

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

ADMINISTRATIVE REVIEW:

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

REPRISAL-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.*

REMEDIES:

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.

ALTERNATIVES:

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

Phone: 1-800-424-9071

Email: hotline@oig.dot.gov

Protections for Reporting Fraud in New York

If you work for a contractor or subcontractor on a Metropolitan Transportation Authority (MTA) project and you believe that your employer or another contractor or subcontractor on that project is engaged in fraud or any other illegal activity you may report what you know either to:

Office of the Inspector General
Metropolitan Transportation Authority
Two Penn Plaza, 5th Floor
New York, New York 10121

24-Hour Complaint Hotline
1-800-MTA-IG4U
1-800-682-4448

or

New York State Attorney General
Public Integrity Bureau
120 Broadway, 22nd Floor
New York, New York 10005

Public Integrity Hotline
1-800-428-9072

Your employer may not fire, suspend, demote, or otherwise retaliate against because you lawfully report to the MTA or to the Attorney General what you believe to be:

- 1** fraudulent conduct that violates New York's False Claims Act, or
- 2** illegal conduct that creates and presents a substantial and specific threat to the public health or safety if you have first reported it to your supervisor.

New York State's False Claims Act prohibits anyone from submitting false or fraudulent claims to the MTA for payment or approval, and allows you to sue any person or any company that you have reason to believe is defrauding the MTA, even your employer. Called *qui tam* actions, these citizen lawsuits are an important tool for people to help New York State, public authorities such as the MTA, and local governments recover money or property they lose through fraud or corruption.

A person or company who violates the False Claims Act usually must pay three times the amount fraudulently obtained plus a civil penalty. If you file a *qui tam* action on behalf of the MTA you may be eligible to keep a percentage of whatever funds the MTA recovers.

Your employer may not lawfully fire, demote, suspend, threaten, harass, or otherwise retaliate against you for starting a *qui tam* action, and you may sue your employer if that happens.

You may start a *qui tam* action on the MTA's behalf without using an attorney, but the procedures are complicated and must be carefully followed. Most people rely on an attorney who specializes in False Claims Act cases. If you do rely on an attorney and the *qui tam* action is successful, you may be eligible for attorneys' fees plus other costs and expenses (in addition to your share of the money the MTA recovers). If you start a *qui tam* action, the Attorney General might take it over altogether, allow you to take part, or allow you to handle it on your own, but no matter what you would be eligible to a percentage of any funds the MTA recovered.