



DC LAW
COLLECTIVE

Standing Together

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Fighting Back Against RIFs and Retaliation

This issue focuses on two of the most urgent challenges facing federal employees right now: Reductions in Force (RIFs) and whistleblower retaliation. Both can leave workers feeling isolated, uncertain, or that they have been pushed out for doing the right thing.

In this environment, it's more important than ever to know your rights and to know you're not alone. Whether you've been affected by a recent RIF or are facing pressure after reporting misconduct, we hope the information in this issue gives you clarity, confidence, and a place to start.

Reductions In Force (RIFs)

There have been a lot of people affected by RIFs. When we speak to people who have been "rified," one issue is always at the top of everyone's mind: Can I afford to fight this? While only you know your finances, we have spent a lot of time working through how to make fighting RIFs more affordable for people.

The best way is to do what should come naturally to government workers – work together. When we represent multiple people in similar circumstances, such as in the same office, it can significantly lower the cost per person. It does this in a few ways:

- Because the work done on each person's case is similar, we can spread the cost of the work across the entire group. For example – if we need to do legal research and draft a brief with similar facts and issues for 10 clients, each client would only be charged about 1/10th the cost of the entire brief because it would be the same or similar brief for everyone. This effectively lowers the billable hourly rate. Obviously in a larger office the savings would be even greater. And, because the effective billable rate is so much lower, it allows us to lower the retainer and reduces the need to refill the retainer.
- Obviously, you can have an individual with special issues or who wants to do something on their own that can affect what they pay, but it is much cheaper to litigate where there is a group with the same facts and issues. Everyone simply pitches in to pay for it. But by consolidating, it does allow individuals still to be treated as individuals.
- We also make sure to watch other cases that could affect the outcome of an MSPB appeal, so that the client can make informed decisions. And, of course, all funds are kept in a trust account and only charged against as we work and earn fees or expend costs. Any monies not spent go back to the client.
- If successful, the law provides for the potential to recover reasonable fees and costs in addition to other relief.

Finally, when we started DC Law Collective, we made the decision never to charge for an initial consultation, regardless of whether the meeting is with one person or a hundred. We believe anyone hiring us has the right to meet us and to see if we are the right lawyers for you. Bonus for us is that we love talking to feds and hearing all about their important work.

Whistle Blower Protections

We are seeing an increase in both whistleblower disclosures and retaliation claims across the federal government. This includes disclosures of fraud, waste, abuse, public health risks, political interference, and, just as troubling, retaliation that often follows.

One pattern we've seen repeatedly: career civil servants, even in senior roles, taking part in prohibited personnel practices. In some cases, they are directed to do so. In others, they've been conditioned by agency culture to believe that punishing dissent or suppressing reports is just how things work. The result is a system that too often punishes those trying to uphold it.

If you're navigating this kind of situation, here are a few key things to keep in mind:

- Whistleblower protections exist but they're complicated. Multiple laws cover different types of disclosures and retaliation. For federal employees, these include the Whistleblower Protection Act, the Whistleblower Protection Enhancement Act, and, in some cases, other statutes or agency-specific rules.
- You may have to choose your legal path early. In cases involving both whistleblower retaliation and discrimination, federal employees often must choose between filing with the Office of Special Counsel (OSC), appealing to the Merit Systems Protection Board (MSPB), or starting an EEO complaint. This is known as election of remedies. Each forum has different procedures and jurisdictional requirements. For example, the MSPB can hear retaliation claims if they involve a directly appealable action (like a removal), or if the OSC has investigated and closed the case, or taken no action for 120 days, allowing for what's called an Individual Right of Action (IRA). Because these choices can limit your rights going forward, it's important to understand both the legal and jurisdictional implications before acting.
- The Office of Special Counsel (OSC) has limits. While OSC investigates whistleblower complaints, it doesn't always act quickly or at all. In some cases, it may close a case without adequate review or find no violation. If that happens, or if 120 days pass without a decision, you may have the right to file an IRA appeal with the MSPB. But the timing and process are specific, and delays can affect your rights.
- You don't need to go public to be a whistleblower. Protected disclosures can be made internally, including to a supervisor, an agency's Inspector General, or the OSC. In some cases, these disclosures can be made anonymously, especially through IG hotlines or protected reporting channels. The law protects disclosures regardless of motive as long as the content meets the legal criteria.
- There are strict, often short deadlines. Depending on the type of action and the forum you choose the window to file may be quite limited. Missing a deadline can seriously restrict your options.
- Group representation can reduce cost and increase impact. If multiple people in your office or agency were affected by the same misconduct or retaliation, we may be able to coordinate efforts, reduce legal costs, and pursue parallel strategies while respecting each person's goals.
- Initial consultations with us at DC Law Collective are free. If you're considering action or just need clarity, speaking with a lawyer early can help you understand what protections apply and what paths are open. You don't need to commit to litigation just to get good advice.

Whistleblowing is not easy—it's a hard decision that can come with some personal risk, and it's one that many federal employees make because they believe in the public good.

Reporting violations of law, gross mismanagement, or threats to safety is not just a legal right; it's a civic duty. If you're feeling conflicted or stuck in the middle, that's normal. You're not alone. We understand what's at stake, and we respect those who choose to speak up.

—DC Law Collective