

WHISTLEBLOWER PROTECTION REQUIREMENTS

Audience for this message: HPRP grantee staff and some subgrantees or contractors

Purpose: To ensure that grantees are aware of the Recovery Act requirements protecting whistleblowers

Requirement:

The SNAPS Office has been asked to remind grantees of the following requirement in the original Recovery Act statute. In accordance with Section 1553 of the Recovery Act, entitled “Protecting State and Local Government and Contractor Whistleblowers,” HPRP grantees and certain other recipients are required to display, in their place of employment, the Whistleblower Protection Poster. This poster is a notice of whistleblowers’ rights and remedies, and can be obtained using the following link to the Whistleblower Information web page:

<http://www.recovery.gov/Contact/ReportFraud/Pages/WhistleBlowerInformation.aspx>

The requirements **do** apply to:

- All HPRP grantees;
- Any other recipient of HPRP funds that is a government of a political subdivision of a state or territory (including any unit of general purpose local government that receives HPRP funds as a subgrantee); and
- Any contractor or subcontractor **that is procured by** and receives HPRP funds from a state, territory, the District of Columbia, or any government of a political subdivision of a state or territory (regardless of whether that government is a grantee or subgrantee). For example, contractors or subcontractors that are procured by cities and counties, whether the city or county is a grantee or subgrantee, even if the contractor or subcontractor is a non-profit organization, would need to display the poster.

The requirements under Section 1553 of the Recovery Act **do not apply** to any private nonprofit organization, **unless** that organization receives HPRP funds as a contractor or subcontractor of (i.e. was procured by) a State, territory, the District of Columbia, or the government of a political subdivision of a state or territory. **If a private nonprofit organization only receives HPRP funds as a subgrantee, it is not subject to the requirements under Section 1553.**

For HPRP, the Whistleblower Protection posters must be displayed at the job sites of the above employers, where they can be seen by the protected employees.

Context:

According to the Recovery Act statute, “an employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing... information that the employee reasonably believes is evidence of –

- (1) gross mismanagement of an agency contract or grant relating to covered funds;

- (2) a gross waste of covered funds;
- (3) a substantial and specific danger to public health or safety related to the implementation or use of covered funds;
- (4) an abuse of authority related to the implementation or use of covered funds; or
- (5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.”

The full text of Section 1553 details the rights of whistleblowers, and the responsibilities of organizations. This text can be found at www.thomas.gov, by searching for P.L. 111-5.