

Whistleblower Laws

The “Whistleblower Law” of the Commonwealth of Pennsylvania prohibits an “employer” from discharging, threatening, or otherwise discriminating or retaliating against an employee regarding the employee’s terms and conditions of employment because the employee makes or is about to make a good faith report, orally or in writing, to the employer or appropriate governmental authority about an instance of “wrongdoing” or “waste.”

An employee alleging a violation of this Act must show by a preponderance of the evidence that, prior to the alleged reprisal, the employee or person acting on behalf of the employee had reported or was about to report in good faith, orally or in writing, an instance of wrongdoing or waste to the employer or an appropriate authority. There is no violation if the action by the employer occurred for separate and legitimate reasons. The terms “wrongdoing” and “waste” are defined in the Act as follows:

Wrongdoing—A violation that is not of a merely technical or minimal nature of a federal or state statute or regulation, of a political subdivision ordinance or regulation, or of a code of conduct or ethics designed to protect the interest of the public or the employer

Waste—An employer’s conduct or omissions that result in substantial abuse, misuse, destruction, or loss of funds or resources belonging to or derived from commonwealth or political subdivision sources

Federal law also prohibits reprisals against an employee of an employer receiving Federal contracts, subcontracts or grants for disclosing to a “person” or “body” what the employee reasonably believes is evidence of: gross mismanagement of a Federal contract or grant; gross waste of Federal funds; abuse of authority relating to a Federal contract or grant; a substantial and specific danger to public health or safety; or a violation of law, rule or regulation related to a Federal contract or grant. (US Code Title 41, Chapter 47 available at <http://us-code.house.gov/browse/&edition=prelim>).

“Person” or “body” is defined as: a Member of Congress or a representative of a committee of Congress; an Inspector General; The Government Accountability Office; a Federal employee responsible for contract or grant oversight or management at the relevant agency; 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 who has the responsibility to investigate, discover or address misconduct.