



IN THIS SECTION

Our Inspector General

- Office of Audits
- Office of Investigations
- Office of Management
- Office of Legal & Legislative Affairs
- Office of Evaluations & Inspections
- Audit Reports
- Semiannual Reports to Congress
- Investigative Summaries
- Press Releases
- Peer Review Reports
- Special Reports and Reviews
- FEHBP Administrative Sanctions
- Payroll Office Agreed Upon Procedures
- Electronic Freedom of Information Act
- Whistleblower Protection Information
- Hotline to Report Fraud, Waste or Abuse
- Staff Biographies

Our Inspector General

WHISTLEBLOWER PROTECTION INFORMATION

Rights of OPM Employees, Applicants for Employment, and Employees of Contractors Who Disclose Fraud, Waste, or Abuse

If you know of fraud, waste, abuse, mismanagement, or a substantial and specific danger to public safety or health in Office of Personnel Management (OPM) programs and operations, report it to the OPM Office of the Inspector General (OIG) using the [OIG Hotline](#).

Whistleblower disclosures can save lives as well as billions of taxpayer dollars. They play a critical role in keeping our Government honest, efficient, and accountable. Recognizing that whistleblowers root out fraud, waste, and abuse, and protect public health and safety, Federal laws strongly encourage Federal employees, as well as employees of Federal contractors, to disclose wrongdoing. Federal laws also protect whistleblowers from retaliation.

The Whistleblower Protection Enhancement Act of 2012 directs Inspectors General to designate a whistleblower protection ombudsman for the purpose of educating employees about prohibitions on retaliation against whistleblowers, and about rights and remedies available to whistleblowers who believe they have been or may be retaliated against. In fulfillment of the ombudsman requirement and to promote the important goal of accountability and transparency within and outside the agency, the OPM OIG Office of Legal Affairs has prepared this page about whistleblower protection policy as an educational resource for employees of OPM, applicants for employment at OPM, and employees of OPM's contractors and subcontractors.

It is the aim of the OPM OIG to provide as much information as possible to assist and encourage whistleblowers, potential whistleblowers, and victims of actual or threatened whistleblower retaliation. However, please note that OPM OIG staff are prohibited from acting as legal representative, agent, or advocate for whistleblowers, and cannot provide legal advice or counsel. The resources provided on this website are educational only and are not a substitute for private legal advice.

Whistleblower Protection for Federal Employees, Former Employees, and Applicants for Employment

Protected Disclosures of Fraud, Waste, and Abuse

A "protected disclosure" under Federal whistleblower protection law includes any disclosure of information that an employee, former employee, or applicant for employment *reasonably believes* evidences—

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

Disclosures of such wrongdoing are covered by whistleblower protections regardless of whether they are made to the Office of the Inspector General, the Office of Special Counsel, a supervisor or someone higher up in management, or a member of Congress or congressional committee—provided that the disclosure is not specifically prohibited by law and the information does not have to be kept secret in the interest of national defense or the conduct of foreign affairs.

Prohibited Personnel Practices

Federal whistleblower protection law provides legal remedies for employees or job applicants who face retaliation for making protected disclosures of fraud, waste, abuse, mismanagement, or substantial and specific danger to public safety or health.

Specifically, it is a prohibited personnel practice for Federal employers to retaliate against whistleblowers by taking, failing to take, or threatening to take or not to take, a personnel action. "Personnel action" in this context means an appointment, promotion, disciplinary action, detail, transfer, reassignment, reinstatement, restoration, or reemployment; a decision concerning performance evaluations, pay, benefits, awards, education, training; or any other significant change in duties, responsibilities, or working conditions. In addition, the law prohibits retaliation for filing an appeal, complaint, or grievance; helping someone else file or testifying on their behalf; or cooperating with or disclosing information to the OIG. If you are an employee of OPM or an applicant for employment at OPM and you have been subjected to or threatened with this kind of whistleblower retaliation, you have the right to seek redress from the OPM OIG, the Office of Special Counsel, or (in some cases) the Merit Systems Protection Board as described below under "Filing a Complaint of Whistleblower Retaliation or Threatened Retaliation."

Special Requirements for Nondisclosure Agreements. As further protection for potential whistleblowers, the Whistleblower Protection Enhancement Act of 2012 prohibits agencies from issuing or enforcing nondisclosure agreements, policies, or forms that do not contain the following statement:

"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."

Special Prohibition on Retaliation Affecting Security Clearances. Effective July 8, 2013, [Presidential Policy Directive 19 \(PPD-19\)](#) prohibits whistleblower retaliation in the form of actions that affect an employee's eligibility for access to classified information. The types of protected disclosures covered by PPD-19 are more limited than in the situations described above: the protection only extends to employees whose disclosures were 1) to a supervisor in the employee's direct chain of command, including the Director of OPM, or 2) to the Inspector General, or 3) to an employee designated by either of the above officials for the purpose of receiving such disclosures. The protection also extends to employees who cooperate with or disclose information to the OIG in connection with an audit, inspection, or investigation.

Unlike other prohibited personnel practices, retaliation or threatened retaliation relating to an employee's security clearance is *not* within the jurisdiction of the Office of Special Counsel or the Merit Systems Protection Board. Instead, PPD-19 requires each agency to establish an internal review process to address whether the denial or revocation of an employee's clearance should be reconsidered because it was improperly based on relation for the employee's protected whistleblower disclosures. This process will include an OIG investigation and report to the Director of OPM that may recommend corrective or disciplinary action. Any OPM employee whose security clearance is denied or revoked should receive a notice from OPM Facilities, Security and Contracting (FSC) fully explaining the [review and appeals process](#).

Filing a Complaint of Whistleblower Retaliation or Threatened Retaliation

If you are an OPM employee or an applicant for employment at OPM, and you believe you have been or may be subjected to whistleblower retaliation, you have several avenues for seeking recourse.

- The OPM OIG Hotline.** The OPM OIG investigates allegations of whistleblower retaliation against OPM employees and applicants for employment at OPM. Following an investigation, the OIG issues a report of its findings to OPM and may recommend that OPM take voluntary corrective or disciplinary action as appropriate to remedy the situation. The OIG also may refer the complaint to the Office of Special Counsel (OSC) for further action (see below). OPM employees who report their allegations to the OPM OIG may still file retaliation complaints with the OSC or MSPB as described below, though the OSC may opt not to become involved until the OIG's investigation is concluded. Please note that employees and applicants for employment at agencies other than OPM should refer to their own agency's guidelines regarding whistleblower protection. [Click here to learn how to contact the OPM OIG Hotline.](#)
- The Office of Special Counsel (OSC).** OSC receives, investigates, and prosecutes allegations of prohibited personnel practices, with an emphasis on protecting Federal government whistleblowers. When merited, OSC seeks corrective action remedies (such as back pay and reinstatement) on behalf of victims of whistleblower retaliation, either by negotiation with the employing agency or by seeking an order from the Merit Systems Protection Board (MSPB). OSC is also authorized to file complaints at the MSPB to seek disciplinary action against individuals who commit prohibited personnel practices. Under the Whistleblower Protection Act, if an employee files a retaliation complaint with OSC and OSC opts not to seek corrective action on the employee's behalf, the employee may bring an "individual right of action" before the Merit Systems Protection Board (see below). More information on how OSC may help you resolve your whistleblower retaliation complaint, including how to file a complaint, may be found on their [website](#).
- The Merit Systems Protection Board (MSPB).** Generally, an employee alleging whistleblower retaliation may only bring an individual right of action to the MSPB if the employee has first filed a complaint with the OSC and the OSC has opted not to seek corrective action on the employee's behalf. However, certain personnel actions are appealable directly to the MSPB, regardless of whether whistleblower retaliation is a component of the complaint. Personnel actions that are directly appealable to the MSPB include adverse actions (removals, suspensions that exceed 14 days, reductions in grade or pay, and furloughs for 30 days or less), performance-based removals or reductions in grade, denials of within-grade salary increases, reduction-in-force actions, and denials of restoration or reemployment rights. If whistleblower retaliation is a component of the complaint, the MSPB will investigate both the adverse action and the alleged retaliation. If the MSPB finds that a prohibited personnel practice has been committed, the MSPB has the authority to order the agency to take certain corrective actions as appropriate to remedy the harm suffered by the employee. More information on [whistleblower MSPB appeals](#) is available [here](#).

Whistleblower Protection for Employees of OPM Contractors and Subcontractors

The National Defense Authorization Act of 2013 extended whistleblower protection to employees of Federal contractors, subcontractors, and grantees.

If you believe you have been subjected to whistleblower retaliation (defined below) as an employee of an OPM contractor or subcontractor, you may submit a complaint through the [OIG Hotline](#).

Information Covered by Contractor Whistleblower Protection Laws

Contractors, subcontractors, and grantees of Federal agencies may not discharge, demote, or otherwise discriminate against an employee as a reprisal for making a protected disclosure of information that the employee *reasonably believes* is evidence of:

- gross mismanagement of a Federal contract or grant;
- 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.

Protected Disclosures under Contractor Whistleblower Protection Laws

Protected Disclosures in this context include information shared with:

- members of Congress or representatives of congressional committees;
- an Inspector General;
- the Government Accountability Office;
- 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; or
- a manager or other employee of the contractor, subcontractor, or grantee who has responsibility for investigating, discovering, or addressing misconduct.

Limitations on Coverage

It is important to note that this protection extends only to contractors and subcontractors whose contracts became effective or were amended on or after July 1, 2013, or to whom new task orders have been issued since that date. Additionally, a complaint may not be brought more than three years after the date on which the alleged reprisal took place.

Process for Investigating and Responding to Contractor Employees' Whistleblower Retaliation Complaints

Within 180 days following receipt of a complaint, or within any extended time period up to 180 days as agreed to with the complainant, OPM OIG will either:

- Investigate the complaint and submit a report of findings to the Director of OPM, the person who submitted the complaint, and the person's employer; or
- Dismiss the complaint based on a determination 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 Director will review the OPM OIG's report and determine whether there is sufficient basis to conclude that the contractor or subcontractor has subjected the employee to a prohibited reprisal. The Director will issue an order within 30 days following receipt of the report either denying relief or granting one or more of the following corrective actions:

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

If the Director 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 OPM OIG and the complainant), the complainant may bring an action in an appropriate United States district court against his or her employer as described under 41 U.S.C. § 4712.

If the Director orders a corrective action and the contractor or subcontractor fails to comply, the Director will file an action for enforcement in the appropriate United States district court. The complainant may also file or join such an action seeking enforcement of an order.

[BACK TO TOP](#) ↗



U.S. OFFICE OF PERSONNEL MANAGEMENT

1900 E Street, NW, Washington, DC 20415
202-606-1800

Federal Relay Service

A - Z Index

[FAQs](#)

[Forms](#)

[Reports & Publications](#)

[Combined Federal Campaign](#)

Sustainability

[Recovery Act](#)

[FOIA](#)

[Information Management](#)

[No Fear Act](#)

Inspector General

[Ethics](#)

[USA.gov](#)

[Office of Special Counsel](#)

[Privacy Policy](#)

ABOUT

- [Our Agency](#)
- [Our Director](#)
- [Our Inspector General](#)
- [Our Mission, Role & History](#)
- [Our People & Organization](#)
- [Careers at OPM](#)
- [Doing Business with OPM](#)
- [Budget & Performance](#)
- [Open Government](#)
- [Get Help](#)
- [Contact Us](#)

POLICY

- [Assessment & Selection](#)
- [Classification & Changes in Health](#)
- [Qualifications](#)
- [Data, Analysis & Documentation](#)
- [Disability Employment](#)
- [Diversity & Inclusion](#)
- [Employee Relations](#)
- [Hiring Authorities](#)
- [Human Capital Management](#)
- [Labor-Management Relations](#)
- [Oversight Activities](#)
- [Pandemic Information](#)
- [Pay & Leave](#)
- [Performance Management](#)
- [Senior Executive Service](#)
- [Settlement Guidelines](#)
- [Snow & Dismissal Procedures](#)
- [Training & Development](#)
- [Veterans Services](#)
- [Work-Life](#)
- [Workforce Restructuring](#)
- [Policy FAQs](#)
- [Contact Policymakers](#)

INSURANCE

- [Life Events](#)
- [Changes in Health Coverage](#)
- [Healthcare](#)
- [Dental & Vision](#)
- [Life Insurance](#)
- [Flexible Spending Accounts](#)
- [Long Term Care](#)
- [Multi-State Plan Program](#)
- [Tribal Employers](#)
- [Special Initiatives](#)
- [Insurance Glossary](#)
- [Insurance FAQs](#)
- [Contact Healthcare & Insurance](#)
- [The Affordable Care Act](#)

RETIREMENT

- [My Annuity and Benefits](#)
- [CSRS Information](#)
- [FERS Information](#)
- [Phased Retirement](#)
- [Special Notices](#)
- [Calculators](#)
- [Publications & Forms](#)
- [Benefits Officers Center](#)
- [Retirement FAQs](#)
- [Contact Retirement](#)

INVESTIGATIONS

- [e-QIP Application](#)
- [Background Investigations](#)
- [FOIA & Privacy Act](#)
- [Requests](#)
- [Investigations FAQs](#)
- [Contact Investigations](#)

AGENCY SERVICES

- [Classification & Job Design](#)
- [Workforce Restructuring](#)
- [Workforce & Succession Planning](#)
- [Recruiting & Staffing Solutions](#)
- [Assessment & Evaluation](#)
- [Federal Leadership Programs](#)
- [Leadership Development](#)
- [Federal Executive Institute](#)
- [Performance Management](#)
- [Telework Solutions](#)
- [Technology Systems](#)
- [Training-Management](#)
- [Assistance](#)
- [HR Line of Business](#)
- [Administrative Law Judges](#)
- [Federal Executive Boards](#)
- [Contact Agency Services](#)

NEWS

- [Latest News](#)
- [Speeches & Remarks](#)
- [Memoes to Agencies](#)
- [Testimony](#)
- [Legislative Proposals](#)
- [Reports & Publications](#)
- [Social Media Presence](#)
- [Feeds, Blogs & Lists](#)
- [Website Archive](#)