

To:		<p style="text-align: center;"><i>New York State Department of Transportation</i> <b>ENGINEERING BULLETIN</b></p>	<p style="text-align: center;"><b>EB</b> <b>09-024</b></p>
<b>Title: WHISTLEBLOWER PROTECTIONS UNDER THE RECOVERY ACT (ARRA)</b>			
Distribution: <input checked="" type="checkbox"/> Manufacturers (18) <input checked="" type="checkbox"/> Surveyors (33) <input checked="" type="checkbox"/> Local Govt. (31) <input checked="" type="checkbox"/> Consultants (34) <input checked="" type="checkbox"/> Agencies (32) <input checked="" type="checkbox"/> Contractors (39) <input type="checkbox"/> _____ ( )		Approved:  <u>/s/Stephen A. Zargham</u> <u>9-25-09</u> S. A. Zargham, P.E.      Date Design Quality Assurance Bureau Director	

**ADMINISTRATIVE INFORMATION:**

- Effective Date: This Engineering Bulletin (EB) is effective upon signature.

**PURPOSE:** To transmit notice and the requirement to post notice of protections for certain individuals who make specified disclosures relating to Recovery Act funds.

**TECHNICAL INFORMATION:**

- The requirement to post notice of whistleblower protections is provided in Section 1553 of Division A, Title XV of the American Recovery and Reinvestment Act of 2009, P.L. 111-5.
- All State- and Local-let Recovery Act contract work sites must post notice of whistleblower protections.

**IMPLEMENTATION:**

**Actions by contractors:**

Notice shall be posted in accordance with the provisions of Section 102-10 E. *Public Notices* of the [NYSDOT Standard Specifications](#).

**Actions by contracting agencies:**

Notice shall be posted in the Engineer’s Field Office in accordance with the provisions of [Section 96 BULLETIN BOARDS](#), of the Manual for Uniform Recordkeeping (MURK) Part 1A Contract Administration Manual (CAM).

**TRANSMITTED MATERIALS:**

- WHISTLEBLOWERS KNOW YOUR RIGHTS poster, an approved posting meeting the requirements of Section 1553 is available on the internet at: <http://www.nysdot.gov/recovery> by selecting the “ Design & Construction” option and looking under the heading “Whistleblowers Rights”.

**BACKGROUND:** The Recovery Act provides protections for certain individuals who make specified disclosures relating to Recovery Act funds. These individuals include employees of state and local governments, contractors, subcontractors, grantees or professional membership organizations acting in the interest of recovery fund recipients. Covered employees are protected from being discharged, demoted, or otherwise discriminated against as a reprisal for making a protected disclosure. The disclosure must involve information that the employee believes is evidence of:

- Gross mismanagement of an agency contract or grant relating to recovery funds;

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- A gross waste of Recovery Act funds;
- A substantial and specific danger to public health or safety related to the implementation or use of Recovery Act funds;
- An abuse of authority related to the implementation or use of Recovery Act funds; or
- A violation of law, rule, or regulation related to an agency contract or grant awarded or issued relating to Recovery Act funds.

### **CONTACTS:**

- General questions regarding this issuance should be addressed to Matt Bromirski of the Design Quality Assurance Bureau via e-mail at [mbromirski@dot.state.ny.us](mailto:mbromirski@dot.state.ny.us) or phone at (518) 457-6467.
- Questions on posting the notice on DOT let contracts should be addressed to Brian DeWald of the Office of Construction via e-mail at [bdewald@dot.state.ny.us](mailto:bdewald@dot.state.ny.us) or phone at (518) 457-6472.
- Questions on posting the notice on Local let contracts should be addressed to Ken Rupert of the Local Programs Bureau via e-mail at [krupert@dot.state.ny.us](mailto:krupert@dot.state.ny.us) or phone at (518) 485-9959.



## U.S. DEPARTMENT OF TRANSPORTATION OFFICE OF INSPECTOR GENERAL

# WHISTLEBLOWERS KNOW YOUR RIGHTS

On February 17, 2009 the American Recovery and Reinvestment Act (ARRA) was signed into law by President Obama to improve public welfare. If you protect America's interests by reporting fraud, abuse, or mismanagement of ARRA funds at your workplace, and are retaliated against as a result, know that America is here for you.

*American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, Title XV, Subtitle D, Section 1553*

### **A**DMINISTRATIVE REVIEW:

You have the right to file a complaint with the Office of Inspector General and receive a timely investigation and response.

### **R**EPRISAL-FREE:

You have the right to be free from discharge, demotion, or discrimination as a result of disclosing:

- *Gross mismanagement of a stimulus-funded project.*
- *Gross waste of stimulus funds.*
- *Danger to public health and safety related to a stimulus-funded project.*
- *Violation of the law relating to stimulus funds or a stimulus-funded project.*
- *Abuse of authority related to the implementation of stimulus funds.*

### **R**EMEDIES:

You have the right to receive remedies if the Office of Inspector General determines you were subjected to an unlawful reprisal. Your employer may be ordered to abate the reprisal, reinstate your employment, and you may receive compensation to reimburse you for your attorney fees and other financial suffering experienced as a result of the reprisal.

### **A**LTERNATIVES:

You have the right to take action against your employer in civil district court if the Office of Inspector General does not respond within 210 days or determines that there was not an unlawful reprisal.

## ... **OIG HOTLINE** ...

[www.oig.dot.gov/recovery/whistleblower\\_protections.jsp](http://www.oig.dot.gov/recovery/whistleblower_protections.jsp)

Phone: 1-800-424-9071

Email: [hotline@oig.dot.gov](mailto:hotline@oig.dot.gov)

