



Director of National Intelligence

ES 2025-00805

MEMORANDUM FOR: Ms. Tamara A. Johnson
Acting Intelligence Community Inspector General

SUBJECT: (U/ [REDACTED]) Response to Acting Inspector General of the Intelligence Community's 20 May 2025 Letter to the DNI Regarding Trial Period Employees of ODNI

REFERENCES:

- A. (U) DNI Memo, ES 2025-00759, Termination of Employment – Trial Period Employee, 15 May 2025
- B. (U) National Security Act of 1947, as amended
- C. (U) ODNI Instruction 2005-1, ODNI Regulations, 21 Apr 2005
- D. (U/ [REDACTED]) [REDACTED], Termination of Employment, 11 Dec 2006
- E. (U) ODNI Instruction 75.03 (2006-1), New Employee Two-Year Trial Period, 23 Feb 2006

(U/ [REDACTED]) I write in response to your 20 May 2025 letter and acknowledge that I will not reinstate Stephanie M. McDonald to her trial period position with the Office of the Director of National Intelligence (ODNI).

(U) As you know, I am the head of the Intelligence Community (IC) and also the head of ODNI as an organization. ODNI is comprised of multiple offices, to include the Office of the Inspector General of the Intelligence Community (IC IG). As a result, the IC IG falls under my purview, as provided for in Sections 103, 103H(a), and 103H(c)(3) of Reference B. I recognize that your office has separate authorities, to include certain personnel authorities, but IC IG employees are ODNI employees, particularly those who are not permanent employees of the IC IG. These employees are, therefore, subject to applicable IC IG and ODNI policies, which is specifically reflected in statute as you note in your letter.

(U/ [REDACTED]) Pursuant to References B-E, the DNI established a two-year trial period for all new ODNI employees, as outlined in Reference E. According to Reference E, “[a]ll ODNI employees must successfully complete a two-year trial period prior to certification as permanent employees” (emphasis added). Notably, under Reference E, ODNI employees may receive credit toward the ODNI two-year trial period if the employee has completed prior comparable Federal service and the request for credit is approved by the

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Chief of Human Resource Management (HRM). Moreover, ODNI has been undergoing an organizational review from which your office is not exempt.

(U/ [REDACTED]) Relevant to Ms. McDonald, she entered on duty at ODNI on 4 June 2023. Her ODNI trial period was scheduled to end two years after 4 June 2023, or on or around 4 June 2025. While employed with ODNI, Ms. McDonald did not request or receive credit towards ODNI's two-year trial period requirement for all new ODNI employees. Ms. McDonald was never certified out of her trial period to a full-time employee. As such, Ms. McDonald remained an ODNI trial period employee throughout her employment with ODNI and, therefore, was terminated under my statutory personnel authorities pursuant to Sections 102A(m) and 104(A)(e) of Reference B. Ms. McDonald's termination was in the interest of the United States.

(U/ [REDACTED]) Of course, and as noted in your 20 May 2025 letter, Section 103H(j)(3)(B) of Reference B states, the IC IG has final approval of non-security-related personnel decisions "concerning personnel *permanently* assigned to the Office of the Inspector General" (emphasis added). As you noted in your 20 May 2025 letter, Section 103H(j)(2)(A) of Reference B states that the IC IG's ability to "select, appoint, and employ...officers and employees" is "[s]ubject to applicable law and the policies of the Director of National Intelligence..." (emphasis added).

(U/ [REDACTED]) Trial period employees are not permanent employees of ODNI and, as a result, are not permanently assigned to the IC IG. Put simply, Ms. McDonald was never a permanent employee of the IC IG, and her employment is within my discretionary personnel authorities. Further, under Section 103H(j)(2)(A) of Reference B, the IC IG's ability to select, appoint, and employ officers and employees who are in trial period status is *subject* to my statutory personnel authorities under Reference B.

(U/ [REDACTED]) Nevertheless, despite not needing your approval to terminate a probationary employee of ODNI, I had my office reach out to you to discuss the termination of Ms. McDonald. During a 15 May 2025 video teleconference call (VTC) with the ODNI Chief Operating Officer (COO) and the ODNI Acting General Counsel, the COO requested that you terminate the employment of Ms. McDonald based on the results of the agency's review of trial period personnel. During the VTC, the COO and Acting General Counsel explained ODNI's review of trial period employees and why Ms. McDonald was designated for termination. In response, you agreed to terminate Ms. McDonald's employment and volunteered to notify Ms. McDonald of the decision in coordination with ODNI HRM. The

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COO and Acting General Counsel emphasized that your support was appreciated, along with your agreement to take the action.

(U) Based on the foregoing reasons, I will not reinstate Ms. McDonald as a trial period employee of ODNI.



Tulsi Gabbard

May 30, 2025

Date