



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

September 25, 2023

PERSONNEL BULLETIN NO: 23-11

SUBJECT: Informing Employees of Prohibited Personnel Practices and Enhanced Whistleblower Protections

1. Purpose. This Personnel Bulletin (PB) updates the Department's policy on meeting the requirement under 5 U.S.C. § 2302 to inform employees of the rights and remedies available to them under the Civil Service Reform Act of 1978 (CSRA), the Whistleblower Protection Act (WPA), the Whistleblower Protection Enhancement Act (WPEA), and related laws and to satisfy the new requirements of the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017. Executing the activities described in this PB contributes to the Department's ability to attain and maintain certification of statutory compliance by the Office of Special Counsel (OSC) and OSC's 5 U.S.C. § 2302 Certification Program. This policy supersedes PB 16-10, *Informing Employees of Prohibited Personnel Practices and Whistleblower Protections* dated November 8, 2016.

2. Authorities.

- A. Public Law 115-73 ("Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017"), enacted October 26, 2017
- B. Title 5 United States Code § 2302, Prohibited Personnel Practices
- C. Title 5 United States Code § 7515, Discipline of Supervisors Based on Retaliation Against Whistleblowers

3. Coverage. This policy applies to all Department of Interior (DOI) Bureaus and Offices and supersedes any other Departmental or Bureau/Office policies or procedures that conflict with this policy.

4. Definitions.

- A. **Disclosure.** A formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences any violation of any law, rule, or regulation; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety (see 5 U.S.C. § 2302(a)(2)(D)).
- B. **Prohibited Personnel Practice.** Employment-related activities that are banned in the Federal workforce because they violate the government's merit system through some form of employment discrimination, retaliation, improper hiring practices, or failure to

adhere to laws, rules, or regulations that directly concern the merit system principles (see 5 U.S.C. § 2302(b) for complete list of prohibited personnel practices).

- C. Whistleblowing. For the purposes of this PB carries the same meaning as defined under 5 U.S.C. §§ 2302(b)(8) and 2302(b)(9).

5. Responsibilities.

- A. Office of Human Capital (OHC). The OHC Director/Deputy Chief Human Capital Officer (DCHCO) is delegated all program and management authority necessary to carry out the functions of the position as described in 112 DM 15; all administrative authorities described in 212 DM 1.1B, subject to the limitations; and any Personnel Management Authority described in 205 DM 8, subject to the limitations. Accordingly, OHC is responsible for:
1. Serving as the liaison between the Department and any oversight offices such as Office of Personnel Management (OPM), OSC, etc. as it relates to human resources requests, data calls, etc.
 2. Notifying Department Bureaus/Offices through their Human Capital Officers/ Servicing Human Resources Offices (SHROs) of the requirements outlined in this PB.
 3. Collecting and reviewing HCO Certifications in support of OSC's 5 U.S.C. § 2302 Certification Program.
 4. Enforcing required training consistent with [PB 17-09](#), *Mandatory Training on Equal Employment opportunity (EEO), Prohibited Personnel Practices (PPPs) and Whistleblower Protections, and Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002 (No FEAR Act)* dated April 14, 2017.
- B. Bureau/Office Director. Many of the responsibilities of the Secretary of the Interior have been delegated to the Bureau/Office Directors. The Bureau/Office Directors will be accountable for carrying out the following responsibilities for employees in the Bureaus/Offices under their purview implemented through their HCOs/SHROs as outlined in 5.C. and 5.D. below.
- C. Human Capital Officers are responsible for:
1. Ensuring the SHRO requirements outlined in 5.D. are completed in a timely manner.
 2. Submitting the [HCO Certification](#) (see Appendix A), by email to doi_office_of_human_resources@ios.doi.gov by **December 31** of each year.

3. Consulting with OHC's Workforce Relations Division, Employee Relations Program Manager when there is a policy and/or accountability concern.
- D. Servicing Human Resources Offices (SHROs) are responsible for:
1. Ensuring the following informational posters are displayed in all Human Resource Offices and Equal Employment Opportunity (EEO) Offices and in other prominent places in all Bureau/Office facilities:
 - a. [Whistleblowing](#)
 - b. [Reprisal for Whistleblowing](#)
 - c. [Prohibited Personnel Practices](#)
 - d. [The Hatch Act: Permitted and Prohibited Activities for Most Federal Employees](#)
 2. Providing a copy of the Secretary's and/or OIG's annual Whistleblower Protection and Prohibited Personnel Practices notice to all new employees within **180 days** from the date they are appointed as part of new employee orientation materials, along with the following notices:
 - a. [Your Rights as a Federal Employee](#)
 - b. [Know Your Rights When Reporting Wrongs](#)

6. Program Changes and Requirements.

- A. *New Prohibited Personnel Practice.* It is a prohibited personnel practice to "access the medical record of another employee or an applicant for employment as part of, or otherwise in furtherance of, any conduct described (1) through (13) of 5 U.S.C. § 2302(b)".
- B. *Accessibility of Information Regarding Whistleblower Protections.* Information regarding whistleblower protections that apply to all employees is available on the [OIG's website](#).
- C. *Education Requirements.* New employees must be informed of their rights and remedies available under § 2302 and chapter 12 of Title 5 within 180 days following the date they are appointed. In addition, supervisors (including new supervisors) must be provided annual training regarding how to respond to complaints alleging a violation of whistleblower protections.
- D. *Supervisors' Performance Appraisals.* A mandatory standard for Whistleblower Protections must be added to the performance plans of all supervisors and managers. The mandatory critical element established by the Department was updated in October 2018 to include criteria which promotes the protection of whistleblowers.
- E. *Proposed Disciplinary Action.* Proposing mandatory minimum penalties against supervisors found to have committed a prohibited personnel practice. For a first offense,

the agency must propose a suspension that is not less than 3 days and may propose additional action determined appropriate, including a reduction in grade or pay. For a second offense, the agency must propose removal (see 5 U.S.C. § 7515).

7. Labor-Management Obligations. Bureaus/Offices are reminded to fulfill their labor-management obligations, as appropriate, in implementing the requirements set forth in this PB.

8. Inquiries. Any Department employee or employee representative seeking further information concerning this policy should contact their SHRO. SHROs may contact the Department's Office of Human Capital concerning questions related to this policy.

Jennifer A. Ackerman
Director, Office of Human Capital
Deputy Chief Human Capital Officer

Attachment

Appendix:

[Date]

Memorandum

To: Mark D. Green
Deputy Assistant Secretary - Human Capital and Diversity
Chief Human Capital Officer

From: [NAME]
[Title]
[BUREAU/OFFICE]

Subject: Human Capital Officer (HCO) Certification in Support of the Office of Special Counsel (OSC) 5 U.S.C. § 2302 Certification Program

The OSC's 5 U.S.C. § 2302 Certification Program (Certification Program) enables the Department of the Interior (Department) to meet the statutory obligations under 5 U.S.C. § 2302 to inform employees about the rights and remedies available to them under the Civil Service Reform Act of 1978 (CSRA), the Whistleblower Protection Act (WPA), the Whistleblower Protection Enhancement Act (WPEA), and related laws.

In accordance with the requirements of OSC's Certification Program and Personnel Bulletin (PB) 23-11, this memorandum certifies that [BUREAU/OFFICE] has completed the following actions:

1. Displayed the following informational posters in all Human Resource Offices and Equal Employment Opportunity (EEO) Offices and in other prominent places in all Bureau/Office facilities:
 - a. [Whistleblowing](#)
 - b. [Reprisal for Whistleblowing](#)
 - c. [Prohibited Personnel Practices](#)
 - d. [The Hatch Act: Permitted and Prohibited Activities for Most Federal Employees](#)
2. Provided a copy of the Secretary's and/or OIG's annual Whistleblower Protection and Prohibited Personnel Practices notice to all new employees within **180 days** from the date they are appointed as part of new employee orientation materials, along with the following notices:
 - a. [Your Rights as a Federal Employee](#)
 - b. [Know Your Rights When Reporting Wrongs](#)

Should you have any questions or require any additional information regarding these actions, please contact [NAME, TITLE, CONTACT INFORMATION].