



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for November 3, 2017

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LEGISLATION

Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, Pub. L. No. 115-73, 131 Stat. 1235 (2017).

Enacted on October 26, 2017, this Act, among other things, does the following:

Section 103

Amends 5 U.S.C. § 2302(b) to include subsection 2302(b)(14), which makes it 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, [other prohibited personnel practices] described in paragraphs (1) through (13).”

Section 104

Amends 5 U.S.C. chapter 75 to include section 7515, which requires the head of the agency to discipline any supervisor found to have taken a “prohibited personnel action” defined in section 2302(b)(8), (b)(9), or (b)(14) against an employee. For the first prohibited personnel action committed by the supervisor, the head of the agency shall propose, at a minimum, a 3-day suspension. For the second prohibited personnel action committed by the supervisor, the head of the agency shall propose the supervisor’s removal. The supervisor is entitled to written notice and an opportunity to respond to the proposed action.

Section 105

Amends 5 U.S.C § 1212, note, to require agency heads to report to the Office of Special Counsel any instance in which an employee who made a whistleblower disclosure commits suicide.

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