



## Policy Statement on “Zero Tolerance” for Whistleblower Reprisal

**From:** Schmitz, Joseph E.  
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**To:** List .All Users  
**Subject:** “Zero Tolerance” Policy for Whistleblower Reprisal

Our collective duty within the Office of the Inspector General (OIG) to protect whistleblowers is prescribed in numerous federal statutes and DoD directives. Section 7 of the Inspector General Act of 1978, as amended, is an important starting point. It prohibits any “employee who has authority to take, direct others to take, recommend, or approve any personnel action” from taking, or threatening to take, “any action against any employee as a reprisal for making a complaint or disclosing information to an Inspector General.”

With this “all hands e-mail,” I am announcing a “zero tolerance” policy toward whistleblower reprisal. Anyone in the OIG who retaliates against any employee making a protected disclosure will face appropriate disciplinary action. I also will be asking OIG SES, and other senior managers, not only to promulgate this new policy, but personally to sign a memorandum that attests to their awareness of this “zero tolerance” policy regarding retaliation against whistleblowers. Moreover, supervisory performance appraisals will reflect a manager’s compliance with this important merit system principle, pursuant to 5 U.S.C. § 4313(5).

This e-mail is a first step toward my goal, which I now invite you fully to embrace, of transforming our OIG into a model organization for encouraging and protecting whistleblowers. This e-mail is also part of my initiative for the OIG to be the first DoD component to be certified by the U.S. Office of Special Counsel as being in compliance with 5 U.S.C. § 2302(c), which statutory provision makes each federal agency head responsible “for the prevention of prohibited personnel practices, for the compliance with and enforcement of applicable civil service laws, rules, and regulations, and other aspects of personnel management, and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under [the Whistleblower Protection Act and related civil service laws].”

The legal protection for whistleblowers recognized in the Inspector General Act of 1978 mirrors the merit system principle that employees “should be protected against reprisal for the lawful disclosure of information” which the employee reasonably believes is evidence of a violation of law, or “mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.” 5 U.S.C. § 2301(b)(9). As a result, the “Whistleblower Protection Act” makes it a prohibited personnel practice to retaliate against an employee under the circumstances set forth in Section 7 of the IG Act. 5 U.S.C. § 2302(b)(8) & (9). The IG Act also makes the Section 7 protections applicable to the members of Armed Forces. 5 U.S.C. Appendix 3, § 8(e). Other stand-alone legal protections for members of the

Armed Forces exist in the “Military Whistleblower Protection Act.” 10 U.S.C. § 1034(b). See DoD Directive 7050.6 “Military Whistleblower Protection” (June 23, 2000) and DoD Directive 6490.1 “Mental Health Evaluations of Members of the Armed Forces” (October 1, 1997).

The foregoing legal protections exist because legitimate whistleblowers are an invaluable resource for the oversight of government operations. History is replete with examples of brave men and women who came forward with messages that ultimately saved lives, recovered millions of taxpayer dollars, and preserved the integrity of federal agencies. Within the Department of Defense alone, numerous whistleblowers have exposed dishonest contractors who overcharged or provided substandard weapon components that potentially jeopardized the safety of our war fighters.

Current and former federal employees and applicants, as well as military members, can confidentially report credible information evidencing a violation of law, rule or regulation, gross mismanagement, a gross waste of waste of funds, an abuse of authority or a substantial and specific danger to public health or safety to the Office of Special Counsel at 202-653-9125/ 800-572-2249 or to the Defense Hotline at 800-424-9098. Blowing the whistle can be a difficult choice that entails great professional and personal risk to the employee. It should not be the sound of professional suicide. As such, we at the OIG need to foster and protect all legitimate whistleblowers, starting with our own colleagues within our agency. They are an irreplaceable “intelligence asset” in the “War on Bureaucracy” declared by Secretary Rumsfeld on September 10, 2001.

As one “Professional Team of Inspectors, Auditors, and Investigators,” we need to protect those members who bring organizational weaknesses to our attention. Those who choose not to abide by the laws that safeguard civilian and military personnel from whistleblower retaliation will be held fully accountable. The public interest demands no less.

Joseph E. Schmitz  
Inspector General  
Department of Defense  
400 Army Navy Drive  
Arlington, VA 22202-4704  
Direct: (703) 604-8300  
Fax: (703) 604-8310