

Whistleblower Rights and Protections

Who Can Make a Protected Disclosure

Federal laws protect GSA employees, contractors, subcontractors, and personal service contractors from retaliation for disclosing allegations of wrongdoing— specifically allegations of a violation of law, rule or regulation; gross mismanagement; gross waste of funds; abuse of authority; or a substantial and specific danger to public health or safety. A person who makes these types of disclosures is commonly called a whistleblower.

Federal officials are prohibited from taking, threatening, proposing or failing to take a personnel action against a whistleblower because they made a whistleblower disclosure. Personnel actions can include a poor performance review, reassignment, demotion, suspension, and termination. Reports concerning wrongdoing by GSA employees or within GSA programs can always be submitted directly to the [OIG hotline](#). If you believe that you have been retaliated against for making a protected disclosure, you may file a retaliation complaint. The guidelines for filing a retaliation complaint are listed below in the drop down menus.

Also, if you have any questions about any of the information on this web page, or are concerned that you have experienced retaliation for blowing the whistle, you may contact the [OIG's Whistleblower Protection Coordinator](#) for additional information. You may also consult the [U.S. Office of Special Counsel \[OSC\] web site](#) or review the OSC pamphlet "[Know Your Rights When Reporting Wrongs](#)."

How to Make a Protected Disclosure

It is unlawful for your employer to retaliate against you for making a "protected disclosure." A disclosure is protected if it meets two criteria:

1. The disclosure must be based on a reasonable belief that wrongdoing has occurred. As explained below, the definition of wrongdoing varies depending on your place of employment.
2. The disclosure must also be made to a person or entity that is authorized to receive it. Employees who reasonably believe they have evidence of wrongdoing are protected for submitting information to the OIG Hotline. However, as explained below, the other authorized audiences are different, depending on your place of employment.

GSA Employees

Wrongdoing Defined

- Violation of any law, rule or regulation;
- Gross mismanagement;
- Gross waste of funds;
- Abuse of authority; and
- Substantial and specific danger to public health or safety.

Authorized Audiences

In general, employees may disclose information to anyone unless the information is classified or specifically prohibited by law from release.

If the information is classified or specifically prohibited from release, it may only be shared with the OIG, OSC or a designated agency official.

How to file a complaint

If you are a GSA employee, you may submit a retaliation complaint to the [U.S. Office of Special Counsel \(OSC\)](#) or through the [OIG hotline](#). The OSC has primary jurisdiction over retaliation complaints for most federal employees, including all GSA employees. The OSC has unique authority, including the ability to seek a temporary stay of a pending personnel action, and can seek to correct a retaliatory personnel action on your behalf. If you submit your complaint to the OIG, we will review it and let you know whether it is appropriate for the OIG to investigate or whether it should be referred to the OSC or elsewhere. Information about filing a whistleblower retaliation complaint with the OSC can be found at <https://osc.gov/pages/file-complaint.aspx>

GSA Contractors, Subcontractors, or Personal Service Contractors

Wrongdoing Defined

- Gross mismanagement of a Federal contract or grant;

Whistleblower Rights and Protections - GSA Office of Inspector General

- Gross waste of Federal funds;
- Abuse of authority relating to a Federal contract or grant;
- Substantial and specific danger to public health or safety; or
- Violation of law, rule, or regulation related to a Federal contract or a grant.

Authorized Audiences

For all disclosures, classified or unclassified, an employee of a contractor or subcontractor is only protected if the disclosure is made to:

- A Member of Congress or a representative of a committee of Congress.
- An Inspector General.
- The Government Accountability Office.
- A Federal employee responsible for contract oversight or management at the relevant agency.
- An authorized official of the Department of Justice or other law enforcement agency.
- A court or grand jury.
- A management official or other employee of the contractor or subcontractor who has the responsibility to investigate, discover, or address misconduct.

How to file a complaint

If you are an employee of a GSA contractor, subcontractor or personal service contractor, you may submit a retaliation complaint to the [OIG Hotline](#). Under 41 U.S.C. § 4712, it is illegal for an employee of a federal contractor, subcontractor or personal services contractor to be discharged, demoted, or otherwise discriminated against for making a protected disclosure. For more information about whistleblower protections for such employees, please consult the informational brochure. [NDAA brochure](#)

Disclosing Classified Information

A disclosure of waste, fraud, or abuse that includes classified information is not a protected disclosure under the whistleblower laws unless the disclosure is made in accordance with the laws and rules that govern the proper handling and transmission of classified information. For example, you are not protected for disclosing classified information to an unauthorized recipient,

Whistleblower Rights and Protections - GSA Office of Inspector General

even if you reasonably believe the information is evidence of fraud, waste, or abuse. You can make a protected disclosure of classified information to the OIG, but the information may not be transmitted using the OIG's unclassified hotline. For more information on how to properly provide classified information to the OIG, please contact the OIG's hotline at (800) 424-5210 or the OIG Whistleblower Protection Coordinator.

Additional Information

Whistleblower Protection Coordinator

The Inspector General Act requires GSA OIG to designate an individual to serve as the OIG's Whistleblower Protection Coordinator. The OIG's Whistleblower Protection Coordinator carries out a number of key functions, including:

- Educating GSA OIG employees and supervisors about prohibitions on retaliation for protected disclosures;
- Educating employees who have made or are contemplating making a protected disclosure about the rights and remedies available to them;
- Ensuring that the OIG is promptly and thoroughly reviewing complaints that it receives, and that it is communicating effectively with whistleblowers throughout the process; and
- Coordinating with the U.S. Office of Special Counsel, other agencies, and non-governmental organizations on relevant matters.

The OIG Whistleblower Protection Coordinator cannot act as a legal representative, agent, or advocate for any individual whistleblower for more information, you may contact the OIG Whistleblower Protection Coordinator at whistleblower@gsaig.gov or (202)273-7330.

Educational Resources

- U.S. Office of Special Counsel's "Know Your Rights When Reporting Wrongs" [brochure](#)
- U.S. Office of Special Counsel's "Your Rights as a Federal Employee" [informational document](#)
- U.S. Office of Special Counsel's Whistleblower Protection [slide show](#) U.S. Office of Special Counsel's posters on [whistleblowing](#) , [prohibited personnel practices](#), and [whistleblower retaliation](#)

Nondisclosure Agreements

Pursuant to the Whistleblower Protection Enhancement Act of 2012, the following statement applies to non-disclosure policies, forms, or agreements of the federal government with current or former employees, including those in effect before the Act's effective date of December 27, 2012:

"These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive Order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive Orders and statutory provisions are incorporated into this agreement and are controlling."

The controlling Executive Orders and statutory provisions in the event of any conflict with a non-disclosure policy, form, or agreement include, as of March 14, 2013:

- Executive Order No. 13526 (governing classified national security information);
- Section 7211 of Title 5, United States Code (governing disclosures to Congress);
- Section 1034 of Title 10, United States Code as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military);
- Section 2302(b)(8) of Title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 and the Whistleblower Protection Enhancement Act of 2012 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats);
- Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents);
- The statutes which protect against disclosure that may compromise the national security, including Sections 641, 793, 794, 798, and 952 of Title 18, United States Code; and
- Section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)).