

AmeriCorps Office of Inspector General (OIG) Whistleblower Reprisal
Frequently Asked Questions

1. What is a whistleblower?

1.1. A whistleblower is someone who reports/discloses waste, fraud, abuse, or mismanagement to someone who is in the position to rectify the wrongdoing. A whistleblower typically works inside of the organization or is associated with one of its programs.

2. Who is required to disclose possible violations, thereby becoming a whistleblower?

2.1. AmeriCorps personnel and grantees/subgrantees and their staff: AmeriCorps personnel are required to report to the OIG, without delay, any suspicion of, or information or evidence that suggests, waste, fraud, or abuse in connection with AmeriCorps operations, programs, activities, contracts, or grants at any level.

2.2. Contractors/subcontractors and their staff: Staff must disclose to AmeriCorps OIG in writing violations of the following Federal statutes:

- Violations of Federal criminal law Involving fraud, conflict of interest, bribery, or gratuities.
- Violations of the False Claims Act.
- Violations of the Anti-Kickback Act.

2.3. Contractors/subcontractors and their staff: Staff must also report any violation(s) or suspicion of violation(s) as required by their particular contract.

3. What whistleblower disclosures are protected?

3.1. Generally speaking, a disclosure is protected if the person reporting it reasonably believes that the information to be evidence of:

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

4. Are whistleblowers who disclose wrongdoing regarding AmeriCorps's programs or operations protected from retaliation?

4.1. Yes, if you work for AmeriCorps, a grantee/subgrantee or a contractor/subcontractor, your employer cannot retaliate against you for disclosing wrongdoing about AmeriCorps programs, operations or activities to the proper recipients.

5. To whom can I make a protected disclosure?

5.1. All individuals: Anyone can make disclosures to:

- AmeriCorps OIG via the Hotline, at 800-452-8210 using our [Hotline Webform](#) or to the [Whistleblower Protection Coordinator](#);
- a Member of Congress (including any Congressional committees).

5.2. AmeriCorps personnel: AmeriCorps personnel can also make disclosures to:

- the [Office of Special Counsel](#); or
- an agency employee designated by the head of the agency to receive such disclosures.

5.3. Grantee/subgrantee/contractor/subcontractor staff: Staff can also make disclosures to:

- the Government Accountability Office;
- an AmeriCorps employee responsible for contract or grant oversight or management at AmeriCorps;
- an authorized official of 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 or grantee/subgrantee who has the responsibility to investigate, discover, or address misconduct.

6. How can someone file a complaint if he/she believes whistleblower retaliation has occurred?

6.1. Anyone who believes they have been improperly retaliated against may contact the AmeriCorps OIG at 800-452-8210 or through our [Hotline Webform](#), or the AmeriCorps OIG [Whistleblower Protection Coordinator](#).

6.2. AmeriCorps personnel who believe they have been improperly retaliated against may also contact the [Office of Special Counsel](#) (OSC).

- Certain employees may be able to appeal whistleblower retaliation directly to the [Merit Systems Protection Board](#).

7. Whom can I contact at the OIG if I have questions about my whistleblower rights?

7.1. You can contact the AmeriCorps OIG [Whistleblower Protection Coordinator](#), who is responsible for:

- Educating AmeriCorps employees and managers about prohibitions on retaliation for protected disclosures, and informing employees who have made or are contemplating making a protected disclosure about their rights and remedies against retaliation for protected disclosures;
- Ensuring that AmeriCorps OIG promptly and thoroughly reviews and acts appropriately on allegations of whistleblower retaliation; and
- Coordinating with the Office of Special Counsel, other agencies and non-governmental organizations on relevant matters.

7.2. However, the Whistleblower Protection Coordinator is prohibited by law from acting as a whistleblower's representative, agent or advocate.

8. What forms of relief are available to a whistleblower who has suffered retaliation?

8.1. For AmeriCorps personnel, forms of relief include, but are not limited to:

- job restoration;

- reversal of suspensions and other adverse actions;
- back pay; and
- reasonable and foreseeable consequential damages, such as medical costs, attorney fees, and compensatory damages. In addition, damages may be awarded for attorney fees and expenses incurred due to retaliation.

8.2. For staff of contractors/subcontractors and grantees/subgrantees, forms of relief include, but are not limited to:

- Ordering the contractor/subcontractor or grantee/subgrantee to:
 - take affirmative action to end and/or reverse the actions taken in reprisal;
 - reinstate the complainant to the position held before the reprisal, providing compensatory damages (including back pay) and employment benefits, and otherwise meeting the terms and conditions of employment that would apply if the reprisal had not been taken; and
 - pay costs and expenses incurred by the complainant (such as attorneys' fees and expert witnesses' fees) that AmeriCorps determines were reasonably incurred relating to the reprisal complaint.]

9. Are AmeriCorps members and volunteers protected from retaliation for whistleblowing?

9.1. The whistleblower protection laws do not cover members or volunteers in programs funded by AmeriCorps. However, retaliation against a member or volunteer for reporting misconduct may violate other laws, regulations or agency rules. For this reason, AmeriCorps OIG encourages any member or volunteer who believes they have suffered retaliation for reporting misconduct to report the matter to the OIG at 800-452-8210 or through our [Hotline Webform](#) so that the OIG can investigate matters, if appropriate.