

July 10, 2015

Pilot Program for Enhancement of Employee Whistleblower Protection
41 U.S.C. §4712

The Federal government has enacted a pilot program aimed at enhancing and expanding protections for employees against reprisals for whistleblowing activities related to federal grants and contracts. The pilot program runs through January 1, 2017. The statute, 41 U.S.C. §4712, applies to all employees working for grantees, subgrantees, contractors, and subcontractors on federal awards. The law states that an “employee...may not be discharged, demoted, or otherwise discriminated against as a reprisal for whistle blowing.” The full text of the statute is available at <http://www.gpo.gov/fdsys/pkg/USCODE-2012-title41/pdf/USCODE-2012-title41-subtitleI-divsnC-chap47-sec4712.pdf>

Under the pilot program, employees cannot be discharged, demoted or otherwise discriminated against for disclosing information (except for classified information) that the employee reasonably believes is evidence of any of the following:

- Gross mismanagement of a federal contract or grant;
- A gross waste of federal funds;
- An 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 or grant (including the competition for, or negotiation of, a contract or grant).

To qualify under the pilot program, 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 or grand jury; or
- A management official or other employee of the contractor, subcontractor, grantee, or subgrantee who has the responsibility to investigate, discover, or address misconduct.

In addition, the pilot program covers an employee who initiates or provides evidence of misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a federal contract or grant.

Caltech is committed to operating with integrity and in full compliance with all applicable laws, regulations, and policies. Caltech does not tolerate retaliation against individuals who report compliance concerns in good faith. For more information, Caltech’s Whistleblower Protection can be accessed at https://hr.caltech.edu/documents/50-citpolicy_whistleblower.pdf