

MMB Statewide Policy #0102-03

# Federal Whistleblower Protection Policy

**Date Issued:** 06/14/2021

**Date Revised:** N/A

**Authority:** Minnesota Management and Budget;  
Department of Administration

## OVERVIEW

### Objective

To comply with federal whistleblower protections as required as a recipient of federal funds or contracts, and to inform employees in writing of the rights and remedies provided under 42 U.S.C. § 4712.

### Policy Statement

Minnesota State government is committed to protecting from retaliation employees who engage in good faith disclosure of alleged wrongful conduct as provided by federal law.

### Scope

This policy applies to all employees and officers of Minnesota State government.

## Definitions and Key Terms

Terms	Definitions
<i>Protected Contacts</i>	A member of Congress or a representative of Congress; A U.S. Inspector General; The U.S. Government Accountability Office; A U.S. Treasury employee responsible for contract or grant oversight or management; An authorized official of the U.S. Department of Justice or other law enforcement agency; A court or grand jury; or A management official or other employee of Minnesota State government, a State contractor, or a State subcontractor, who has the responsibility to investigate, discover, or address misconduct.

## Exclusions

None

# GENERAL STANDARDS AND EXPECTATIONS

## Reprisal Prohibited

No employee or officer of Minnesota State government may discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any Protected Contacts information the employee reasonably believes is evidence of the following:

- Gross mismanagement of a federal contract or grant
- Gross waste of federal funds
- Abuse of authority relating to a federal contract or grant
- Substantial and specific danger to public health or safety
- A violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

Employees who engage in reprisal as described in this policy will be subject to disciplinary action, up to and including discharge.

## Complaints

As provided in 42 U.S.C. § 4712, employees who believe they have been subjected to reprisal as described in this policy may submit a complaint to the U.S. Inspector General of the federal executive agency involved.

## Rights and Remedies

As provided in 42 U.S.C. § 4712, if the head of the federal executive agency involved determines, after receiving an Inspector General report, that there is sufficient basis to conclude the complainant was subjected to reprisal, the federal executive agency head will order one or more of the following:

- Order affirmative action to be taken to abate the reprisal.
- Order the complainant reinstated to the position they held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the complainant in that position if the reprisal had not been taken.
- Order payment to the complainant in 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 regarding the reprisal, as determined by the head of the federal executive agency.

## RESPONSIBILITIES

### Agencies are responsible for:

Adopting and communicating this policy to their employees in writing.

Complying with the terms of this policy.

### MMB is responsible for:

Maintaining this policy.

Making modifications to this policy.

### Employees are responsible for:

Complying with all applicable terms of this policy.

## REFERENCES

41 U.S.C. § 4712

## CONTACTS

For questions about this policy, contact:

MMB Internal Control & Accountability, [InternalControl.MMB@state.mn.us](mailto:InternalControl.MMB@state.mn.us)

Admin OSP Contract Compliance, [OSPContractCompliance@state.mn.us](mailto:OSPContractCompliance@state.mn.us)