



POLICY AND PROCEDURE NOTICE: PPPN-027 WHISTLEBLOWER PROTECTION

Summary and Purpose of PPN: To guide the administration of the Ryan White Part A Program in ensuring the protection of individuals from retribution because of disclosure of information.

Authority:

- 41 U.S.C. 4172 and Pub. L. 112-239
- HAB National Monitoring Standards – Universal - Part A & B
- Fulton County Ryan White Contract/Agreement

Policy and Procedure:

All Ryan White Part A funded service providers must comply with the latest whistleblower protection statutes that went into effect July 1, 2013. The statute, 41 U.S.C. 4172, applies to all employees working for contactors, recipients, subcontractors, and subrecipients on federal grants and contracts. The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112-239, enacted January 2, 2013) mandates a pilot program entitled “Pilot Program for Enhancement of Contractor Employee Whistleblower Protections.” This program requires all recipients, subrecipients, and subcontractors to:

1. Inform their employees working on any federal award that they are subject to the whistleblower rights and remedies of the pilot program.
2. Inform their employees in writing of employee whistleblower protections under 41 U.S.C. 4712 in the predominant native language of the workforce; and,
3. Contractors, subrecipients, and recipients will include such requirements in any contract made with a subcontractor or subrecipient.

Whistleblowing is defined as making a disclosure “that the employee 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
- 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)

NOTE: Whistleblower protections cannot be waived by any contract, policy, form, or condition of employment.

PROCEDURE: To ensure compliance with Whistleblower Protection Statutes, funded providers must develop, implement and adhere to the following procedures:

- I. Inform their employees working on any federal award, they are subject to the whistleblower rights and remedies of the pilot program.
- II. Inform their employees in writing of employee whistleblower protections under 41 U.S.C. 4712 in the predominant native language of the workforce. Notification shall inform employees that they may not be discharged, demoted, or otherwise discriminated against as a reprisal for “whistleblowing.” Each employee should sign statement indicating receipt of notification with the signed statement placed in the agency’s personnel file for the employee.
- III. Implementation of a policy which notifies employees that any disclosure under the whistleblowing protection statutes must be made to at least one of the following:
 - A Member of Congress, or 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
 - A management official or other employee of the contractor, subcontractor, recipient, or subrecipient who has responsibility to investigate, discover, or address misconduct
- IV. Implement a policy for including Whistleblowing Protection language in all contracts with subcontractors and subrecipients.

Verification:

1. Verify subrecipients’ policy.
2. Verification of notification of employees of their whistleblower protections.
3. Verification inclusion of Whistleblowing Protection language in all contracts with subcontractors and subrecipients.

Approved August 2016

Reviewed April 2021