

**NATIONAL SCIENCE FOUNDATION
OFFICE OF THE DIRECTOR
ARLINGTON, VA 22230**

STAFF MEMORANDUM

**O/D 16-12
August 5, 2016**

Administrative and Management

**SUBJECT: Understanding Prohibited Personnel Practices, Whistleblower
Protections, and the Hatch Act**

In 1994, Congress enacted 5 U.S.C. §2302(c), which charges agency heads with the responsibility of ensuring (in consultation with the Office of Special Counsel) that employees are informed of the rights and remedies available to them under the prohibited personnel practice and whistleblower retaliation protection provisions of Title 5.

The Office of Special Counsel (OSC) is charged with enforcement of the Whistleblower Protection Act and investigating allegations of prohibited personnel practices or violations of the Hatch Act. OSC's 2302(c) Certification Program allows federal agencies to meet the statutory obligation to inform their workforces about the rights and remedies available to them under the Whistleblower Protection Act, as well as providing information concerning prohibited personnel practices and the Hatch Act.

The NSF is one of many Federal agencies who have been 2302(c) certified by OSC. Part of the certification process involves ensuring that all NSF employees receive annual notification concerning the Whistleblower Protection Act, prohibited personnel practices and the Hatch Act. This information is also posted in every elevator bay on each floor within Stafford I and II. That information is also provided in links below.

The Whistleblower Protection Act of 1989 and the Whistleblower Protection Enhancement Act of 2012 provide the right for all covered federal employees to make whistleblower disclosures and ensure that employees are protected from whistleblower retaliation. Whistleblowing is defined as the disclosure of information that an employee reasonably believes evidences: a violation of any law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; a substantial and specific danger to public health or safety; or censorship related to scientific research or analysis. Employees may make lawful disclosures to anyone, including, for example, management officials, the NSF's Inspector General Office, and/or OSC.

Please review the fact sheet, "[Your Rights as a Federal Employee](#)," which provides detailed information on the thirteen prohibited personnel practices and employees' rights to file complaints with OSC. Additionally, I encourage you to review "[Know Your Rights When Reporting Wrongs](#)," which describes different avenues for making whistleblower disclosures as federal employees. More information can also be found on the [OSC website](#).

Federal employees have the right to be free of prohibited personnel practices, including retaliation for whistleblowing. Please visit the OSC website at <https://osc.gov> to find out more information about these important rights.

France A. Córdova
Director

Distribution: All Employees
Originating Unit: Human Resource Management
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