

# Whistleblower Protection Laws

*This information is provided to new employees to ensure adherence to specific employee information requirements set forth under the National Defense Authorization Act of Fiscal Year 2018 (Section 1097)*

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## What is a Whistleblower?

The dictionary defines “whistleblower” as “a person who informs on a person or organization engaged in an illicit activity.”

## What is the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017?

The Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 became law on October 26, 2017. The law mandates protections for federal employees who are retaliated against for disclosing fraud, waste, and abuse in their workplace and requires agencies to take disciplinary action against supervisors who retaliate against whistleblowers. Dr. Kirkpatrick was a clinical psychologist at a U.S. Department of Veterans Affairs Medical Center who blew the whistle on unsafe patient practices. He took his own life after he was retaliated against.

## What is management’s responsibility?

An agency official shall not retaliate against an employee for whistleblowing. [5 U.S.C. § 2302\(b\)\(8\)](#).

## What are a federal employee’s whistleblower protection rights?

It is a prohibited personnel practice for agency officials to take, fail to take, or threaten to take a personnel action because of an employee’s whistleblowing. To prove whistleblower retaliation, one must show:

1. The employee has disclosed what he or she reasonably believes to be:
  - a violation of law, rule, or regulation;
  - gross mismanagement;
  - gross waste of funds;
  - an abuse of authority; or
  - a substantial and specific danger to public health or safety.
2. The disclosure is not specifically prohibited by law and such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.
3. The personnel action in question has been taken (or not taken, such in the case of a promotion), threatened, or influenced by an official who knew of the employee’s disclosure.
4. The employee’s disclosure was a contributing factor in the personnel action.

## Where can I learn more?

- Specific information about whistleblower protections is just a click away on the [DLA homepage](#) under “No FEAR Act” in the page footer. A link from there leads to the [Office of Special Counsel \(OSC\)](#), where employees can find more information on their rights under the Act and file a complaint.
- OSC also created a [12-minute YouTube video on federal whistleblower rights and protections](#).

## Useful Links:

- <https://www.dla.mil/>
- <https://osc.gov/>
- <https://www.youtube.com/watch?v=jzf2pboRaoQ&hl=en%5FUS&version=3&rel=0&wmode=transparent>