



**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580**

March 16, 2018

MEMORANDUM

TO: Commission Staff

FROM: Vicki Barber, Chief Human Capital Officer
Roslyn A. Mazer, Inspector General
Kevin Williams, Director, Office of Equal Employment Opportunity and
Workplace Inclusion

SUBJECT: Annual Notice: Whistleblower Protection and Prohibited Personnel Practices

We send this memorandum to you every year to ensure that all FTC employees are aware of their rights and the safeguards that are in place to protect them. It is important that you understand the prohibited personnel practices and whistleblower protections available to you and that you know that you have the right to be free from prohibited personnel practices, including retaliation for whistleblowing.

Below are links to information about the U.S. Office of Special Counsel (OSC), which is an independent agency that protects federal employees from prohibited personnel practices, including whistleblower retaliation and unlawful hiring practices. OSC also provides an independent, secure channel for disclosing and resolving wrongdoing in federal agencies.

The Whistleblower Protection Act of 1989, the Whistleblower Protection Enhancement Act of 2012, the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, and the Office of Special Counsel Reauthorization Act of 2017 provide the right for all covered federal employees to make whistleblower disclosures and ensure that employees are protected from whistleblower retaliation. Whistleblowing is defined as the disclosure of information that an employee reasonably believes evidences: a violation of any law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; a substantial and specific danger to public health or safety; or censorship related to scientific research or analysis. Employees have many lawful options for disclosing wrongdoing, including to management officials, the Inspector General, and OSC.

The 2017 legislation has mandated training for all supervisors, added a fourteenth prohibited personnel practice (PPP), and changed certain requirements relating to how agencies handle issues surrounding the PPPs. See [Pub. L. No 115-73](#) (10/26/2017) and [Pub. L. No. 115-91](#) (12/12/2017) (starting at page 333). The new fourteenth PPP prohibits an agency official from accessing the medical record of another employee or applicant in furtherance of any conduct proscribed by the 13 other PPPs. The other changes to the law include: (1) suspension of a supervisor if the supervisor commits a prohibited personnel action; (2) removing the supervisor if a second prohibited personnel action is found to have taken place; and (3) incorporating a critical element in the Performance Plans of supervisors that includes protecting and constructively responding to whistleblowers.

Please review the following fact sheet, “[Your Rights as a Federal Employee](#),”¹ which provides detailed information on the fourteen prohibited personnel practices and employees’ rights to file complaints with OSC. Additionally, we encourage you to review the following materials: “[Know Your Rights When Reporting Wrongs](#)” and “[The U.S. Office of Special Counsel’s Role in Protecting Whistleblowers and Serving as a Safe Channel for Government Employees to Disclose Wrongdoing](#),” which describe different avenues for making whistleblower disclosures and OSC’s role in accepting complaints from federal employees.

Additional information on whistleblower rights and protections, as well as a link to the OSC website, can be found on the [Whistleblower Protection](#) page on the Office of Inspector General’s website.

¹ OSC has yet to update this document with the 14th PPP. The new PPP prohibits federal employees from accessing the medical record of an employee or applicant, as part of, or in furtherance of any of the 13 other prohibitions.