

## The Whistleblower Protection Enhancement Act of 2012 ("WPEA"), Pub.L. 112-199

As a Department manager, supervisor, or official, you must not use your authority to take, threaten to take, or fail to take a personnel action against an employee or applicant because that individual makes a disclosure of information under the Whistleblower Protection Act, as amended, that the individual reasonably believes shows:

- Violation of law, rule, regulation
- Gross Mismanagement
- Gross Waste of Funds
- Abuse of Authority
- Substantial and Specific Danger to the Public Health or Safety

If an individual makes a disclosure protected by the Whistleblower Protection Act, management cannot take a retaliatory personnel action against the whistleblower. Personnel actions covered by the Whistleblower Protection Act include:

- An appointment or promotion
- A disciplinary, adverse, or corrective action
- A detail, transfer, or reassignment
- A reinstatement, restoration, or reemployment
- A decision about pay, benefits, awards, or training
- A performance evaluation
- A significant change in duties, responsibilities, or working conditions
- The enforcement of non-disclosure agreements that fail to inform employees that any such agreement does not supersede their whistleblower rights.

It is also unlawful to retaliate against a person who engages in protected activity. Protected activity includes filing a Whistleblower grievance with the agency, filing a complaint with an agency's Office of Inspector General (OIG) or the Office of Special Counsel (OSC), and filing a Whistleblower appeal with the Merit Systems Protection Board (MSPB). Protected activity also includes participation in or cooperation with an investigation or inquiry conducted by the OSC or the agency's OIG, and refusing to obey an order that would require the individual to violate a law.

The Whistleblower Protection Act does not cover disclosures that are **specifically prohibited by law** or if the information is required under Executive Order to be protected from disclosure in the interest of national security, unless that disclosure is made to the OSC or OIG.

The provisions of the Whistleblower Protection Act supersede non-disclosure agreements between an employee and the agency.

You may file a Whistleblower Protection Act complaint by contacting the:

Office of Special Counsel  
Disclosure Unit  
1730 M Street, Northwest  
Suite 218  
Washington, DC 20036

Or by calling 1-800-572-2249 or 202-254-3640

You may also obtain additional information or file a complaint online at:

[www.osc.gov](http://www.osc.gov)