



Office of Inspector General U.S. Development Finance Corporation

Whistleblower Rights and Protections

DFC employees, as well as DFC contractors, subcontractors, and partners, have the right to report what they reasonably believe to be evidence of wrongdoing, without reprisal for doing so.

Whistleblower Protections

An agency official may not retaliate against an employee for whistleblowing. See [5 U.S.C. § 2302\(b\)\(8\)](#). Protections and remedies for whistleblowers vary by category and are discussed in detail below.

- Federal Employees (Direct hires)
- Nonfederal Employees (Employees of contractors, subcontractors, and partners)

Whistleblower Protection Coordinator

Pursuant to the Inspector General Act, DFC's Inspector General (IG) has designated Gladis Griffith, Deputy Inspector General and General Counsel, as the Whistleblower Protection Coordinator for DFC. Duties include:

- Educating employees under DFC OIG's oversight jurisdiction about prohibitions on retaliation for protected disclosures, as well as educating specific employees who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.
- Helping the IG consider and handle protected disclosures and allegations of reprisal in a timely and appropriate manner.
- Coordinating with the U.S. Office of Special Counsel (OSC), the Council of the Inspectors General on Integrity and Efficiency (CIGIE), DFC, Congress, and other relevant entities regarding protected disclosures, allegations of reprisal, and implementation of whistleblower protection laws, rules, and regulations.

The Whistleblower Protection Coordinator welcomes opportunities to speak to DFC employees and contractors. Please note that the Whistleblower Protection Coordinator is prohibited from acting as an employee's (or former employee's) legal representative, agent, or advocate. To contact the Whistleblower Protection Coordinator, please use the [OIG Hotline](#).

In addition, complaints and tips concerning wrongdoing by DFC employees or within DFC programs can be submitted to the [OIG Hotline](#).

Whistleblower Protection Laws: Federal Employees (Direct Hires)

Retaliation against whistleblowers is a prohibited personnel practice under civil service laws. Managers who retaliate may be subject to disciplinary action up to and including removal.

Protected disclosures include the disclosure of information that the employee reasonably believes provides evidence of:

- A violation of law, rule, or regulation;
- Gross mismanagement;
- Gross waste of funds;
- An abuse of authority; or
- A substantial and specific danger to public health or safety.

A disclosure is protected even if the whistleblower is wrong, as long as the whistleblower reasonably believed the disclosure was correct.

How to File Whistleblower Retaliation Complaints

If an adverse personnel action has been taken or threatened against you in retaliation for making a disclosure of wrongdoing within your office, you may submit a complaint to the [U.S. Office of Special Counsel \(OSC\)](#) or to the [OIG Hotline](#). Allegations of reprisal regarding equal employment opportunity (EEO) matters generally should be addressed through the EEO process.

Additional Resources: Federal direct-hire employees may find additional information about prohibited personnel practices and employee rights at the [U.S. Office of Special Counsel \(OSC\)](#) and [Merit Systems Protection Board \(MSPB\)](#) websites.

Handling Classified Information

Employees may report allegations involving information required by Executive Order to be kept classified, or by law to be restricted in circulation (for example, trade secrets or Privacy Act protected material), but only if disclosed to: (1) the Special Counsel; (2) the inspector general of an agency; (3) Congress; or (4) another employee of the agency who is designated to receive such disclosures.

Whistleblower Protection Laws: Nonfederal Employees (Employees of contractors, subcontractors, and borrowers)

Federal law protects employees of federal contractors, subcontractors, and partners, as well as personal service contractors, from reprisal concerning protected disclosures about federal contracts or grants. See [41 U.S.C. 4712](#).

Under the law, employees of Government contractors, subcontractors, and partners, as well as personal services contractors, who make a protected disclosure about a federal grant or contract cannot be discharged, demoted, or otherwise discriminated against, as long as they reasonably believe the information they disclose is evidence of:

- Gross mismanagement of a federal contract or grant;
- Waste of federal funds;
- Abuse of authority relating to a federal contract or grant;
- Substantial and specific danger to public health and safety; or
- Violations of any law, rule, or regulation related to a federal contract or grant.

Protected Disclosures Defined

“Protected disclosures” means information shared with any of the following authorities:

- An inspector general.
- The Government Accountability Office.
- Members of Congress or representatives of congressional committees.
- A federal employee responsible for contract or grant oversight or management.
- An authorized official of the Department of Justice or other law enforcement agency.
- A court or grand jury.
- A manager or other employee of the contractor, grantee, or personal services contractor who has responsibility for investigating, discovering, or addressing misconduct.

How To File a Whistleblower Reprisal Complaint

Protected employees may file reprisal complaints through the [OIG Hotline](#). Employees should file their complaint as promptly as possible after the alleged retaliatory action. Waiting over 180 days may affect the ability to prove the alleged reprisal. Information on OIG Hotline procedures may be found on the [OIG website](#).

Caution: The Office of Special Counsel, which has authority to examine cases of whistleblower retaliation against direct-hire federal employees, does not have jurisdiction over cases of retaliation against employees of federal contractors, subcontractors, and partners, or personal services contractors.

Investigating Whistleblower Retaliation Complaints From Protected Employees

The OIG has jurisdiction to investigate any allegations by employees of federal contractors, subcontractors, and partners, or personal services contractors, regarding retaliation for making a protected disclosure. Within 180 days of receipt of a complaint, or within any extension period up to 180 days as agreed to with the complainant, the OIG will do one of the following:

- Investigate the complaint and submit a report of findings to the DFC CEO or designee, the person who submitted the complaint, and the person’s employer.
- Dismiss the complaint after determining that it is frivolous, fails to allege a violation of the whistleblower protection law, or has already been addressed in another judicial or administrative proceeding initiated by the complainant.

The DFC CEO or designee will review any report the OIG submits and determine whether there is sufficient basis to conclude that the employer has subjected the employee to a prohibited reprisal. The DFC CEO or designee will issue an order within 30 days of receipt of the report, either denying relief or directing one or more of the following corrective actions:

- Order the contractor, subcontractor, or partner to take affirmative action to abate the reprisal.
- Order the contractor, subcontractor, or partner to reinstate the complainant to the position held before the reprisal, providing compensatory damages (including back pay) and employment benefits, and otherwise meeting the terms and conditions of employment that would apply if the reprisal had not been taken.
- Order the contractor, subcontractor, or partner to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that the DFC CEO or designee determines were reasonably incurred by the complainant for, or in connection with, bringing the complaint, as determined by the DFC CEO or designee.

If the DFC CEO or designee denies relief, or if no action has been taken within 210 days of receipt of the complaint (or 30 days following expiration of any extension agreed to between the OIG and the complainant), the complainant may bring an action in an appropriate U.S. district court against his or her employer as described under 41 U.S.C. section 4712.

If the DFC CEO or designee orders a corrective action and the employer fails to comply, the DFC CEO or designee will file an action for enforcement in the appropriate U.S. district court. The complainant may also file or join such an action seeking enforcement of an order.