

**Don't Let the Truth Get Snowden: Why United States and International  
Whistleblowing Laws and Protections Need Reform**

By

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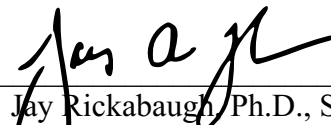
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### **Abstract**

This thesis will examine the historical and modern significance of whistleblowing as an essential act of democracy and accountability in the United States. Various case studies, court cases, and scholarly articles will be referenced to outline the societal value of whistleblowing and the relevant laws across the nation. In order to get a holistic view of whistleblowing in the United States, research focused on the physical and psychological impacts of facing corruption in the workplace, whistleblowing as a result of poor organizational ethics, and the retaliation faced by some individuals who expose fraudulent behavior. This thesis hopes to combine the legal background of whistleblowing and the impacts that whistleblowers face after the fact with the current legal protections afforded to whistleblowers to help determine if legislative reform is necessary to protect whistleblowers and mitigate negative consequences in the future.

*keywords:* whistleblowing, retaliation, reform

## Introduction

Have you ever been called a tattler before? Do you recall feeling shame or embarrassment? Being called a tattler has never been pleasant. It usually results in feelings of isolation from others around you. This experience is commonplace throughout the elementary school years and is reinforced throughout adolescence that being ‘a rat’, ‘a snitch’, or a ‘tattler’ is a bad thing. This stigma follows throughout adulthood as it has been observed that people may be hesitant to disclose to proper authorities something that they know is wrong, due to the learned fear of being labeled one of these names. These nicknames may contribute to part of the whistleblowing culture in the United States today by inherently promoting secrecy and limiting our society’s ability to uncover the truth about misconduct.

A whistleblower is someone who reports waste, fraud, abuse, corruption, or dangers to public health and safety to someone who is in the position to rectify the wrongdoing (National Whistleblower Center, n.d.h). It is not a requirement for a whistleblower to be a member of the ‘corrupt’ organization which they are exposing, but that is often the case. Regardless of the whistleblower's relationship to the organization, a whistleblower has access to viable information that the public would not otherwise have.

Corruption can be a result of the limited capability for the bureaucracy to oversee individual and business transactions. These corrupt acts are often done to increase personal gain or profit at the expense of others and are difficult to detect. This is why many nations have historically relied on citizens to report any corruption, theft, and/or misconduct to an authoritative figure.

Whistleblowing has a long history, and its practice is a global phenomenon, affecting individuals, corporations, and governments. This thesis explores the practice of whistleblowing,

focusing on its history and legislation pertaining to whistleblowing, followed by an examination of attempts at whistleblowing reform.

### **History of Whistleblowing**

Whistleblowing, as a concept, is not unique to the United States. Whistleblowing on behalf of one's government dates back to 7th century England. The term *qui tam*, which today typically refers to False Claims Act cases, was a shortened version of *qui tam pro domino rege quam pro se ipso in hac parte sequitur*, which translates to "he who prosecutes for himself as well as for the King" (Piacentile, Stefanowski & Associates LLP, 2021, para. 4). Modern lawmakers adopted the term to be synonymous with whistleblowers who sue corrupt companies on behalf of their government. Corruption is an undeniable aspect of human nature, alongside greed, selfishness, and pressure from larger entities. This can be seen from within organizations that are seeking more money, individuals facing ethical decisions, or other flawed practices. Bribery and extortion have plagued organizations and government for centuries – these were especially prevalent before any noticeable repercussions, legal or social, were implemented.

The earliest record of whistleblowing legislation comes from King Wihtred of Kent in the year 695. According to Piacentile, Stefanowski & Associates LLP (2021), "...if a freeman works during [the Sabbath], he shall forfeit his [profits], and the man who informs against him shall have half the fine, and [the profits] of the labor" (para 5). This declaration was the beginning of laws that allow private citizens to collect a profit for exposing a violation of their country's laws.

One of the first major cases of whistleblowing in the United States was practiced by Benjamin Franklin in 1773. Franklin exposed the royally appointed governor of Massachusetts for purposefully misleading Parliament to pursue his personal agenda. Between then and until

after the American Civil War, there was minimal progress seen with regard to *qui tam* laws. The Civil War was a turning point in the timeline of whistleblower reporting and protection. In 1863, Congress passed the False Claims Act, which was enacted to combat fraud against the government and its troops during the Civil War (The Employment Law Group, 2022). This has since been revised, but this was a pivotal moment for battling fraud within the United States systematically.

Since the conception of these *qui tam* laws, some steps have been taken to protect whistleblowers in the United States, some proving to be futile and others to be life changing. Despite historic and recent efforts to redefine and reimplement whistleblower protections in the United States, there is need for reform at the international, federal, state, and local levels.

### **Federal Whistleblowing Laws**

The sponsor of the False Claims Act, Senator Jacob Howard, believed that the most efficient way to expose large schemes of fraud was to pay whistleblowers as incentives. Many spheres of government and society benefit from whistleblowing protections. This can be seen through the evolution and expansion of whistleblower protection laws and acts implemented from 1863 onward. These protections have expanded to include various institutions and individuals, military contractors, federal employee protections, and the supervising ethics office for the Executive Branch and beyond.

The Inspector General Act of 1978 provided a method for reporting any fraud, waste, abuse, mismanagement, or a substantial and specific danger to public safety or health involving Office of Personnel Management (OPM) programs and operations (U.S. Office of Personnel Management, n.d.). These examples of fraudulent behavior or activity often result in billions of

dollars stolen from taxpayers or the health and safety of others; this should serve as an incentive for citizens to expose corrupt behavior that they witness.

One aspect of whistleblowing that the OPM specifically addresses is called ‘protected disclosures’. A protected disclosure includes “any disclosure of information that an employee, former employee, or applicant for employment reasonably believes evidences of violation of any law, rule, or regulation; gross mismanagement; gross waste of funds; abuse of authority; or substantial and specific danger to public health or safety” (U.S. Merit Systems Protection Board, n.d., Whistleblower Protection section). Any citizen who reports a protected disclosure is covered by whistleblower protections, specifically protecting the citizen from retaliation, in all forms. Protected disclosures are very important because they provide power to citizens to hold companies, the government, or other organizations accountable. A report of fraud or misconduct is protected if “it is based on a reasonable belief that wrongdoing has occurred and if the disclosure is made to a person or entity that is authorized to receive it” (Our Inspector General, n.d., Disclosing Classified Information section, para. 1). Protected disclosures allow citizens to report any wrongdoing to a plethora of authority figures, within and outside of the organization, to encourage people to report fraud and to reduce the intimidation people may feel if they are obligated to report in-company fraud to their own supervisor.

The Federal Whistleblower Protection Act of 1989 (WPA) is a federal law within the United States that protects federal government employees from facing retaliation for voluntarily disclosing information about dishonest or illegal activities occurring in a government organization (U.S. Merit Systems Protection Board, 2010). This act was amended in 2012, to be renamed the Whistleblower Protection Enhancement Act (WPEA). This law strengthened

protections for federal employees who disclose evidence, of waste, fraud, or abuse (U.S. Merit Systems Protection Board, 2010).

The Whistleblower Protection Enhancement Act of 2012 (WPEA) was a substantial accomplishment for whistleblower protections because it received overwhelmingly positive feedback from Congress and showed that whistleblower protections are a bipartisan issue, which sets a positive precedent for future legislation protecting whistleblowers. This was a necessary step toward the future, as protections provided by the WPA were very weak, in hindsight. The WPEA established the strongest set of whistleblower rights yet.

Formerly under the WPA, federal employees were not eligible for whistleblower protections if they were not the first person who discloses given misconduct, made a disclosure to a coworker, made a disclosure to a supervisor, disclosed the consequences of a policy decision, or blew the whistle while carrying out job duties (U.S. Merit Systems Protection Board, 2010). The WPEA addressed each of these obstacles accordingly.

The WPEA includes that protected disclosures for federal employees, former employees, and applicants for employment act as protections for whistleblowers regardless to whom they report any fraud. This however assumes that the disclosure is not prohibited by the law and that the information is not confidential in the interest of national defense or foreign affairs. This also provides legal remedies for any individuals who face retaliation after someone has reported the fraud. Retaliation includes almost any personnel action, failure to take a personnel action, or threat to take a personnel action, which adversely affects the whistleblower, such as non-promotion; disciplinary action; a detail, transfer or reassignment; an unfavorable performance evaluation; a decision concerning pay, benefits or awards; or a significant change in duties, responsibilities or working conditions (U.S. Office of Personnel Management, n.d., Protected



Disclosures section, paras. 1-3). The WPEA also set the standard for how quickly the OPM OIG will investigate your claims.

There are many applications and some intersections of whistleblower protections between the United Nations, international law, federal law, state law, and more. These have become more specific as precedent has been established and new cases have come to light.

The United Nations established whistleblower protections in 2003, formally ratified by 137 nations, including the United States. Some of the intersections can be found within international and corporate laws like the Foreign Corrupt Practices Act or the Dodd-Frank Wall Street Reform and Consumer Protection Acts. The Foreign Corrupt Practices Act became effective in 1977 and prohibits US citizens and/or any US company from paying bribes to foreign officials with the goal of obtaining or retaining business and this Act mandates proper financial record keeping. Conversely, The Dodd-Frank Wall Street Reform and Consumer Protection Act became effective in 2010 and held major Wall Street reform. This Act protected security, commodity, and foreign bribery whistleblowers under new enhanced provisions aimed at protecting their confidentiality. Commonly referred to as the 'Dodd-Frank Act', this law perpetuated the dire need for accountability and transparency as a response to the financial crisis of 2008 (National Whistleblower Center, n.d.c). These both require clear record keeping, securities, and prohibit bribery between foreign officials or within relations on Wall Street to protect the financial system. The United States has been recognized as a world leader in advocating for more whistleblower protection laws by enacting dozens of federal laws to do so and incentivizing whistleblowers to come forward.

There are also protections for those who are advocating for the environment, protecting animals, and/or exposing purposeful pollution. These environmental laws and their transnational

applications are used to prosecute individuals/parties who are violating wildlife and environmental protection statuses. These laws incentivize both US citizens and non-US citizens to reveal any environmental foul-play. The Endangered Species Act (ESA), the Act to Prevent Pollution from Ships (APPS), and the Lacey Act are some examples of this.

The Endangered Species Act (ESA) of 1973 is the primary application of United States law that was sponsored by the Department of the Interior's U.S. Fish and Wildlife Services. This is the primary law in the United States for protecting various at-risk species. This law aims to protect endangered and/or threatened species and provide for their conservation. This law provides rewards to whistleblowers, regardless of US citizenship, who report any ESA violations to the US Fish and Wildlife service (U.S. Fish & Wildlife Service, 1982).

One intersection of whistleblower policy between the United States and the United Nations includes the Act to Prevent Pollution from Ships (APPS). APPS was enacted in 1980 to implement the provisions of the International Convention for the Prevention of the Pollution from Ships (MARPOL) treaty (National Whistleblower Center, n.d.a). APPS is concerned with any illegal dumping and pollution on ships and maritime vessels. For a whistleblower who uncovers any maritime pollution, federal courts will provide up to 50% of the total fines to whistleblowers whose claims lead to a successful prosecution (National Whistleblower Center, n.d.a).

The Lacey Act of 1990 is another example of how a once United States-specific law expanded to foreign law. The Lacey Act aims to combat illegal or unethical trafficking of wildlife, fish, or plants (U.S. Department of Agriculture, 2021). Further, the Lacey Act prohibits the importation, exportation, sale, acquisition or purchase of fish, wildlife, or plants that are taken, possessed, transported or sold in violation of U.S. law, Indian law, or in interstate or

foreign commerce in violation of state or foreign law (Cornell Law School, n.d., sections A-C). The 2008 Farm Bill amended the Lacey Act and extended its protections to a broad range of plants and plant products, making it unlawful to import into the United States any plant or plant product that was illegally harvested. It also makes it unlawful to import certain products without a declaration (U.S. Department of Agriculture, 2021).

Within the courts, there was a landmark case decided on June 19, 2014. *Lane v. Franks* (2014) was a US Supreme Court case that unanimously recognized the importance of protecting speech when ‘public corruption’ is at issue, as it is evident that corruption cases often require testimony from employees willing to blow the whistle on their employers. In this case, Edward Lane served at Central Alabama Community College (CACC) as the Director of Community Intensive Training for Youth. Lane was analyzing the budget for his program and found that Suzanne Schmitz was on the payroll but was not performing any of her assigned duties, nor was she showing up to work. Schmitz was an Alabama state representative at the time and was listed on the payroll as a counselor for CACC. Lane terminated Schmitz for not completing any duties as a counselor. This led to further investigations about Schmitz’s activities and relations with the college. At Schmitz’s trial, Lane testified and spoke truthfully about all of the information that he knew. At first, the trial jury was hung. The government re-tried Schmitz, where she was indicted on various federal charges relating to corruption and misuse of state funds (Nassiri Law Group, 2021). After the trial, Lane was fired. Both the college and the college president Steve Franks claimed the termination was due to “budgetary shortfalls and other non-testimony related reasons” (Hudson, 2017, para. 8). A federal district court ruled in favor of the college. This court relied on precedent from *Garcetti v. Ceballos* (2006), in which the U.S. Supreme Court ruled that “public employees have no First Amendment protection for official, job-duty speech” (Hudson,

2017, para. 9) . The Eleventh U.S. Circuit Court of Appeals affirmed, but Lane appealed this decision to the US Supreme Court, which unanimously ruled in his favor and reinstated his lawsuit.

Justice Sonia Sotomayor reasoned that public employees are often the most effective people to speak on public issues. Justice Sotomayor referred to *Pickering v. Board of Education* (1969) for precedent concerning free speech for public employees. In *Pickering*, the Court ruled that public employees do not relinquish their right to speak on matters of public concern. Additionally, Justice Sotomayor pointed out that *Garcetti* was irrelevant in this case because in-court testimony was not one of Lane's stated job duties (Hudson, 2017). This ruling could have a widespread impact in whistleblower protections while encouraging the public, specifically public employees, to expose public corruption (National Whistleblower Center, 2014).

### **International Laws**

The United States is noted by (Schultz & Harutyunyan, 2015) as the leading innovator for whistleblowing laws and protections (p. 89). While it would be impossible to list them all, three major international organizations that are influenced by the United States are the World Bank, Organization for Economic Cooperation and Development (OECD), and the Organization of American States. This impact also trickles down into domestic laws and practices for various countries that are beginning their inception for whistleblowing practices. Some countries that are the center of this inception are post-communist democracies such as Slovakia, Georgia, Albania, Romania, and Ukraine (Schultz & Harutyunyan, 2015, p. 89).

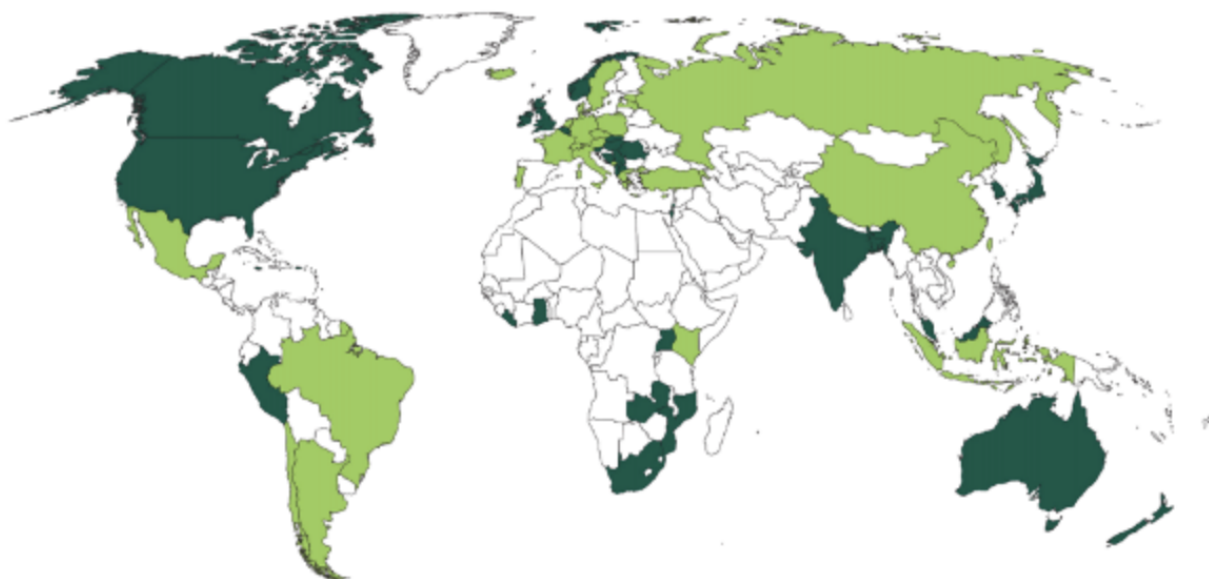
The beginning of the international acknowledgment of whistleblower law was in 2003. This was when the United Nations adopted the Convention Against Corruption. This was signed by 140 nations and was formally ratified, accepted, approved, or acceded by 137 nations,

including the United States. Articles 32 and 33 of this convention endorse protections for whistleblowers (National Whistleblower Center, n.d.f).

While this convention received tremendous support internationally, there remains substantial variation of protections between different countries. This international spectrum of laws includes some countries with no protections at all, despite the growing interest for laws at the national level. While growth is being seen among more countries to adopt laws, without adequate protections and rewards, a lot of countries fall short of advocating for or having the means to sponsor effective whistleblowing.

The spectrum can be seen within this map from the National Whistleblower Center. Below is a color-coded map of the Countries with National Laws Protecting Whistleblowers from 2017.

**A. Figure 1: Countries with National Laws Protecting Whistleblowers**



This chart identifies that the countries in lime green as ‘Countries with other national miscellaneous laws or provisions protecting whistleblowers’, these countries include Argentina, Armenia, Australia, Brazil, Chile, China, Cyprus, Czech Republic, Denmark, Estonia, France,

Germany, Greece, Iceland, Indonesia, Italy, Kenya, Latvia, Mexico, Montenegro, Netherlands, Poland, Portugal, Russia, Sweden, Switzerland and Turkey (National Whistleblower Center, n.d.f).

The countries in dark green are identified as ‘Countries with dedicated national laws protecting whistleblowers’, these countries include Albania, Australia, Bangladesh, Belgium, Bosnia, Canada, Ghana, Hungary, India, Ireland, Israel, Jamaica, Japan, Liberia, Luxembourg, Macedonia, Malaysia, Malta, Mozambique, New Zealand, Norway, Peru, Republic of Korea, Romania, Serbia, Slovakia, Slovenia, South Africa, Uganda, United Kingdom, United States, and Zambia.

The white colored countries are not identified as having any law, code, or protections for whistleblowing.

This map helps to illustrate the development of whistleblower laws throughout the world. One notable factor of this chart is that, since there is no comprehensive list of every whistleblower law worldwide, there may be countries on the map that are not identified as having laws, but they may, nonetheless (National Whistleblower Center, n.d.f). This chart shows that, in larger, more stable, and influential countries, it is more likely for there to be whistleblower laws. However, there are alternate implications and explanations for the spectrum of whistleblower laws seen in the map above. Whistleblower laws are not a direct reflection of influence, stability, or less vs. more developed countries.

However, this shows where stronger or weaker laws are and how, geographically, there are not many trends. The majority of North America has whistleblower protections or laws while Africa is much more scattered.

Some of these differences can be found in where people are protected from whistle blowing. Some countries provide protections for public and private employees and others just have public protections. For example, India only protects public employees, while, in other countries like Japan and South Korea, both public and private employees are protected. Another way of measuring how certain countries provide protections is the type of qualifiers for the public or private sector. In some countries, only government employees can qualify as public sector while in other countries, such as Mexico, Portugal and Norway, a wide range of individuals, including former employees, contractors, or suppliers, can qualify as public sector whistleblowers (National Whistleblower Center, n.d.f). Traditionally, it is more common for laws to protect public sector employees, but in response to increased whistleblower protections worldwide, it is becoming more common to protect both public and private sector individuals in more recent legislation.

### **State and Local Whistleblower Laws**

While each state within the United States has different whistleblower protection laws, state courts were actually the first body of government to start protecting whistleblowers. The first breakthrough for modern whistleblower protections at the state level was in 1959, when the state courts of California recognized a ‘public policy exception’ to the ‘at-will’ doctrine. Under this exception, an employee can be fired for any reason, but not a reason that violated public policy. Whistleblowing was recognized as a public policy, which meant that California’s new legislation protected employees from employers that tried to terminate them after exposing fraud, corruption, waste, or danger from within an organization.

This was reflected in *Petermann v. International Brotherhood of Teamsters* (1959). In this case, Petermann was subpoenaed by the California legislature to appear before the Assembly

Interim Committee on Governmental Efficiency and Economy, which was investigating corruption inside the Teamsters Union, where Petermann was employed. Petermann was directed to make false claims during his testimony to protect the Teamsters Union. Petermann answered all questions truthfully during his testimony and, on the following day, he was fired. Petermann's employment contract stated that he would be employed as long as his work was satisfactory. Since Petermann was risking a perjury charge and hindering any official proceeding can lead to a criminal charge, it was held in the California court to effectuate California's declared policy against perjury, fully protecting him. Holding otherwise would encourage criminal conduct and false testimony between any employer and employee (Muhl, 2001). Following California, nearly every state in the United States adopted some variation of the 'public policy' exception. However, the California-specific definition does not necessarily translate across other states. The state-specific public policy can be found in state's constitutions, statutes, or administrative rules.

Whistleblowing has been shown to be supported by both democrat and republican voters, proving to be a non-partisan political issue. This leads to a lack of predictability and/or precedent within state legislation. Due to this, each state views increasing, decreasing, or adapting these protections very differently.

There are federal claims that can be used in combination with state laws, but since states cover or neglect certain aspects of whistleblowing, combining federal claims and state laws occurs on a state-by-state basis. There are State False Claims acts that partially emulate the federal False Claims Act. Thirty-two states and the District of Columbia have enacted these. These state False Claims Acts specifically pertain to fraud upon state governments.

Additionally, six local governments have their own False Claims Acts, which act the same as their state's False Claims Acts, but for that local ordinance. These include Allegheny



County (Pennsylvania), Broward County (Florida), Chicago, Miami-Dade County (Florida), New York City, and Philadelphia (Berger Montague, n.d., Local Government False Claims Act section).

While this theme spread to many other states, each state has adapted its own version and interpretation of what constitutes ‘public policy’ and what any employee can obtain if they win in a case of this nature.

The *Petermann* case provided a blueprint for how each state can adapt a common level of protections with their own interpretation of it. This is found nationwide within a wide variety of protection levels and types.

### **The National Whistleblower Center**

The National Whistleblower Center (NWC) is the mecca for all resources related to whistleblowing. The NWC is a tax-exempt, non-partisan organization based in Washington, D.C., dependent on public support for its work advocating for the rights of whistleblowers. Its mission is “to support whistleblowers in their efforts to expose and help prosecute corruption and other wrongdoing around the world” (National Whistleblower Center, n.d.e, para. 1). The NWC was founded in 1988 by three experienced whistleblower attorneys: Stephen M. Kohn, Michael D. Kohn, and David K. Colapinto.

The NWC has a website with yearly reports of progress and accomplishments, funds priority campaigns, provides legal routes for individuals to take, and more. The NWC intends to educate whistleblowers about their rights, assist in finding them legal aid, and provide support for high impact whistleblower litigation. The NWC protects all whistleblowers regardless of industry, nationality, or type of wrongdoing.

Based on data from the US Department of Justice within the fiscal year of 2015, taxpayers recovered \$2.913 billion from corporations and individuals who stole from multiple federal programs. This data is found in the Department of Justice's Civil Division's 'Fraud Statistics Overview' and was based directly on original testimony of the whistleblowers to the government (U.S. Department of Justice Civil Division, 2015). Without this intelligence, the government was only able to recover \$67 million of the stolen capital. During the 2015 fiscal year, whistleblower disclosures accounted for over 81% of Civil Fraud Recoveries.

### **The National Whistleblower Center's Activism**

The NWC has played pivotal roles in the success stories of many whistleblowers and remains a mecca of information for the public's indulgence, education, and utilization.

In 1986, when the False Claims Act was being utilized to encourage reporting fraud, theft, or misconduct via whistleblowing, the average whistleblower award per case was \$503,045. The whistleblowers of the 2015 fiscal year fraud received \$590 million in compensation for disclosing the fraud and prompting these successful investigations. The NWC uses data of this nature to configure new campaigns for the advocacy of protections and to illuminate the possible benefits of exposing fraud.

In 2017, Bradley Birkenfeld was awarded \$104 million as a reward for whistleblowing; Birkenfeld's payout is the largest whistleblower award ever given. Birkenfeld was the first international banker to blow the whistle on secret Swiss bank accounts and resulted in unprecedented recoveries for US taxpayers. The Union Bank of Switzerland (UBS) is a Swiss multinational investment bank and financial services company based in Switzerland; UBS is the largest Swiss banking institution and the largest private bank in the world (The Editors of Encyclopedia Britannica, 2021). Birkenfeld's disclosure resulted in UBS paying over \$780

million in penalties and over \$5 billion in collections from US taxpayers who illegally held these offshore accounts in Switzerland and other countries in Europe.

This case had many multifaceted and layered results. First, Switzerland and the United States had to change a treaty in order for UBS to disclose the secrecy of the 5,000 Americans who held these accounts. Now, U.S. taxpayers no longer have access to hide their capital through these offshore accounts. Throughout Birkenfield's case, "the NWC provided communications assistance, drumming up public support from thousands of engaged members of its action alert network" (National Whistleblower Center, n.d.b, paras. 1-2). This case also increased protections of securities, commodities, and tax fraud by illuminating to both whistleblowers, prosecutors, and executives the monetary and socioeconomic incentive to report fraud (National Whistleblower Center, n.d.d, paras. 1-4).

Since the inception of The False Claims Act, which regulates fraud in connection with receiving payment or other governmental benefits, it has steadily increased in popularity and success. In 2019, whistleblowers were awarded \$309 million for their contributions to exposing fraudulent practices that were to the detriment of all US taxpayers. Specifically, "In 2020 alone, whistleblowers helped to recover \$1.7 billion in monetary sanctions for US taxpayers" (National Whistleblower Center, n.d.g, paras. 14-19).

Since the financial crisis of 2008, the Covid-19 pandemic has made the most impact on individual capital, government spending, and overall economic fluctuation. There is more of a need than ever for citizens to report fraud, misconduct, or any other unethical practices they witness. The National Whistleblower Center encourages those who witness fraud to utilize the sources on their website, learn their rights, and be courageous to protect the American people against fraud.

While the NWC is based and primarily functions in the United States, its efforts extend far beyond. The NWC has trained government officials, members of Parliament, and NGOs in order to trigger the enactment of whistleblower laws in Hungary, Serbia, and Bosnia. Impacts were also seen in the “...Prague conference that resulted in the publication of international whistleblower ‘best practices’, now used worldwide as a blueprint for effective laws” (National Whistleblower Center, n.d.e, paras. 6-8).

While the NWC is working to improve whistleblower protections and expand its resources, it can only do so much. While the United States is notorious for its global leadership in whistleblower rights and protections, there is an imminent need for increased and improved legislation surrounding whistleblower protection rights. This is due to the pitfalls of the current system that are apparent across the nation for individuals and industries alike. The United States has the influence and infrastructure to ignite and encourage the expansion of whistleblower protections within its own borders, which would inevitably lead to global change. Despite protected disclosures, the WPEA, and other avenues for confidentiality, individuals still face many forms of retaliation after whistleblowing. If the world leader of whistleblower protections still faces these struggles, it is imaginable what individuals face in countries with less protections. Encouraging more whistleblower protections improves democracy, individual health and safety, and governmental accountability.

### **Effects of Whistleblowing Laws and Practices**

An accessible and thorough list of whistleblower laws and protections can be found in the Whistleblower Handbook. The Whistleblower Handbook provides 30+ ‘Rules’ that any potential whistleblower can utilize to find the best path for their situation. This handbook outlines whom

to avoid, what actions to take, legal statutes, ‘self-help’ tactics, and other general resources for those in need of whistleblower-related guidance (Kohn, Kohn & Colapinto LLP, n.d.a).

The ultimate goal of these various whistleblower protection laws is to mitigate the retaliation or negative impacts that these individuals face for exposing corruption or misconduct within a governmental body, corporation, or organization. However, there have proven to be many negative consequences faced by some of those who blew the whistle. Sometimes, these impacts are impossible to be prevented in terms of the law, due to the damning nature of individual relations, emotional health, or other, more ‘off the record’ consequences.

A research project was conducted to examine the stress-induced health effects of whistleblowing and non-whistleblowing on nurses in Western Australia (Ahern et al., 2002). This descriptive survey design intended to explore the physical and emotional problems experienced by nurses who did and did not blow the whistle on misconduct in the workplace. The results outlined that both groups, whistleblowers and not, experienced stress-induced physical problems from merely being involved in a whistleblower scenario. There were physical side effects, such as restless sleep, headache, insomnia, increased smoking, etc., while the emotional side effects included anger, anxiety, and disillusionment. Non-whistleblowers experienced more emotional side effects, such as guilt and shame (Ahern et al., 2002, Abstract section). This research eventually concluded that, regardless of whether someone actually blows the whistle or not, negative impacts will be experienced by anyone involved. These physical and emotional health threats that employees may face becomes its own obstacle that individuals must face when deciding how to handle misconduct. These anxieties and frustrations can be felt by anyone, regardless of the industry, when put in that position.

This is an example of some consequences that may be imposed upon a potential whistleblower. This is also an example of something that legal whistleblower protections cannot prevent. These can, consciously or not, become debilitating obstacles that individuals must face when deciding if they are going to blow the whistle.

### **Poor Organizational Ethics**

While imminent physical-health threats are clear when facing a situation where one would potentially need to blow the whistle, the entire healthcare industry as an organized institution is often plagued with staff being exposed to unsafe behavior. In 1996, Barry Adams was a nurse in a subacute care unit at a New England Hospital in Boston. Adams was fired after blowing the whistle on what he felt were unsafe conditions and ratios between patients and nurses. Adams was fired, then awarded his job back after he sued the hospital. Particularly within the health care system, there are ever present pressures to cut costs and stay competitive, which subsequently places more pressure on the existing staff and standards.

Dr. Mary Cipriano Silva is the director of the Office of Healthcare Ethics at the Center for Health Policy and Ethics in the School of Nursing and Health Sciences at George Mason University. Dr. Silva addresses this incident with Adams by saying, "You don't have too many organizations that really have an intent to be administratively unethical, but there is a breakdown in communication" (Medical Ethics Advisor, 1999, para. 5). Dr. Silva states that this is an example of poor organizational ethics. Adams attempted to address his concerns within the hospital leadership and supervisors within the unit. His concerns were supported with documented examples of unsafe practices, and he correlated those instances with inadequate staffing and supervision in the unit. Instead of addressing Adams' concerns, the hospital criticized Adams for collecting the information.

This is another example of a negative consequence faced by a whistleblower with only the intention of improving the quality of experience within the hospital for both the employee and the patient. In this case, Adams was fired and then awarded his job back... but at what cost? This is the main dilemma many whistleblowers experience when faced with the question of 'to whistle blow or not?'.

### **Consequences of Whistleblowing**

Mr. Adams's case is one of many, where a whistleblower experienced some form of negative consequence after whistleblowing. Legally, employers are prohibited from retaliating against any employee for engaging in any protected activity. Any adverse action that an employer, administrator, manager, or supervisor takes on an employee after engaging with whistleblower protections laws is considered retaliation.

### **Retaliation and Retaliation Protections**

This includes, but is not limited to:

- Firing, Demoting, or Denying overtime, promotion, or benefits, Disciplining, or Failing to hire or rehire;
- Intimidation or harassment (including threats of reassignment to less desirable position and/or excluding someone from a training that's necessary for promotion);
- Reducing or changing pay or hours;
- Subtle actions, such as isolating, ostracizing, mocking, or falsely accusing the employee of poor performance;
- Intentionally interfering with an employee's ability to obtain future employment ('blacklisting');

- Quitting when an employer makes working conditions intolerable due to the employee's protected activity ('constructive discharge'); and
- Reporting or threatening to report an employee to the police or immigration authorities (U.S Department of Labor, n.d.b, What is an Adverse Action? section).

One might assume that this only occurs in white-collar work or amongst 'big wigs' of major corporations, but misconduct, fraud, and ethical issues occur at every level of the organizational chart.

In terms of temporary workers that are not considered 'full time' employees that are employed under the duality of a host employer and a staffing agency, there are different legal implications for 'host employers' (employers of temporary workers) who engage in retaliation. Temporary workers themselves have the same protections against retaliation as other workers, but occasionally, a staffing agency supplies temporary workers to a business, the staffing agency and its client, commonly referred to as the host employer, are considered "joint employers" of those workers (Occupational Safety and Health Administration, 2015, para. 1). This means that both 'parties' of employers can be held legally liable if the employee is exposed to dangerous or unhealthy conditions. The Temporary Worker Initiative (TWI) works to ensure the same protections for individuals under the duality of host employers and staffing agencies, as those who have a singular employer.

Part of the Occupational Safety and Health Administration's (OSHA) Temporary Worker Initiative includes Whistleblower Protection Rights about retaliation. The TWI focuses on the safety, rights, and health requirements afforded to those under the joint employment of a staffing agency and a host employer.



This specific bulletin is one of the many public resources on the OSHA website that provides explanations and examples of federal protections with health and safety hazards for temporary workers. Ultimately, there is slight variation among what the specific state's laws say, but generally, "Based on the circumstances, temporary workers have the same rights and protections against retaliation as all other workers. Temporary workers who are retaliated against for engaging in protected activity may file a complaint with OSHA against their host employer, the staffing agency, or both" (Occupational Safety and Health Administration, 2015, p. 2, para. 2).

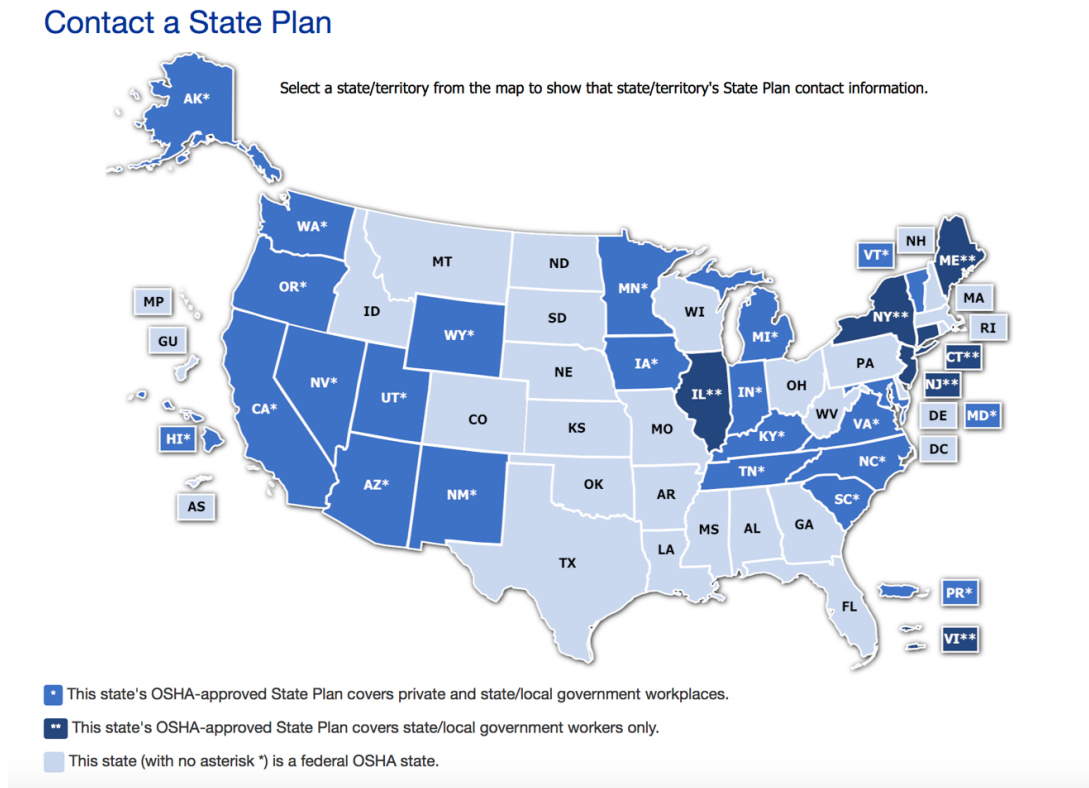
The Occupational Safety and Health Act of 1970 (the OSHA Act) protects all workers who raise safety concerns or report injury to their employer, OSHA, or another government agency about the unsafe conditions of the workplace (U.S. Department of Labor, 1970, Section 11(c)). This extends to temporary workers, as they have the right to report the same concerns to either their host employer, staffing agency, or both. That is called a 'protected activity'. If a concern is reported to either of the host employer or staffing agency, they are obligated to inform the other and investigate the safety issue with priority. If any retaliation occurs against the employee for reporting a concern, both the host employer and staffing agency may be held legally responsible because reporting is a protected activity. If any form of negative consequence or punishment is experienced by the worker after engaging in a protected activity, they must file a formal complaint with OSHA within 30 days of the allegation to maintain their rights and for the investigation to continue or commence (Occupational Safety and Health Administration, 2017, p. 12).

## OSHA State Plans

Twenty-seven states and U.S. territories have adapted their own versions of OSHA-approved safety programs, but they must be at least as effective as OSHA’s. These variations may include some different or additional requirements.

Below is a map found on the United States Department of Labor’s website that shows the detail, or lack thereof, within each state plan, if it is selected by the user. This map shows how different these protections are between states, even within regions.

**Figure 2: State-by-State OSHA Coverage Plans (U.S. Department of Labor, n.d.c)**



States may administer their own job safety and health programs, or State Plans, if they meet minimum federal requirements. This map shows the three-tiered system of navy, royal blue, and light blue to differentiate between OSHA state regulations and individual state plans.

The six navy territories include Maine, New York, Connecticut, New Jersey, the Virgin Islands, and Illinois. This color identification means that only state and local government workers are covered. The royal blue territories include the other twenty-two adopted state plans. This color indication means that both private and state/local government workers are covered within these states. Certain royal blue states including California, Michigan, Oregon, and Washington have standards that are more stringent than OSHA standards or address hazards not covered by OSHA (eTraintoday, n.d.). The remainder and majority of the country, shown in light blue, have no individual state plan, so they are under the jurisdiction of OSHA standards and regulations.

There are some general differences between state plans and federal OSHA: state-specific plans tend to be more responsive to local needs, OSHA does not cover any public sector employees, while all individual state plans do, and state plans have more innovative programs to promote worker safety and health (eTraintoday, n.d.).

With the most notable difference being that public employees are protected under all twenty-seven state plans, this means that even dangerous public occupations like firefighting, law enforcement, or emergency responders are protected to the smallest extent- per federal OSHA coverage. This means that a fire-fighter who reported a safety issue with a firetruck not meeting mandatory safety requirements would be covered by North Carolina or Maine's State Plan while, if an identical situation happened in Texas, the individual would have less coverage

since Texas only adheres to federal OSHA standards, not a specialized or increased version of OSHA.

However, for all US states and territories, if OSHA establishes a new standard, states have a six-month window to implement the new standard. Employers are obligated to comply with their state plan, if they have one.

OSHA's federal protections combined with the ability for states to create their own 'OSHA approved autonomy' is one factor that contributes to the lack of clarity surrounding whistleblower protections across the nation, in each state, and in some localities.

### **Dr. Tommie Savage- Fired After Whistleblowing**

There are many protections allocated to individuals faced with fraud within their workplace, prior to the tangible report. In other scenarios, the legal ramifications or protections begin amidst the reporting process. In the case of *Savage v. Department of the Army* (2015), Dr. Tommie ("Toni") Savage, intense whistleblower protections were implemented after-the-fact, because Dr. Savage faced a plethora of retaliation from her co-workers and supervisors, which eventually led to termination of her position.

Dr. Savage was a respected contracting officer at the Army Corps of Engineers, located at the Huntsville, Alabama, Support Center. Dr. Savage had years of complimentary performance reviews, promotions, and vast success in her position seen most evidently through receiving some of the highest awards for contracting within her office. In 2006, Dr. Savage began to notice a pattern of illegal contracting activity that resulted in millions of dollars of contracting fraud in the Army's 'Rangers Program' (Kohn, Kohn & Colapinto LLP, n.d.b) and she promptly reported it.

Dr. Savage's report sparked myriad consequences soon to be directed at Dr. Savage herself. Dr. Savage faced the epitome of retaliation within the workplace. She experienced demotion, was denied performance awards, was subject to racist comments, received hostility from supervisors, gossip from coworkers, and was yelled at by a supervisor (Kohn, Kohn & Colapinto LLP, n.d.b). In 2009, Dr. Savage was terminated due to her elongated absence from the workplace, which was due to her constant psychological distress from the retaliation.

The Army Corps of Engineers was unable to prove that the psychological toll was not a result from an exterior source, inherently stating that Savage's psychological toll was a result of the retaliation within her work environment.

Dr. Savage's battle with this whistleblowing scenario began in 2006 and was active through 2015. Dr. Savage faced many legal obstacles during this time period. Beginning in 2008, she made disclosures that she stated were violations of federal acquisition regulations. During the summer of 2008, she met with her new first-level supervisor and had a heated discussion regarding her report of the violation of the federal acquisition regulations. The following day, Dr. Savage visited a psychologist, Dr. B.M., who recommended an 8-week leave of absence due to "intensifying depression, anxiety, and work caused stress" (United States Merit Systems Protection Board, *Savage v. Department of the Army* (2015), p. 3, para. 2). Dr. Savage's supervisor, Deputy Commander D.B, remained reluctant to respect the psychologist's recommendations and was especially hesitant of any extension of leave after the first filing. Dr. Savage's return-to-work date was continually extended, upon advice of Dr. B.M. Throughout his time frame, Dr. Savage received a performance appraisal of 3 out of 5; this was the lowest performance appraisal of Dr. Savage's career within the Corps.

Dr. Savage's petitions for absence began in August 2008 and continued through May 2009. On May 6, 2009, Dr. Savage reported to work for approximately one hour, but became physically ill and left. In response to this incident, Dr. B.M. suggested that the new tentative return-to-work date should be September 1, 2009.

In response to this, Savage requested that her Absence Without Leave (AWOL) status be changed to advanced sick leave (LWOP). Savage's supervisor, D.B, responded to this by requesting Savage to see a second psychologist and for additional information from Dr. B.M. Savage eventually met with a second psychologist, Dr. J.H., who opined that it was unlikely that Savage would return to her job within the next six to twelve months. Dr. J.H further stated, "[t]here is considerable doubt in the mind of the undersigned that she will ever return to the currently assigned workplace, but continued treatment might be helpful in bringing that about or assisting [the appellant] to the point that she could work for the Corps in some other capacity" (U.S. Merit Systems Protection Board, *Savage v. Department of the Army* (2015), p. 5, para. 2).

Upon receiving this notice, D.B filed that Savage be removed based on three charges; AWOL, excessive absences, and unavailability to report to duty with no foreseeable end. Dr. Savage did not respond to this notice. On November 3, 2009, the deciding official, Colonel N.T., removed Savage effective November 6, 2009. Savage filed formal complaints about her removal with Equal Employment Opportunity Commission (EEOC), but the agency found no discrimination. This battle began again in 2011, with Savage filing that the removal was a result of a hostile work environment and continued for four years.

On September 8, 2015, after filing yet another appeal, the Merit Systems Protection Board (MSPB) ruled for the first time that the hostile work environment provided a sufficient basis to receive protection under the Whistleblower Protection Act.

Throughout this six-year debacle, Dr. Tommie Savage experienced physical and mental health traumas, along with job insecurity, and eventual unemployment, all as a result from her reporting fraudulent activity within her workplace. Savage remains an advocate for robust whistleblower protections, which is a bipartisan platform in which substantial legislation is needed to protect those facing similar injustices.

### **Reform of Whistleblowing Laws and Future Insights**

“Employers should respond to the message, not shoot the messenger” (Yamey, 2000)

There are many reasons why United States whistleblower reform is necessary. Among the many testimonies and studies that are referenced within this text, it is clear that there are unnecessary and intense economic, social, and personal burdens placed on whistleblowers. This overwhelming and multifaceted tax begins as soon as someone is placed into a situation where there is potential to report fraud or misconduct in their workplace. These stigmatized experiences can require legal assistance before, during, and after any incidence of fraud, which can lead to long term consequences for an innocent employee.

Depending on the circumstances of the incident, the legal route can be very indirect. One way that whistleblowing legislation could be reformed would begin at the state and local level. The federal OSHA requirements and three-tiered hierarchy should be eliminated. In order for there to be comprehensive and representative protections, each state, and the United States as a whole, would benefit from a more uniform basis of protections. The autonomy for states to amend or deviate from federal OSHA is a necessary freedom, but each state should adopt the same policy that has the highest extent of protection.

This would mean that the federal OSHA policy would cover both private and state/local government workers, modeled after the states with the most protections, such as California,

Michigan, Oregon, and Washington. This would increase nationwide accountability with the federal evaluation reports being applied to each US state or territory, instead of just the 28 State Plans. The Occupational Safety and Health Act of 1970 requires that OSHA evaluates each state via the Federal Annual Monitoring and Evaluation (FAME) Reports (U.S Department of Labor, n.d.a).

In addition, every organization that is impacted by OSHA should be obligated to have company wide and federally maintained training for each employee to mitigate the pitfalls of organizational failures and unnoticed (or ignored) unethical practices.

Citizens, politicians, and legislatures alike should value the potential for legislative reform as it holds the government and largest organizations accountable for how they impact the public. When a whistleblower exposes an organization that is exploiting individual freedoms or unalienable rights, it would be expected that the entity would be held accountable on a foundational basis, rather than a case-by-case basis.



## References

- Ahern, K., McDonald, S., & National Library of Medicine- National Center for Biotechnology Information. (2002, January). *Physical and emotional effects of whistleblowing*. PubMed. <https://pubmed.ncbi.nlm.nih.gov/11813350/>
- Berger Montague. (n.d.). *Federal and state whistleblower laws | Qui tam*. Berger Montague. <https://bergermontague.com/practice-areas/false-claims-act-qui-tam-whistleblower-law-firm/federal-state-whistleblower-laws/#local>
- Cornell Law School. (n.d.). *16 US Code § 3372 - Prohibited acts | US Code | US Law | LII / Legal Information Institute*. Legal Information Institute. <https://www.law.cornell.edu/uscode/text/16/3372>
- The Editors of Encyclopedia Britannica. (2021, May 3). *USB AG | History, activities, & facts*. Encyclopedia Britannica. <https://www.britannica.com/topic/USB-AG>
- The Employment Law Group. (2022). *False Claims Act*. The Employment Law Group. <https://www.employmentlawgroup.com/resources/statutes/false-claims-act-2/>
- eTraintoday. (n.d.). *OSHA Federal regulations vs. individual state plans*. e-Training Inc. <https://etraintoday.com/blog/osha-federal-regulations-vs-individual-state-plans/>
- Hudson, D. L. (2017). *Lane v. Franks | The First Amendment Encyclopedia*. Middle Tennessee State University. <https://www.mtsu.edu/first-amendment/article/1466/lane-v-franks>
- Kohn, Kohn & Colapinto LLP. (n.d.a). *The new whistleblower handbook*. Kohn, Kohn & Colapinto LLP. <https://kkc.com/rules/>
- Kohn, Kohn & Colapinto LLP. (n.d.b). *Toni Savage | Government contract fraud whistleblower*. Kohn, Kohn & Colapinto. from <https://kkc.com/whistleblower-case-archive/toni-savage/>

- Medical Ethics Advisor. (1999, October 1). *Prepare to be alone when blowing the whistle on unethical practices* | AHC Media: Continuing Medical Education Publishing. Relias Media. <https://www.reliasmedia.com/articles/43197-prepare-to-be-alone-when-blowing-the-whistle-on-unethical-practices>
- Muhl, C. J. (2001, January). *The employment-at-will doctrine: three major exceptions*. Bureau of Labor Statistics. <https://www.bls.gov/opub/mlr/2001/01/art1full.pdf>
- Nassiri Law Group. (2021). *Lane v. Franks: First Amendment protections for public employees clarified*. Orange County Employment Lawyer. <https://www.orangecounty-employment-lawyer.com/lane-v-franks-first-amendment-protections-for-public-employees-c.html>
- National Whistleblower Center. (n.d.a). *Act to prevent pollution from ships: Whistleblower FAQ*. National Whistleblower Center. <https://www.whistleblowers.org/faq/act-to-prevent-pollution-from-ships/>
- National Whistleblower Center. (n.d.b). *Bradley Birkenfeld*. National Whistleblower Center. <https://www.whistleblowers.org/whistleblowers/bradley-birkenfeld/>
- National Whistleblower Center. (n.d.c). *Guidance for whistleblowers outside the US*. National Whistleblower Center. <https://www.whistleblowers.org/know-your-rights/international-whistleblower/>
- National Whistleblower Center. (n.d.d). *How whistleblowers changed the world- Bradley Birkenfeld*. National Whistleblower Center. <https://www.whistleblowers.org/how-whistleblowers-changed-the-world/>
- National Whistleblower Center. (n.d.e). *Mission & history*. National Whistleblower Center. <https://www.whistleblowers.org/mission-history/>

- National Whistleblower Center. (n.d.f). *Whistleblower laws around the world*. National Whistleblower Center. <https://www.whistleblowers.org/whistleblower-laws-around-the-world/>
- National Whistleblower Center. (n.d.g). *Whistleblowers & the Great Recession of 2008-2009*. National Whistleblower Center. from <https://www.whistleblowers.org/whistleblowers-the-great-recession-of-2008-2009/>
- National Whistleblower Center. (2014, June 19). *Supreme Court issues decision on key whistleblower rights case*. National Whistleblower Center. <https://www.whistleblowers.org/news/supreme-court-issues-decision-on-key-whistleblower-rights-case/>
- National Whistleblower Center. (n.d.h). *What is a whistleblower?* National Whistleblower Center. <https://www.whistleblowers.org/what-is-a-whistleblower/>
- Occupational Safety and Health Administration. (2015, March). *Temporary worker initiative*. OSHA.gov. <https://www.osha.gov/sites/default/files/publications/OSHA3781.pdf>
- Occupational Safety and Health Administration. (2017, January). *Recommended practices for anti-retaliation programs*. OSHA. <https://www.osha.gov/sites/default/files/publications/OSHA3905.pdf>
- Our Inspector General. (n.d.). *Whistleblower protection information*. OPM. <https://www.opm.gov/our-inspector-general/whistleblower-protection-information/>
- Piacentile, Stefanowski & Associates LLP. (2021, September 2). *The history of whistleblowing in America*. Whistleblowers International. <https://www.whistleblowersinternational.com/what-is-whistleblowing/history/>

Schultz, D., & Harutyunyan, K. (2015, December). Combating corruption: The development of whistleblowing laws in the United States, Europe, and Armenia. *International*

*Comparative Jurisprudence*, 1(2), 87-97. <https://doi.org/10.1016/j.icj.2015.12.005>

U.S. Department of Agriculture. (2021, December 21). *Lacey Act*. USDA- Animal and Plant Health Inspection Service.

<https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/lacey-act/lacey-act>

U.S. Department of Justice Civil Division. (2015, December 16). *Whistleblowers account for over 81% of civil fraud recoveries in FY 2015*. National Whistleblower Center.

<https://www.whistleblowers.org/news/whistleblowers-account-for-over-81-of-civil-fraud-recoveries-in-fy-2015/>

U.S. Department of Labor. (n.d.a). *Federal Annual Monitoring and Evaluation (FAME) Reports* | OSHA. <https://www.osha.gov/stateplans/famereport>

U.S. Department of Labor. (n.d.b). *Retaliation- Whistleblower Protection Program*. Occupational Safety and Health Administration. [https://www.whistleblowers.gov/know\\_your\\_rights](https://www.whistleblowers.gov/know_your_rights)

U.S. Department of Labor. (n.d.c). *State plans* | OSHA. <https://www.osha.gov/stateplans/>

U.S. Department of Labor. (1970, December 29). *OSH Act of 1970* | *Occupational Safety and Health Administration*. OSHA. <https://www.osha.gov/laws-regs/oshact/completeoshact>

U.S. Fish & Wildlife Service. (1982, October 13). *Endangered Species Act of 1973, As amended through the 108th Congress*. US Fish and Wildlife Service.

<https://www.fws.gov/sites/default/files/documents/endangered-species-act-accessible.pdf>

U.S. Merit Systems Protection Board. (n.d.). *Prohibited personnel practices*. US Merit Systems Protection Board. <https://www.mspb.gov/ppp/8ppp.htm>

- U.S. Merit Systems Protection Board. (2010, September). *Whistleblower protections for federal employees*. U.S. Merit Systems Protection Board.  
[https://www.mspb.gov/studies/studies/Whistleblower\\_Protections\\_for\\_Federal\\_Employees\\_557972.pdf](https://www.mspb.gov/studies/studies/Whistleblower_Protections_for_Federal_Employees_557972.pdf)
- United States Merit Systems Protection Board. (2015, September 3). *Savage v. Department of the Army (2015)* [2015 M.S.P.B. 51]. <https://g7x5y3i9.rocketcdn.me/wp-content/uploads/2020/05/Savage.appeal.decision.pdf>
- U.S. Office of Personnel Management. (n.d.). *Whistleblower protection information*. OPM.  
<https://www.opm.gov/our-inspector-general/whistleblower-protection-information/>
- Yamey G. (2000). Protecting whistleblowers. Employers should respond to the message, not shoot the messenger. *BMJ (Clinical research ed.)*, 320(7227), 70–71.

**Court Cases**

Garcetti v. Ceballos, 547 U.S. 410 (2006)

Lane v. Franks, 573 U.S. 228 (2014)

Petermann v. International Brotherhood of Teamsters, Local 396 (1959), 174 Cal. App.

Pickering v. Board of Education, 391 U.S. 563 (1968)

Savage v. Department of the Army, 2015 M.S.B.P. 51 (2015)