDC Intranet Home Page.
- Forwarding in-depth training and information CD's to all DDC Centers for supervisors and managers.

If you should have any specific questions or concerns, please contact the DDC Office of Counsel at:

DSN 771-6310, (717) 770-6310 - DDC HQ DSN 462-4262, (209) 839-4262 - DDJC

## **ONE DLA**

**One DLA is a management philosophy that entails operating as a single corporate enterprise with a single face to customers and suppliers, and a single voice to external stakeholders.**

**One DLA is enabled through common business rules and processes, a standard organizational structure, and a single instance of Commercial-Off-The-Shelf (COTS) software shared across the enterprise to facilitate ready access to and sharing of information.**