OFFICE OF THE INSPECTOR GENERAL
U.S. Department of Justice
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INVESTIGATIVE SUMMARY

Findings that an Employee of a Contractor for the Federal Bureau of Prisons Suffered Reprisal for Making a Protected Disclosure in Violation of Federal Law Protecting Contractor Whistleblowers

The OIG investigated a complaint from a former employee of a contractor for the Federal Bureau of Prisons (BOP) that the employee suffered reprisal for making a protected disclosure under 41 U.S.C. § 4712(a), which extends whistleblower protections to and prohibits reprisal against employees of federal contractors and certain others who make protected disclosures as specified under the statute. Specifically, the employee alleged that the employee was harassed, subjected to retaliation, and ultimately terminated for reporting to the BOP certain alleged violations that the employee believed were not being adequately addressed by the contractor.

The OIG found that the former employee of the contractor made a protected disclosure, and that the protected disclosure was a contributing factor in the subsequent imposition on the employee of a six-month probationary period and in the employee's ultimate termination. The OIG did not find clear and convincing evidence that the contractor would have either imposed the probationary period on the employee or terminated the employee in the absence of the protected disclosure. Accordingly, the OIG found that the employee suffered reprisal for the protected disclosure by being placed on probation and ultimately terminated.

Under 41 U.S.C. § 4712(c), the OIG's investigative findings are not a final determination. The responsibility for making a final determination lies with the BOP, which must determine whether there is sufficient basis to conclude the contractor subjected the employee to prohibited reprisal, and must either issue an order denying relief or take one or more of the statutorily enumerated actions as a remedy. Pursuant to 41 U.S.C. § 4712(b)(1), the OIG provided its report of investigation to the employee, the contractor, and the BOP in November 2019.

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