

Federal Whistleblower Protection Frequently Asked Questions (FAQ) * this version sent to all USDA 2.8.22

Whistleblowers perform an important service to the public when they report evidence of waste, fraud, abuse, and other misconduct. These FAQs primarily cover whistleblowers who are Federal employees, former Federal employees, applicants for Federal employment and employees of Federal contractors, subcontractors, grantees, sub-grantees, and personal service contractors. If you have any questions about any of the information in these FAQs, you may contact the USDA OIG Whistleblower Protection Coordinator for additional information. You may also consult the web sites of the [U.S. Office of Special Counsel \(OSC\)](https://www.oversight.gov/content/whistleblower-protections), or Oversight.gov at <https://www.oversight.gov/content/whistleblower-protections>.

What is the U.S. Department of Agriculture, Office of Inspector General?

The U.S. Department of Agriculture's (USDA) Office of Inspector General (OIG) conducts audits, investigations, inspections, evaluation and reviews to accomplish the following three strategic mission goals:

1. Strengthen USDA's ability to protect public health and safety and to secure agricultural and Department resources.
2. Strengthen USDA's ability to deliver program assistance with integrity and effectiveness.
3. Strengthen USDA's ability to achieve results-oriented performance.

USDA OIG's work promotes economy, efficiency, and integrity in USDA programs and operations. USDA's budget is one of the largest in the Government, and the Department's nearly 100,000 employees run approximately 300 programs. These programs provide a wide array of services and benefits nationwide, including providing the nation with nutrition assistance, ensuring public safety, and distributing benefits to the nation's farmers and producers in the wake of natural disasters. The Inspector General Act of 1978 and other legislation give OIG independence with a separate budget, personnel, purchasing, and legal authorities

What is the U.S. Office of Special Counsel (OSC)?

OSC is not part of USDA. OSC is an independent Federal investigative and prosecutorial agency whose basic authorities derive from four Federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act. OSC's primary mission is to safeguard the merit system by protecting Federal employees and applicants from prohibited personnel practices (PPP). Two PPPs relevant to whistleblowing and OIG are Whistleblower Retaliation (5 U.S.C. § 2302(b)(8)) and Other Retaliation (5 U.S.C. § 2302(b)(9)). More information about OSC can be found on its website at www.osc.gov.

Whom do Whistleblower laws protect?

Federal whistleblower laws protect Federal employees, former Federal employees, and applicants for Federal employment from retaliation concerning certain protected disclosures. *See* [5 U.S.C. § 2302\(b\)\(8\)](#).

Federal law also protects employees of Federal contractors, subcontractors, grantees, sub-grantees, and personal service contractors from reprisal concerning protected disclosures about Federal contracts or grants. ([41 U.S.C. 4712](#)).

There are numerous other Whistleblower laws depending on who your employer is, or whom your disclosure concerns. Members of the public are not provided protection through Federal whistleblower protection laws. For general information about other Federal Whistleblowers laws, please refer to <https://www.oversight.gov/content/whistleblower-protections>.

Where do I report fraud, waste, abuse or retaliation related to a Federal government agency, program, contract, or grant?

The Council of the Inspectors General on Integrity and Efficiency and OSC have developed a resource to ensure that whistleblowers are informed of the avenues available to them to report wrongdoing, and the correct venue to file a complaint to address any retaliation that may occur after reporting wrongdoing.

By following the prompts at www.oversight.gov/whistleblowers, you will be directed to the appropriate Office of Inspector General or to the OSC to report wrongdoing or to file a retaliation complaint.

Where should I report violations of laws and regulations relating to USDA programs?

You should report violations of laws and regulations relating to USDA programs to the USDA OIG Hotline, particularly if you witness or have knowledge of any of the following:

- Criminal Activity, such as: Bribery, Smuggling, Theft, Fraud, Endangerment of Public Health or Safety
- Mismanagement / Waste of Funds
- Workplace Violence
- Employee Misconduct
- Research Misconduct
- Conflict of Interest
- Fraud in USDA Contracts

The USDA OIG Hotline is located within the OIG, Office of Investigations. In order to access the USDA OIG Hotline's online reporting form, please visit: <https://www.usda.gov/oig/hotline>, scroll to the bottom of the screen page, and click on the red box that reads, "Submit a Complaint." Complaint submission is encouraged via the Online Hotline website versus U.S. Mail.

Does USDA have a secure means available to make a Hotline complaint involving classified information?

USDA has two secure telephone lines established to receive complaints containing *classified* information. Both lines are located within USDA OIG. These phone numbers are 816-926-7937 and 202-720-9731. In order to ensure the telephone line will be answered at the time a call is made, please advance email the Whistleblower Protection Coordinator at OIGWPC@oig.usda.gov and advise that you need to make a complaint involving *classified* information. The WPC will arrange a time to receive the call. Do not include any *classified* information in the advisement email.

If I want to make a Hotline complaint to the USDA OIG Hotline, do I have to disclose my name?

No, you do not have to disclose your name in order to file a complaint. USDA OIG will safeguard your identity in accordance with Federal law, including but not limited to Section 7 of the Inspector General Act, as amended. Below are the complaint submission options available to you and the impact each will have on your complaint. The identity of a complainant can be addressed via three categories.

1. Anonymous (i.e., unknown even to USDA OIG) – This means you do not provide your name or any identifying information at the time you contact USDA OIG. USDA OIG’s online form is equipped to accept incoming Hotline complaints while still maintaining anonymity. Once a user chooses the button to remain “anonymous”, their email address is removed from the sending mechanism. Thus, USDA OIG does not know the identity or email address of the sender. If you choose to remain anonymous, USDA OIG cannot obtain additional information concerning the allegation (e.g., testimonial or documentary evidence; identity of witnesses), and cannot inform you as to what action USDA OIG has taken concerning the complaint.
2. Confidential (i.e., known only to USDA OIG) – This means you allow your name to be known within USDA OIG, but not outside of USDA OIG. Not everyone within USDA OIG will know a “confidential” complainant’s name; rather, only those with a need to know are privy to such information. USDA OIG does not share the name or contact information of a confidential complainant with USDA agency officials. Additionally, any information provided outside of the USDA OIG is redacted so as not to reveal the identity of a confidential complainant when the complaint is referred for investigation outside of USDA OIG. Confidential status allows further communication between USDA OIG and the complainant after the original complaint is received. [Section 7b of the Inspector General Act](#) states “the Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.” This provision means your identity will not be disclosed unless the Inspector General determines it is necessary. This would not occur without you being advised first of such.

3. Allow name to be used (i.e., included in any investigation that may take place) – This means you are providing your permission to include your name and contact information with the complaint through its processing. Choosing this option means you have provided those persons with a need to know (within or outside of USDA OIG) with your identity and contact information to facilitate the exchange of information related to your complaint.

What does the USDA OIG Hotline do with the complaints they receive?

The USDA OIG Hotline serves as the primary intake vehicle for receiving complaints of alleged fraud, waste, abuse, misconduct, and mismanagement related to USDA programs and personnel. Once the USDA OIG Hotline receives and processes a complaint, an analyst determines the appropriate entity to refer the complaint to for further review. Generally, the complaint will be referred to one of the following entities: 1) USDA OIG Office of Investigations; 2) USDA OIG Office of Audits; or 3) an USDA Agency. USDA OIG has the right of first refusal as it pertains to initiating any investigation, audit, inspection, evaluation or review concerning a hotline complaint. This means the USDA OIG Hotline will often refer a complaint initially to either USDA OIG Office of Investigations or Office of Audits so they can review it, conduct further inquiry, and ultimately determine if they will initiate a criminal investigation or an audit, inspection, evaluation or review. If a complainant has chosen to remain confidential, both USDA OIG Office of Investigations and/or Office of Audits officials with a need to know will receive the complainant's identity, contact information, and the full complaint absent redactions. However, if USDA OIG Office of Investigations and/or Office of Audits decline to initiate an investigation or audit, inspection, evaluation or review, the USDA OIG Hotline will first redact the complaint (as referenced above) and then refer the complaint for an administrative inquiry to the appropriate Agency Liaison Officer (ALO) within the applicable USDA agency.

If the USDA OIG Hotline analyst determines it appropriate, some complaints will be referred directly to the ALO without first being reviewed by USDA OIG Office of Investigations or Office of Audits. The ALO is the designated party within each USDA agency with whom USDA OIG communicates and to whom USDA OIG Hotline complaints are referred. Generally, the ALO has access to a cadre of administrative/employee misconduct investigators both within that particular agency and within the Department. Neither the ALO nor the investigator receive a confidential complainant's name, contact information, or a non-redacted complaint. Because of this, depending on the relationship of the complainant to the subject matter of the complaint, or the subject of the complaint, it is entirely possible that the ALO or the agency investigator will not contact the complainant. This is why an individual's decision as to what category of "complainants" to identify themselves matters with regard to the potential investigation of the complaint.

An equally important factor regarding how complainants may identify themselves is whether they are afforded the protections associated with whistleblower retaliation. Generally, anonymous complainants are not entitled to whistleblower retaliation protection; whereas, "confidential" complainants, and complainants who allow their identities to be disclosed, are afforded protections against whistleblower retaliation.

What is whistleblower retaliation for a Federal employee, former employee, or applicant for Federal employment?

Whistleblower retaliation is when you have already disclosed wrongdoing and you believe retaliatory actions may have been taken against you because of your disclosure. Retaliation involves most personnel actions, such as termination, demotion, suspension, or reassignment.

An agency official shall not retaliate against a Federal employee for whistleblowing. [See 5 U.S.C. § 2302\(b\)\(8\)](#).

This law prohibits agency officials from taking, failing to take, or threatening to take a personnel action because of an employee's whistleblowing. To prove whistleblower retaliation, one must show:

1. The employee disclosed what the employee reasonably believes to be:
 - a violation of law, rule, or regulation;
 - gross mismanagement;
 - gross waste of funds;
 - an abuse of authority; or
 - a substantial and specific danger to public health or safety.
2. The personnel action in question must have been taken (or not taken, such in the case of a promotion), threatened, or influenced by an official who knew of the employee's disclosure; and
3. The employee's disclosure was a contributing factor in the personnel action.

Am I protected from reprisal if I cooperate with an OIG investigation or an EEO investigation?

[5 U.S.C. § 2302\(b\)\(9\)](#) prohibits agency officials from taking, failing to take, or threatening to take a personnel action because an employee engaged in any of the four protected activities mentioned below.

1. filed a complaint, grievance or appeal;
2. testified for or helped someone else with one of these activities;
3. cooperated with or disclosed information to the Special Counsel or an Inspector General; or,
4. refused to obey an order that would require the employee to violate a law, rule, or regulation.

To prove a claim of retaliation under this section, one must show:

1. The employee engaged in a protected activity;

2. The agency official with knowledge of the employee's protected activity took, failed to take, or threatened to take a personnel action against the employee; and
3. There is a causal connection between the protected activity and the personnel action.

What should I do if I experience reprisal or retaliation after making a disclosure of wrongdoing about a Federal government agency, program, contract, or grant?

Whistleblowers should not be subjected to retaliation for reporting wrongdoing. If you have already disclosed wrongdoing and believe retaliatory actions have been or are being taken against you because of your disclosure, you may contact the WPC or directly contact OSC. If you are an employee of a USDA contractor, subcontractor, grantee, sub-grantee, or you are a personal service contractor, please see the information regarding making a disclosure at: <https://www.usda.gov/sites/default/files/documents/USDANDAAflier.pdf>.

You may contact the USDA Whistleblower Protection Coordinator at OIGWPC@oig.usda.gov for any questions related to USDA.