

COMPLAINT OF POSSIBLE PROHIBITED PERSONNEL PRACTICE
OR
OTHER PROHIBITED ACTIVITY

IMPORTANT

Before filling out this Office of Special Counsel (OSC) form, please read the following information about: (1) the required complaint format; (2) the scope of OSC's jurisdiction; and (3) certain OSC policies. OSC cannot investigate a complaint if it lacks jurisdiction over the subject matter. Further, filing a complaint with OSC will not extend any time limits that may exist under any other complaint procedures that may be available. It is important, therefore, that you consider whether OSC may lack jurisdiction over your complaint.

If you plan to file a complaint alleging reprisal for whistleblowing, important information about the elements required by law to establish such a violation is provided in Part 2 of this form (at page 4).

INFORMATION ABOUT FILING A COMPLAINT WITH OSC

Required Complaint Form. Complaints alleging a prohibited personnel practice, or a prohibited activity other than a Hatch Act violation, must be submitted on this form. OSC will not process complaints (except a complaint alleging only a Hatch Act violation) that are not submitted on this form. OSC will return the material received, with a blank complaint form to complete and return to OSC. The complaint will be considered to be filed on the date on which OSC receives the completed form. 5 C.F.R. § 1800.1, as amended.

No OSC Jurisdiction. OSC has no jurisdiction over complaints filed by employees of –

- the Central Intelligence Agency, Defense Intelligence Agency, National Security Agency, or other intelligence agency excluded from coverage by the President;
- the armed forces of the United States (*i.e.*, uniformed military employees);
- the General Accounting Office;
- the Postal Rate Commission; and
- the Federal Bureau of Investigation.

Limited OSC Jurisdiction. OSC has jurisdiction over certain types of complaints filed by employees of some agencies, as follows –

- Federal Aviation Administration employees alleging reprisal for whistleblowing;
- employees of government corporations listed at 31 U.S.C. § 9101 alleging reprisal for whistleblowing; U.S.
- Postal Service employees alleging nepotism; and
- Transportation Security Administration (TSA) employees alleging reprisal for whistleblowing: TSA non-screener employees may file complaints alleging retaliation for protected whistleblowing under 5 U.S.C. § 2302(b)(8). OSC will process these complaints under its regular procedures, including filing petitions with the Merit Systems Protection Board, if warranted. TSA security screeners may also file complaints alleging retaliation for protected whistleblowing under 5 U.S.C. § 2302(b)(8) pursuant to a Memorandum of Understanding (MOU) between OSC and TSA executed on May 28, 2002. The MOU and TSA Directive HRM Letter No. 1800-01 provide OSC with authority to investigate whistleblower retaliation complaints from screeners and recommend that TSA take corrective and/or disciplinary action when warranted. Additional information on OSC procedures for reviewing security screener whistleblower complaints under the MOU is available at <http://www.osc.gov/tsa-info.htm>.

(over)

**VISIT WWW.OSC.GOV
FOR MORE INFORMATION ABOUT OSC JURISDICTION AND COMPLAINT PROCEDURES**

INFORMATION ABOUT FILING A COMPLAINT WITH OSC (cont'd)

Election of Remedies for Employees Covered By a Collective Bargaining Agreement. Pursuant to 5 U.S.C. § 7121(g), if you are covered by a collective bargaining agreement, you must choose one of three possible avenues to pursue your prohibited personnel practice complaint: (a) a complaint to OSC; (b) an appeal to the Merit Systems Protection Board (MSPB) (if the action is appealable under law or regulation), or (c) a grievance under the collective bargaining agreement. If you have already filed an appeal about your prohibited personnel practice allegations with the MSPB, or a grievance about those allegations under the collective bargaining agreement, OSC lacks jurisdiction over your complaint and cannot investigate it.

Deferral of Certain Complaints Involving Discrimination. Although OSC is authorized to investigate discrimination based upon race, color, religion, sex, national origin, age, or handicapping condition, as well as reprisal for filing an EEO complaint, OSC generally defers such allegations to agency procedures established under regulations issued by the Equal Employment Opportunity Commission (EEOC). 5 C.F.R. § 1810.1. If you wish to report allegations of discrimination based upon race, color, religion, sex, national origin, age, or handicapping condition, or reprisal for filing an EEO complaint, you should contact your agency's EEO office immediately. There are specific time limits for filing such complaints. Filing a complaint with OSC will not relieve you of the obligation to file a complaint with the agency's EEO office within the time prescribed by EEOC regulations (at 29 C.F.R. Part 1614).

Note: This deferral policy does not apply to discrimination claims outside the jurisdiction of the EEOC, such as complaints alleging discrimination based upon marital status or political affiliation.

Complaints Involving Veterans Rights. By law, complaints alleging denial of veterans' preference requirements must be filed with the Veterans Employment and Training Service (VETS) at the Department of Labor. 38 U.S.C. § 4301, *et seq.*, and 5 U.S.C. § 3330a(a). Certain allegations of discrimination based on the past, current, or future performance of military service (*e.g.*, discrimination based on veteran or reservist status) may be filed with OSC. Thus, you are encouraged to contact OSC's Uniformed Services Employment and Reemployment Rights Act (USERRA) Unit by e-mail at userra@osc.gov or by telephone at 202-254-3600.

SEND COMPLETED COMPLAINT FORMS TO OSC -

By Mail: Complaints Examining Unit
Office of Special Counsel
1730 M Street, N.W. (Suite 218)
Washington, DC 20036-4505

By Fax: (202)254-3711

Electronically: WWW.OSC.GOV (AT "FILE COMPLAINTS ONLINE")

PLEASE KEEP A COPY OF YOUR COMPLAINT, ANY SUPPORTING DOCUMENTATION, AND ANY ADDITIONAL ALLEGATIONS SENT IN WRITING TO OSC NOW, OR AT ANY TIME WHILE YOUR COMPLAINT IS PENDING
REPRODUCTION CHARGES UNDER THE FREEDOM OF INFORMATION ACT MAY APPLY TO ANY REQUEST YOU MAKE FOR COPIES OF MATERIALS THAT YOU PROVIDED TO OSC.

IF YOU ARE FILING AN ALLEGATION OF REPRISAL FOR WHISTLEBLOWING,
PLEASE SEE PART 2 OF THE COMPLAINT FORM, AT PAGES 4-5, FOR OTHER RECORDKEEPING CONSIDERATIONS.

COMPLAINT OF POSSIBLE PROHIBITED PERSONNEL PRACTICE
OR
OTHER PROHIBITED ACTIVITY

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate. (If more space is needed, use Continuation Sheet at page 12.)

PART 1: PROHIBITED PERSONNEL PRACTICES PROHIBITED ACTIVITY (GENERAL)

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

For USERRA complaints only - please provide the last digit only of your Social Security Number (SSN):
(needed to determine jurisdiction under § 204(c)(2) of Public Law No. 108-454.)

2. Position, title, series, and grade: Senior Program Advisor, ES-0301

3. Agency name: Department of the Interior, Office of Natural Resources Revenue

4. Agency Address: 1849 C St., NW, Washington, DC 20240

5. Home or mailing address: [REDACTED]

6. Contact information: Telephone number(s): () _____ (Home)
() _____ (Office) Ext. _____
Fax number: () _____
E-mail address: [REDACTED]

7. If you are filing this complaint as a legal or other representative of the Complainant, please supply the following information:

Name and title of filer: Mr. Ms. Mrs. Miss

Katherine R. Atkinson Wilkenfeld, Herendeen & Atkinson

Address: 1731 Connecticut Ave., NW, Third Floor, Washington, DC 20009

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

Fax number: (202) 600-2792

E-mail address: katherine@wilkenfeldlaw.com

8. Are you (or is the Complainant, if you are filing as a representative) covered by a collective bargaining agreement? (Check one.)

Yes No I don't know

9. How did you first become aware that you could file a complaint with OSC?

- OSC Web site
- OSC Speaker
- OSC Brochure
- OSC Poster
- NewsStory
- Agency Personnel Office
- Union
- Co-worker
- Other (please describe): _____

Date (approximate): _____

10. What is the employment status of the person affected by the suspected prohibited personnel practice or other prohibited activity?
 (Check all applicable items - more than one item may apply.)

- a. Applicant for Federal employment
- b. Competitive Service
 - temporary appointment
 - term appointment
 - career or career-conditional appointment
 - probationary employee
- c. Excepted Service
 - Schedule A
 - Schedule B
 - Schedule C
 - National Guard Technician
 - Non-appropriated Fund
 - Postal Service
 - Tennessee Valley Authority
 - VA Dept. of Medicine and Surgery
 - Veterans Readjustment Act (VRA)
 - Other (Specify) _____
- d. Senior Executive Service (SES), Supergrade, or Executive Level
 - career SES
 - noncareer SES
 - career GS-16, 17, or 18
 - noncareer GS-16, 17, or 18
 - Executive Level V or above (career) fund
 - Executive Level V or above (noncareer)
 - Presidential appointee (Senate-confirmed)
- e. Other
 - civil service annuitant
 - former civil service employee
 - competitive service
 - excepted service
 - military officer or enlisted person
 - contract employee _____
 - other (specify): _____
 - unknown

11. What other action(s), if any, have you taken to appeal, grieve, or report this matter under any other procedure? (Check all that apply.)

- None, or not applicable
- Appeal filed with Merit Systems Protection Board (MSPB) Date: _____
- Petition for reconsideration of initial decision filed with MSPB Date: _____
- Initial Decision No. _____
- USERRA claim filed with VETS (Department of Labor) Date: _____
- (Form VETS/USERRA/VP-1010)
- Grievance filed under agency grievance procedure Date: _____
- Grievance filed under negotiated grievance procedure Date: _____
- Matter heard by arbitrator under grievance procedure Date: _____
- Matter is pending in arbitration Date: _____
- Discrimination complaint filed with agency Date: _____
- Agency or Administrative Judge (AJ) decision on discrimination complaint appealed Date: _____
- to Equal Employment Opportunity Commission
- Appeal filed with Office of Personnel Management Date: _____
- Unfair labor practice (ULP) complaint filed with Federal Labor Relations Authority Date: _____
- General Counsel
- Lawsuit filed in Federal Court Date: _____
- Court name: _____
- Reported matter to agency Inspector General Date: _____
- Reported matter to member of Congress Date: _____
- Name of Senator or Representative: _____
- Other (specify): _____

12. What official is responsible for the violation(s) that you are reporting, and what is his/her employment status? (See question 10 for appropriate description of employment status. If space is needed to identify more than one official, use Continuation Sheet at page 12.)

Name: James Cason
Position/Title: Associate Deputy Secretary
Employment Status: Currently employed

13. What are the actions or events that you are reporting to OSC? (To the extent known, specifically list: (a) any suspected prohibited personnel practices or other prohibited activity, other than reprisal for whistleblowing; and (b) any personnel actions involved. **(IF YOU ARE ALLEGING REPRISAL FOR WHISTLEBLOWING, SKIP TO PART 2 ON THE NEXT PAGE.)**)

14. Provide details of the actions or events shown in your response to question 13. (Be as specific as possible about dates, locations, and the identities and positions of all persons mentioned. In particular, identify actual and potential witnesses, giving work locations and telephone numbers when possible. Also, attach any pertinent documents that you may have. Please provide, if possible, a copy of the notification of the agency's proposal and/or decision about the personnel action(s) covered by your request for OSC action. If more space is needed, use Continuation Sheet at page 12.)

15. What action would you like OSC to take in this matter (that is, what remedy are you asking for?)

PART 2: REPRISAL FOR WHISTLEBLOWING

This part of the form is solely for use by persons alleging reprisal for whistleblowing (that is, persons who believe that personnel actions were taken, not taken, or threatened because of a whistleblower disclosure). Please read the introductory material before answering the questions that follow. If more space is needed, use the continuation sheet at page 12.

Complainants not alleging reprisal for whistleblowing should proceed to Part 3 ("Consent to Certain Disclosures of Information"), at page 9.

Reprisal for Whistleblowing Allegations

As a general rule, it is a prohibited personnel practice to take or fail to take, or threaten to take or fail to take, a personnel action because of a protected disclosure of certain types of information by a Federal employee, former employee, or applicant for Federal employment. 5 U.S.C. § 2302(b)(8).

Legal Elements of a Violation

By law, certain elements must be present before OSC can establish that a legal violation of law has occurred. Two of the required elements that must be established are: (1) that a whistleblower disclosure was made; and (2) that an agency took, failed to take, or threatened to take or fail to take a personnel action because of the whistleblower disclosure. Your description of these elements will help OSC's investigation of your allegation(s).

Protected Disclosures

A disclosure of information is a protected whistleblower disclosure if a Federal employee, former employee, or applicant for Federal employment discloses information which he or she reasonably believes evidences: (a) a violation of any law, rule, or regulation; (b) gross mismanagement; (c) a gross waste of funds; (d) abuse of authority; or (e) a substantial and specific danger to public health or safety.

Covered Personnel Actions

The law prohibiting reprisal for whistleblowing requires proof that one or more of the following personnel actions occurred, or failed to occur, because of a protected disclosure:

- (1) an appointment;
- (2) a promotion;
- (3) an action under 5 U.S.C. chapter 75 or other disciplinary or corrective action;

- (4) a detail, transfer, or reassignment;
- (5) a reinstatement;
- (6) a restoration;
- (7) a reemployment;
- (8) a decision about pay, benefits, or awards, concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, performance evaluation, or other action described in 5 U.S.C. § 2302(a)(2);
- (9) a performance evaluation under 5 U.S.C. chapter 43;
- (10) a decision to order psychiatric testing or examination; or
- (11) any other significant change in duties, responsibilities, or working conditions.

Reporting Your Allegation(s)

In the section that starts below (pages 6-8), provide the information requested about all disclosures that you believe led to reprisal by the agency involved. If more space is needed, use extra copies of page 6-8, or the Continuation Sheet at page 12. **If any of the disclosures were in writing, please provide a copy of the disclosure with your complaint.**

IT IS IMPORTANT THAT YOU LIST ALL DISCLOSURES AND PERSONNEL ACTIONS INVOLVED IN YOUR COMPLAINT. This is because: (1) failure to list any disclosure or personnel action may delay the processing of your complaint by OSC; and (2) a comprehensive listing will avoid disputes in any later Individual Right of Action (IRA) appeal that you may file with the Merit Systems Protection Board (MSPB) about its jurisdiction to hear case.

Additional allegations of reprisal for whistleblowing may be added to this complaint while it is pending at OSC. Submission of any such additional allegations to OSC **in writing** will help you if you decide to file any later IRA appeal with the MSPB. Form OSC-11a is available for that purpose at OSC's web site, under "Forms."

Appeal to the Merit Systems Protection Board (MSPB)

If OSC fails to complete its review of your whistleblower reprisal allegation within 120 days after it receives your complaint, or if it closes your complaint at any time without seeking corrective action on your behalf, you have the right to file IRA appeal with the MSPB. 5 U.S.C. § 1214(a)(3).

Recordkeeping

To establish its jurisdiction over any later IRA appeal that you may file, the MSPB will require you to show that the appeal relates to the same whistleblower disclosure(s) and personnel action(s) involved in your complaint to OSC. **A copy of the whistleblower reprisal allegations in your complaint, any supporting documentation about those allegations that you sent with the complaint, and any additional allegation of reprisal that you submitted in writing to OSC while the complaint was pending, will serve as proof in any IRA of the disclosure(s) and personnel action(s) involved in your OSC complaint. IT IS IMPORTANT, THEREFORE, THAT YOU MAKE AND KEEP COPIES OF ALL THESE DOCUMENT FOR YOUR RECORDS.**

MUST BE COMPLETED FOR ALL DISCLOSURES REPORTED IN THIS COMPLAINT

<p>A. WHAT INFORMATION WAS DISCLOSED? (DESCRIBE WHISTLEBLOWER DISCLOSURE).</p>	
<p>As background, my job involved working to help Alaska Native communities in danger of being washed into the sea. The GAO has designated the Kivalina, Shishmaref, and Shaktoolik communities as imminently threatened. I served as DOI's staff lead on Arctic issues and collaborated with the prior White House to establish the Arctic Executive Steering Committee (AESC). I chair the Community Resilience Working Group of the AESC, which is an interagency federal body collaborating with the State of Alaska and the Denali Commission to relocate, evacuate, and sustain these threatened communities. I also co-chaired implementation of the North Bering Sea Climate Resilience Executive Order, which this Administration rescinded. I disclosed the danger to the public health of these communities on many occasions. On June 9, I spoke about these issues at the UN. I disclosed the threat to American lives. I explained that the villages are sliding into the sea and the threats are growing.</p>	<p>1. WHEN WAS THE DISCLOSURE MADE? (MO/DAY/YR) June 9, 2017</p> <p>2. TO WHOM (NAME AND TITLE) WAS THE DISCLOSURE MADE? United Nations</p> <p>3. DISCLOSURE OF INFORMATION EVIDENCED (check all that apply): <input type="checkbox"/> VIOLATION OF LAW, RULE, OR REGULATION <input type="checkbox"/> GROSS MISMANAGEMENT <input type="checkbox"/> GROSS WASTE OF FUNDS <input type="checkbox"/> ABUSE OF AUTHORITY <input checked="" type="checkbox"/> SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY <input type="checkbox"/> NONE OF THE ABOVE</p> <p>4. WHAT PERSONNEL ACTION(S) OCCURRED, FAILED TO OCCUR, OR WAS THREATENED BECAUSE OF THE DISCLOSURE? (List all applicable personnel action numbers from pages 4-5). 4. Reassignment; 11. Significant change in ...</p> <p>5. WHEN DID PERSONNEL ACTION(S) OR THREAT(S) OCCUR? (MO/DAY/YR) June 15, 2017; July 10, 2017</p>
<p>B. WHAT INFORMATION WAS DISCLOSED? (DESCRIBE NEXT WHISTLEBLOWER DISCLOSURE).</p>	
<p>On April 21, 2017, I emailed the Special Assistant to the President for International Energy and Environment about the importance of building resilience for these communities. When we discuss "resilience," we are referring to the capacity for a community to survive major disruptions, so for these imminently threatened communities, resilience actions include relocation, evacuation plans, erosion control, and subsistence. I advised that we needed to build resilience. I also explained that coordinating the resilience efforts would save the federal government money. I attached a summary of the Arctic Resilience Action Framework (ARAF) to the email. Also as background, I led the development and implementation of an international program of climate resilience activities for the two year period of the US Chairmanship of the Arctic Council (2015-2017). I chaired the ARAF drafting committee.</p>	<p>1. WHEN WAS THE DISCLOSURE MADE? (MO/DAY/YR) April 21, 2017</p> <p>2. TO WHOM (NAME AND TITLE) WAS THE DISCLOSURE MADE? George D. Banks, Spec. Assist. to the President</p> <p>3. DISCLOSURE OF INFORMATION EVIDENCED (check all that apply): <input type="checkbox"/> VIOLATION OF LAW, RULE, OR REGULATION <input type="checkbox"/> GROSS MISMANAGEMENT <input checked="" type="checkbox"/> GROSS WASTE OF FUNDS <input type="checkbox"/> ABUSE OF AUTHORITY <input checked="" type="checkbox"/> SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY <input type="checkbox"/> NONE OF THE ABOVE</p> <p>4. WHAT PERSONNEL ACTION(S) OCCURRED, FAILED TO OCCUR, OR WAS THREATENED BECAUSE OF THE DISCLOSURE? (List all applicable personnel action numbers from pages 4-5). 4. Reassignment; 11. Significant change in...</p> <p>5. WHEN DID PERSONNEL ACTION(S) OR THREAT(S) OCCUR? (MO/DAY/YR) June 15, 2017; July 10, 2017</p>

KEEP A COPY OF THIS PAGE FOR YOUR RECORDS

MUST BE COMPLETED FOR ALL DISCLOSURES REPORTED IN THIS COMPLAINT

<p>C. WHAT INFORMATION WAS DISCLOSED? (DESCRIBE NEXT WHISTLEBLOWER DISCLOSURE).</p> <p>I spoke at the Week of the Arctic, which Secretary Tillerson of the State Department attended. The event re-capped the two year US Chairmanship of the Arctic Counsel. I spoke about the threats to the villages sliding into the sea, the Arctic Resilience Action Framework, disaster risk reduction, and financial issues including the cost to governments and options for private investment.</p>	<p>1. WHEN WAS THE DISCLOSURE MADE? (MO/DA/YR)</p> <p>May 10, 2017</p> <p>2. TO WHOM (NAME AND TITLE) WAS THE DISCLOSURE MADE?</p> <p>Public - speaking engagement in Fairbanks, AK</p> <p>3. DISCLOSURE OF INFORMATION EVIDENCED (check all that apply):</p> <p>() VIOLATION OF LAW, RULE, OR REGULATION () GROSS MISMANAGEMENT () GROSS WASTE OF FUNDS () ABUSE OF AUTHORITY (<input checked="" type="checkbox"/>) SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY () NONE OF THE ABOVE</p> <p>4. WHAT PERSONNEL ACTION(S) OCCURRED, FAILED TO OCCUR, OR WAS THREATENED BECAUSE OF THE DISCLOSURE?</p> <p>4. Reassignment; 11. Significant change in...</p> <p>5. WHEN DID PERSONNEL ACTION(S) OR THREAT(S) OCCUR? (MO/DA/YR)</p> <p>June 15, 2017; July 10, 2017</p>
<p>D. WHAT INFORMATION WAS DISCLOSED? (DESCRIBE NEXT WHISTLEBLOWER DISCLOSURE).</p> <p>I spoke about the suffering in Alaska, including the villages being washed into the sea and melting permafrost. I discussed the importance of science, building resilience, governance, and encouraging investment in order to address the threat</p>	<p>1. WHEN WAS THE DISCLOSURE MADE? (MO/DA/YR)</p> <p>November 25, 2016</p> <p>2. TO WHOM (NAME AND TITLE) WAS THE DISCLOSURE MADE?</p> <p>Public - speaking engagement in Stockholm</p> <p>3. DISCLOSURE OF INFORMATION EVIDENCED (check all that apply):</p> <p>() VIOLATION OF LAW, RULE, OR REGULATION () GROSS MISMANAGEMENT () GROSS WASTE OF FUNDS () ABUSE OF AUTHORITY (<input checked="" type="checkbox"/>) SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY () NONE OF THE ABOVE</p> <p>4. WHAT PERSONNEL ACTION(S) OCCURRED, FAILED TO OCCUR, OR WAS THREATENED BECAUSE OF THE DISCLOSURE? (List all applicable personnel action numbers from pages 4-6).</p> <p>4. Reassignment; 11. Significant change in...</p> <p>5. WHEN DID PERSONNEL ACTION(S) OR THREAT(S) OCCUR?</p> <p>June 15, 2017; July 10, 2017</p>

MUST BE COMPLETED FOR ALL DISCLOSURES INCLUDED IN THIS COMPLAINT

3. If you are not the person who actually made a disclosure described in boxes A, B, C, D above, please check below to specify the disclosure involved, and provide the name, address, and telephone number of the person who made the disclosure, if known. (If space is needed to identify more than one person, use Continuation Sheet at page 12.)

Disclosure: A () B () C () D ()

Name: _____

Address: _____

Telephone number: (_____) _____ Ext. _____

4. Explain why you believe that the personnel action(s) listed above occurred because of the disclosure(s) that you described. (Be as specific as possible about any dates, locations, names, and positions of all persons mentioned in your explanation. In particular, identify actual and potential witnesses, giving work locations and telephone numbers, if known. Attach a copy of any documents that support your statements. Please provide, if possible, a copy of the notification of the agency's proposal and/or decision about the personnel action(s) covered by your complaint. If more space is needed, continue on page 12.)

I believe the Department reassigned me due to my disclosures about the imminent danger to several Alaska Native communities. These villages are eroding into the sea due to melting permafrost, storms, waves, and receding sea ice. I have been vocal in public, to senior Interior Department officials, and to members of this Administration about the importance of Arctic resilience strategies to mitigate this threat to American lives.

Six days before I received the order reassigning me, I spoke about this threat at the United Nations. In April 2017, I disclosed the danger to the Special Assistant to the President for International Energy and Environment. I spoke publicly in Alaska and Stockholm in May 2017 and November 2016, respectively. The close temporal proximity between my disclosures and reassignment lead me to conclude the reassignment was retaliatory.

I also believe my reassignment was retaliatory because I was reassigned to a position that has nothing to do with my skills or areas of expertise. (continued on page 12)

5. What action would you like OSC to take in this matter (that is, what remedy are you asking for)?

I am seeking the following:

- 1) An order from OSC to the Department to return me to the position I encumbered prior to the reassignment;
- 2) A comprehensive investigation into the motives behind and procedures used to reassign members of the Senior Executive Service on and since June 15, 2017;
- 3) Compensatory damages; and
- 4) Attorneys' fees and costs.

KEEP A COPY OF THIS PAGE FOR YOUR RECORDS

PART 3: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION

OSC asks everyone who files a complaint alleging a possible prohibited personnel practice or other prohibited activity to select one of three Consent Statements shown below. ***IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.*** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. See 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

(Please sign one)

Consent Statement 1

I *consent* to OSC's communication with the agency involved in my complaint. I agree to allow OSC to disclose my identity as the complainant, and information from or about me, to the agency if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint (for example, to request information from the agency, or seek a possible resolution through mediation or corrective action). I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 1

Date Signed

7/12/17

Consent Statement 2

I *consent* to OSC's communication with the agency involved in my complaint, but I do not agree to allow OSC to disclose my identity as the complainant to that agency. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint (for example, to request information from the agency, or seek a possible resolution through mediation or corrective action). I understand that in some circumstances (for example, if I am complaining about my failure to receive a promotion), OSC could not maintain my anonymity while communicating with the agency involved about a specific personnel action. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 2

Date Signed

Consent Statement 3

I *do not consent* to OSC's communication with the agency involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with that agency, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 3

Date Signed

PART 4: CERTIFICATION AND SIGNATURE

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 \$250,000, imprisonment for up to five years, or both. 18 U.S.C. § 1001.

Signature

Date Signed

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 upon 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 to the Office of Personnel Management (OPM) as needed 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 antidiscrimination 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 as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an 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 to the Department of Justice as needed for certain litigation purposes;
14. to provide information to courts or adjudicative bodies as needed 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.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

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 to investigate: (a) allegations of prohibited personnel practices, to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken (5 U.S.C. § 1214); and (b) other allegations of prohibited activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and corrective or disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of one hour and 15 minutes 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 Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4505. Use of this form to file a complaint alleging a prohibited personnel practice or other prohibited activity is required; use of this to file a complaint alleging only a Hatch Act violation is not required. 5 C.F.R. § 1800.1(d), as amended. As stated in Part 3 of this form, complainants may request that OSC maintain their name, and information provided by them, in confidence.

