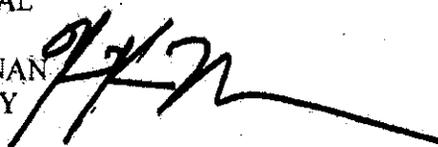


Secretary

U.S. Department of Homeland Security  
Washington, DC 20528Homeland  
Security

April 18, 2019

MEMORANDUM FOR: JOHN V. KELLY  
SENIOR OFFICIAL PERFORMING THE DUTIES OF THE  
INSPECTOR GENERAL

FROM: KEVIN K. MCALEENAN  
ACTING SECRETARY 

SUBJECT: REPORT ON CORRECTIVE ACTIONS TAKEN ON DHS OIG  
WHISTLEBLOWER RETALIATION REPORT OF  
INVESTIGATION, CASE #W17-USCG-WPU-16018

**Purpose:** To provide a written report of corrective actions taken in response to DHS Office of Inspector General (OIG) Whistleblower Retaliation Report of Investigation for Case #W17-USCG-WPU-16018, in accordance with 10 USC § 1034(f)(2)(B).

**Background:** On December 6, 2018, former Secretary Kirstjen Nielsen received DHS OIG Whistleblower Retaliation Report #W17-USCG-WPU-16018. The report found one act of retaliation related to the Complainant's Officer Evaluation Report (OER) and raised several other concerns related to the Coast Guard's policy on responding to and documenting harassment, discrimination and bullying claims. The report also identified the need for supplemental training related to the policy. On February 22, 2019, former Secretary Nielsen referred all corrective actions as recommended by the OIG to the Commandant of the U.S. Coast Guard with direction to order or implement such changes. The recommendations made by the OIG were:

- a) Order such action as is necessary to correct Complainant's Officer Evaluation Report for the period of June 1, 2015, to May 31, 2016, by correcting marks of five to at least marks of six;
- b) Direct the Commandant of the U.S. Coast Guard to require that commanders document in writing the reasons for their findings and outcomes in response to bullying and harassment complaints;
- c) Require supplemental training for U.S. Coast Guard supervisors and managers on the agency's discrimination, harassment, and bullying policies, including on how to respond to receipt of an allegation and the importance in exercising discretion in communicating about ongoing complaints; and
- d) Direct that the U.S. Coast Guard Civil Rights Manual, COMDTINST M5350.4C, be modified to clarify that military members who believe they were subject to whistleblower retaliation should file a complaint with DHS OIG, not the U.S. Office of Special Counsel.

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**Corrective Actions:** The Commandant of the U.S. Coast Guard has taken action consistent with the recommendations articulated in DHS OIG Whistleblower Retaliation Report of Investigation for Case #W17-USCG-WPU-16018, as directed. As of March 13, 2019, the current status of the Coast Guard's corrective actions are as follows:

- a) Marks in the Complainant's Officer Evaluation Report for the period of June 1, 2015, to May 31, 2016, were corrected on February 22, 2019. The corrected OER was delivered to the Complainant on February 26, 2019. This action is complete.
- b) In mid-January 2019, changes were implemented to the Coast Guard's Civil Rights Awareness Training to include the requirement that managers and supervisors document their rationales for findings and outcomes in harassment investigations. On February 14 2019, the Coast Guard revised procedures to require commanders to notify the next level in their chain of command of the findings and outcomes of harassment, hate, hazing, and bullying inquiries; and to require documentation in writing of the reasons for their findings and outcomes. The revision was announced to all personnel in a service-wide electronic message. This action is complete.
- c) In mid-January 2019, the Coast Guard updated its Civil Rights Awareness Training to clarify discrimination, harassment and bullying policies including how to respond to allegations of harassment, and the importance of exercising discretion in communications about complaints. This action is complete. Additionally, the Coast Guard is working to supplement its training for supervisors and managers with a DHS anti-harassment module. The Coast Guard has tested the module for compatibility with its Learning Management System. DHS anticipates finalizing the module in March 2019 whereupon the Coast Guard will deploy it service-wide. Anticipated implementation: April 2019.
- d) On February 21, 2019, Coast Guard policies were revised by a service-wide electronic message. This message communicated whistleblower procedures to all personnel stating that management officials may not use their authority to take or threaten action against a civilian employee, candidate for civilian employment, or a military member for making protected communications to a member of Congress, the Inspector General, and others. The change also clarified to whom whistleblower complaints should be directed, specifying OIG for military complaints as well as an alternative to the Office of Special Counsel for civilian complaints. This change, along with the change delineated in paragraph (b), above, is incorporated in the current revision to the Civil Rights Manual, COMDTINST M5350.4C, which pends final clearance and labor union notification. Anticipated completion: May 2019. The complementary change to the Discipline and Conduct Manual, COMDTINST M1600.2, will be made in a future reissuance.

DHS and the Coast Guard are committed to ensuring the rights of Coast Guardsmen afforded by the Military Whistleblower Protection Act are protected, including the right to communicate with OIG without infringement and free from retaliation. My point of contact for this action is Mr. Jim H. Crumacker, Director, Departmental GAO-OIG Liaison Office.

cc: DHS Office of the Deputy Secretary  
DHS Office of General Counsel  
Commandant, USCG