

OFFICE OF SPECIAL COUNSEL  
WASHINGTON, D.C.

2017 JUL 19 PM 2:14

INFORMATION ABOUT FILING A WHISTLEBLOWER DISCLOSURE  
WITH THE  
OFFICE OF SPECIAL COUNSEL

**IMPORTANT**

Before filling out this Office of Special Counsel (OSC) Disclosure of Information form, please read the following sections about limitations on OSC's jurisdiction over whistleblower disclosures. Only the most frequently occurring impediments to OSC jurisdiction are described. OSC may not have jurisdiction over you or your disclosure for other reasons not discussed below.

COMPLETED DISCLOSURE FORMS CAN BE SENT TO OSC BY MAIL, AT: DISCLOSURE UNIT, OFFICE OF SPECIAL COUNSEL, 1730 M STREET, N.W. (SUITE 218), WASHINGTON, DC 20036-4505. OR BY FAX: 202-254-3711

**PLEASE KEEP A COPY OF DISCLOSURE MATERIALS PROVIDED TO OSC.** REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO REQUESTS PROCESSED BY OSC FOR COPYING OF COPIES OF MATERIALS IN OSC FILES.

**OSC WHISTLEBLOWER DISCLOSURE CHANNEL**

The OSC Disclosure Unit serves as a secure channel that can be used to disclose -

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

OSC does **not** have authority to investigate the disclosures that it receives. The law provides that OSC will (a) refer protected disclosures that establish a substantial likelihood of wrongdoing to the appropriate agency head, and (b) require the agency head to conduct an investigation, and submit a written report on the findings of the investigation to the Special Counsel.

If OSC finds no substantial likelihood that the information discloses one or more of the categories of wrongdoing, the Special Counsel must: (a) inform the whistleblower of the reasons why the disclosure may not be acted on further; and (b) direct the whistleblower to other offices available for receiving disclosures.

**OSC JURISDICTION**

The Disclosure Unit has jurisdiction over federal employees, former federal employees, and applicants for federal employment. It is important to note that a disclosure must be related to an event that occurred in connection with the performance of an employee's duties and responsibilities. The Disclosure Unit has **no jurisdiction** over disclosures filed by:

VISIT [HTTP://WWW.OSC.GOV](http://www.osc.gov) FOR MORE INFORMATION ABOUT  
OSC JURISDICTION AND DISCLOSURE PROCEDURES

**INFORMATION ABOUT FILING A WHISTLEBLOWER DISCLOSURE  
WITH THE OSC (cont'd)**

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- employees of the U.S. Postal Service and the Postal Rate Commission;
- members of the armed forces of the United States (*i.e.*, non-civilian military employees);
- state employees operating under federal grants; and
- employees of federal contractors.

**FIRST-HAND INFORMATION REQUIRED**

In order to make a "substantial likelihood" finding (*see previous page*), OSC must be in possession of reliable, first-hand information. OSC cannot request an agency head to conduct an investigation based on an employee's (or applicant's) second-hand knowledge of agency wrongdoing. This includes information received from another person, such as when a fellow employee informs you that he/she witnessed some type of wrongdoing. (Anyone with first-hand knowledge of the allegations you want to report may file a disclosure in writing directly with OSC.) Similarly, speculation about the existence of misconduct does not provide OSC with a sufficient legal basis upon which to send a matter to the head of an agency. If you think that wrongdoing took place, but can provide nothing more than unsubstantiated assertions, OSC will not be able to go forward with the matter.

**DE MINIMIS ALLEGATIONS**

While an allegation might technically constitute a disclosure, OSC will not review or refer *de minimis* or trivial matters.

**ANONYMOUS SOURCES**

While OSC will protect the identity of persons who make disclosures, it will not consider anonymous disclosures. If a disclosure is filed by an anonymous source, the disclosure will be referred to the Office of Inspector General in the appropriate agency. OSC will take no further action.

**MATTERS INVESTIGATED BY AN OFFICE OF INSPECTOR GENERAL**

It is the general policy of OSC not to transmit allegations of wrongdoing to the head of the agency involved if the agency's Office of Inspector General has fully investigated, or is currently investigating, the same allegations.

DISCLOSURE OF INFORMATION

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate.)

PART 1: BACKGROUND INFORMATION

1. Name of person seeking OSC action ("Complainant"): Mr. (X) Ms. ( ) Mrs. ( ) Miss ( )
Joel Clement

2. Status:
Current Federal Employee (X) Applicant for Federal Employment ( )
Former Federal Employee ( ) Other (please specify):

3. Contact Information:
Home or mailing address:
Telephone number(s): ( ) (Home)
( ) (Office) Ext.
( ) (Cell)
Fax number:
E-mail address:

4. Current position, title, series, and grade:
Senior Program Advisor, ES-0301

5. Agency Name: Department of the Interior, Office of Natural Resources Revenue

6. Agency Address:
1849 C Street, NW, Mail Stop 5134
Washington, DC 20240

7. How did you first become aware that you could file a disclosure with OSC?
OSC Brochure ( ) OSC Poster ( ) OSC Speaker ( ) OSC Web Site ( )
Agency Personnel Office ( ) Union ( ) Co-worker ( ) News Story ( )
Other (please describe):
Date (approximate):

8. If you are filing this complaint as a legal or other representative of the person making a disclosure, please supply the following information:

Name / title of filer: Mr. (○) Ms. (⊙) Mrs. (○) Miss (○)

Katherine R. Atkinson

9. Contact Information:

Home or mailing address: Wilkenfeld, Herendeen & Atkinson

1731 Connecticut Avenue, NW, Third Fl., Washington, DC 20009

Telephone number(s): (202) 765-2253 (Home)  
( ) (Office) Ext. \_\_\_\_\_

Fax number: (202) 600-2792

E-mail address: katherine@wilkenfeldlaw.com

**PART 2: DETAILS OF YOUR DISCLOSURE**

1. I know about the information I am disclosing here based on (check all that apply):

I have personal and/or direct knowledge of events or records involved (✓)

Other employees have told me about events or records involved (✓)

Other source(s) ( )

(please explain):

[Empty box for explanation]

2. Please identify the U.S. government department or agency involved in your disclosure:

Department of the Interior

3. Please identify the organizational unit of the department or agency involved:

Policy, Management, and Budget

4. Address of the organizational unit:

1849 C Street, NW, Mail Stop 5134, Washington, DC 20240

5. Please identify the type of agency wrongdoing that you are alleging (check all that apply). If you check "violation of law, rule, or regulation," please provide, if you can, the particular law, rule or regulation violated (by name, subject, and/or citation).

Violation of law, rule, or regulation (✓) (please specify): 5 USC 3502; 5 CFR 351 - Interior is improperly using reassignments to reduce the workforce in violation of a number of laws and regs.

Gross mismanagement (✓) Gross waste of funds (✓) Abuse of authority ( )

Substantial and specific danger to public health (✓)

Substantial and specific danger to public safety (✓)

6. Please describe the agency wrongdoing that you are disclosing, indicating how the agency's actions fit within the type(s) of wrongdoing that you checked in item 5. *(Be as specific as possible about dates, locations and the identities and positions of all persons named. Also, please attach any documents that might support your disclosure. Continue on a separate sheet of paper if you need more space.)*

On June 15, 2017, a number of my colleagues and I received notices of directed reassignment. As a member of the Senior Executive Service, I welcome opportunities to serve new areas of our federal government through reassignments. But my reassignment does not use my knowledge, skills, and expertise. Reassigning me constituted gross mismanagement, a significant waste of taxpayer funds, a violation of laws and regulations, and increases a substantial and specific threat to American lives.

My prior position was Director, Office of Policy Analysis, Office of the Secretary, Assistant Secretary - Policy, Management, and Budget (ES-0340). I was moved to the Office of Natural Resource Revenue (ONRR) and my new title is Senior Program Advisor (ES-0301). Reassigning me was gross mismanagement because I was put into a job with a title but no duties. I have no work to perform. I also have little, if anything, to offer ONRR. I am a scientist and policy expert. I have no skills in auditing or accounting.

In addition to the poor management of putting me into this position, paying my SES salary to perform no work is a waste of funds. By reassigning me into this position, the Department has mandated that the American people pay my significant salary to perform little to no work. In addition, my prior position sits vacant. It is my understanding that many of the Department of Interior reassignments were similarly wasteful and improper. My reassignment was within the same commuting area and thus does not involve the Department paying relocation expenses. Other Interior executives have been reassigned across the country and the taxpayer will be paying their relocation expenses.

On June 20, Secretary Zinke testified before Congress that the Department was using reassignments, among other things, to reduce the workforce at Interior. His testimony implies that the Department reassigned people in order to coerce them into leaving the federal government. Such an action is a violation of numerous laws and regulations related to federal employment. For example, the Civil Service Reform Act and the Office of Personnel Management's regulations on Reductions in Force. Congress and the federal government have prescribed rules for reducing the federal workforce - compelling resignations with problematic reassignments contradicts those rules.

Taking me out of my prior role also endangers American lives. As the Director of OPA, I worked extensively on helping Alaska Native communities in danger. Communities such as Kivalina, Shishmaref, and Shaktoolik are perilously close to disappearing. Without someone in my prior position, the crucial federal role in helping these Americans is undermined. It is also likely to result in a gross waste of funds since handling a disaster once it starts is dramatically more expensive than fostering resilience strategies in advance.

I simultaneously filed a whistleblower complaint today because I believe my reassignment was retaliatory for my work raising awareness of the significant threat to Alaska Native communities.

**PART 3: OTHER ACTIONS YOU ARE TAKING ON YOUR DISCLOSURE**

1. I have previously disclosed (or am disclosing) the violations alleged here to *(complete all that apply)*:

( ) Inspector General of department / agency involved      Date: \_\_\_ / \_\_\_ / \_\_\_

( ) Other office of department / agency involved      Date: \_\_\_ / \_\_\_ / \_\_\_  
*(please specify):*

( ) \_\_\_\_\_ Department of Justice      Date: \_\_\_ / \_\_\_ / \_\_\_

( ) Other Executive Branch / department / agency      Date: \_\_\_ / \_\_\_ / \_\_\_  
*(please specify):*

( ) \_\_\_\_\_ General Accounting Office (GAO)      Date: \_\_\_ / \_\_\_ / \_\_\_

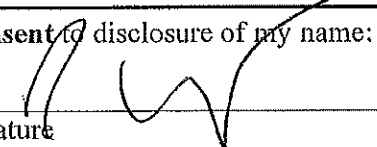
( ) Congress or congressional committee      Date: \_\_\_ / \_\_\_ / \_\_\_  
*(please specify member or committee):*

( ) \_\_\_\_\_ Press / media (newspaper, television, other)      Date: \_\_\_ / \_\_\_ / \_\_\_  
*(please specify):*

2. If you disclosed the information reported here through any other channel described in question 1, above, what is the current status of the matter?

**PART 4: CONSENT, CERTIFICATION, AND SIGNATURE**

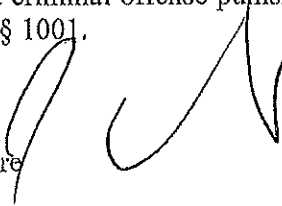
Do you consent to the disclosure of your name to others outside the Office of Special Counsel if it becomes necessary in taking further action on this matter?

I <b>consent</b> to disclosure of my name:	
Signature 	Date <u>7/12/17</u>

I <b>do not consent</b> to disclosure of my name:	
Signature _____	Date _____

I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to \$10,000, imprisonment for up to five years, or both. 18 U.S.C. § 1001.

Signature



Date

7/12/17

### PART 5: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS

*Routine Uses.* Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC on request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information needed by the Office of Personnel Management (OPM) for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of anti-discrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties (without identifying the complainant unless OSC has the complainant's consent) as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to the OSC whistleblower disclosure channel; or to give notice of the status or outcome of the investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;

10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;
11. to furnish information to the National Archives and Records Administration for records management purposes;
12. to produce summary statistics and work force or other studies;
13. to provide information needed by the Department of Justice for certain litigation purposes;
14. to provide information needed by courts or adjudicative bodies for certain litigation purposes;
15. to disclose information to the MSPB as needed in special studies authorized by law;
16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;
17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and
18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

*Purposes, Burdens, and Other Information.* An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it (a) has been approved by OMB, and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility (at 5 U.S.C. § 1213) to receive disclosures from current or former federal employees, or applicants for federal employment, alleging possible wrongdoing by federal agencies. The information will be used by OSC to determine whether the facts establish that: (a) OSC has jurisdiction over the subject of the disclosure; (b) there is a substantial likelihood that the facts indicate a violation of law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety; and (c) referral for investigation by the agency involved, or other appropriate action is warranted. The reporting burden for this collection of information is estimated to be an average of one hour per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form.

Please send any comments about this burden estimate, and suggestions for reducing the burden, to the U.S. Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 201), Washington, DC 20036-4505. Use of this form to report disclosures of information is not mandatory. As indicated in part 4 of the form, filers may request that OSC maintain their name in confidence.