Notice to Employees Regarding
Federal Pilot Program for Enhancement of Employee Whistleblower Protection

Congress issued the latest whistleblower protection statute, 41 U.S.C., section 4712, with an effective date of July 1, 2013. The National Defense Authorization Act (NDAA), P.L. 112-239, mandated a four-year pilot program, Pilot Program for Enhancement of Contractor Employee Whistleblower Protection, which expanded the Whistleblower Program to cover all employees working for contractors, grantees, subcontractors, and sub-grantees on federal grants and contracts. The program requires written notification to such employees. Whistleblower protections cannot be waived by any agreement, policy, form, or condition of employment.

The statute states that an “employee of a contractor, subcontractor, grantee [or sub-grantee] may not be discharged, demoted, or otherwise discriminated against as a reprisal for “whistleblowing”, which is defined as disclosure of “information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of federal funds, abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant”.

To qualify under the statute, the employee’s disclosure must be made to:

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

The pilot program also establishes a new process for review of whistleblower reprisal complaints alleged by employees of contractors, subcontractors, and grantees, “A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved.”

Procedures for submitting fraud, waste, abuse, and whistleblower complaints are generally accessible on agency Office of Inspector General (OIG) Hotline or Whistleblower Internet sites, such as these:

- Department of Agriculture: http://www.usda.gov/oig/contractorform.htm
- Department of Health and Human Services: https://forms.oig.hhs.gov/hotlineoperations/
- National Institutes of Health: http://oma.od.nih.gov/public/DPI/Pages/default.aspx
- National Science Foundation: http://www.nsf.gov/oig/

Complaints can also be submitted anonymously at the USNH Internal Audit Anonymous Hotline at http://www.usnh.edu/audit/hotline.html.

On campus resources for reporting a concern include UNH Human Resources (603-862-0501 / Human.Resources@maple.unh.edu) and UNH Sponsored Programs Administration (http://www.unh.edu/research/support-units/sponsored-programs-administration).

If you have questions regarding implementation of this program please contact:

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