

# WHISTLEBLOWER PROTECTION FOR PUBLIC EMPLOYEES



O.C.G.A. §45-1-4, the Georgia Whistleblower Act (“the Act”), was enacted in 1993 for the purpose of eliminating fraud, waste, and abuse in state programs and was designed to protect those persons making complaints or disclosures from reprisals.

Georgia law protects public employees who disclose an alleged violation of or non-compliance with any federal, state, or local law, rule or regulation pertaining to the possible existence of any activity constituting fraud, waste, and abuse in or relating to any state programs or operations. Any public employee who reports a potential violation shall be free from discipline or reprisal from his employer, unless such disclosure was made with false and reckless disregard.

## **What is a Public Employee?**

A public employee is defined as “any person who is employed by the executive, judicial, or legislative branch of the state or by any other department, board, bureau, commission, authority, or other agency of the State Personnel Administration and any local or regional governmental entity that receives any funds from the State of Georgia or any state agency.”

## **What is Retaliation?**

Retaliation is defined as “the discharge, suspension, or demotion by a public employer of a public employee or any other adverse employment action taken by a public employer against a public employee in the terms or conditions of employment for disclosing a violation of or

noncompliance with a law, rule, or regulation to either a supervisor or government agency.”

## **What is Protected Conduct?**

Protective conduct includes any disclosure of an alleged violation of, or non-compliance with, any federal, state, or local law, rule, or regulation pertaining to the “possible existence of any activity constituting fraud, waste, and abuse in or relating to any state programs and operations.” To qualify as protected conduct, the disclosure must be made by the public employee to either a “supervisor” or to a “government agency,” such as the Office of the State Inspector General.

### **Can I file a complaint with the Office of the State Inspector General without fear of losing my job?**

Under certain circumstances, the Office of the State Inspector General (OIG) may be able to keep your identity confidential. While OIG will not affirmatively publish names and other information, there is a possibility that the information could become public after the close of the investigation.

### **Complaints and Inquiries**

Individuals are welcome to contact OIG with information regarding fraud, waste, and abuse. Please note that the information above is a summary of the law and does not fully reflect the law. A complete text of the statute is available through use of the Georgia General Assembly "Georgia Code" link at [www.legis.state.ga.us](http://www.legis.state.ga.us).

## **ARRA WHISTLEBLOWER PROTECTION**



Section 1553 of the American Recovery and Reinvestment Act (ARRA) contains whistleblower provisions that protect from adverse employment action any covered employees and contractors who report the following:

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

### **Relationship to Georgia Law**

Nothing in ARRA Section 1553 may be construed to preempt, preclude, or limit the protections provided for public employees under O.C.G.A. §45-1-4, Georgia's Whistleblower statute.

*From recovery.gov website*