

# GUIDE TO FILING A WHISTLEBLOWER REPRISAL COMPLAINT UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

## 1. INSTRUCTIONS

- a. Send the information requested in Section 2, "Complaint Information," to: Defense Hotline, The Pentagon, Washington, DC 20301-1900; or fax to: 703-604-8567, DSN 664-8567. You may e-mail the information to [hotline@dodig.mil](mailto:hotline@dodig.mil); however, you should consider the fact that unencrypted e-mail messages are vulnerable to eavesdropping when transmitted over the Internet.
- b. If you have any questions, please call the Defense Hotline at 1-800-424-9098 or 1-877-363-3348 (SWA only).

## 2. COMPLAINT INFORMATION

- a. Find out if the complainant received "covered funds" or is an employee of a contractor (or other non-Federal entity) that received "covered funds" under the Recovery Act.
- b. If you previously filed this reprisal complaint with a court, agency or individual, provide a copy of the complaint and any reply. If the documents are not available, provide the details (identify agency, date filed).
- c. Provide your full name, job title, status (employee or former employee), company and location, telephone numbers (work, residence, and mobile), and mailing and email addresses.
- d. Provide a copy of the protected disclosure (if written) and any reply received about the matter. If a copy of the disclosure is not available, provide the following information:
- (1) The date of the disclosure.
  - (2) Identify the **person, agency, board, court or grand jury** to whom the disclosure was made. (Include name, title, organization, address, as appropriate).
  - (3) Content of the disclosure.
  - (4) Whether the matter was investigated, when, and by whom.
- e. Identify and provide a copy of all documentation relevant to the personnel action taken (discharged, demoted, or otherwise discriminated against).
- f. To the extent possible, provide the full name, title, company and location, and telephone numbers of the company official responsible for taking the personnel action at issue.
- g. Explain why and how any responsible official knew of the protected disclosure before taking the personnel action.
- h. Indicate why you believe there is a connection between your protected disclosure and the personnel action taken against you.
- i. Identify key witnesses that can provide evidence to support the reprisal complaint and include telephone numbers to contact the witnesses.
- j. If possible, please provide a copy of the contract at issue and date that the contract was signed by the relevant DoD contracting agency and the company.

## 3. DEFINITIONS *(Reference: American Recovery and Reinvestment Act of 2009, Section 1553)*

a. **Prohibition of Reprisals.** An employee of any non-Federal employer receiving funds under the Recovery Act ("covered funds") may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to: the Recovery Accountability and Transparency Board; an inspector general; the Comptroller General; a member of Congress; a State or Federal regulatory or law enforcement agency; a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct); a court or grand jury; the head of a Federal agency, or their representatives regarding information that the employee reasonably believes is evidence of:

- (1) Gross mismanagement of an agency contract or grant relating to "covered funds."
- (2) A gross waste of covered funds.
- (3) A substantial and specific danger to public health or safety related to the implementation or use of "covered funds;"
- (4) An abuse of authority related to the implementation or use of "covered funds."
- (5) A violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to "covered funds."

b. **Covered Funds.** The term "covered funds" means any funds that are expended or obligated from appropriations made under this Act.