



Dr. Barbara Bolin, Director

**OFFICIAL**

**E-mailed 2/12/02:sm**

**Michigan Department of Career Development (MDCD)**  
**Office of Workforce Development (OWD)**  
**Policy Issuance (PI) No. 02-02**  
**Index: IV**

**Date:** February 12, 2002

**To:** Michigan Works! Agency (MWA) Directors

**Subject:** Whistle-Blower Protection

**Affected Programs:** All programs funded through the MDCD/OWD

**References:** Michigan's Whistle-Blowers' Protection Act, 1980 PA 469, MCL 15.362; MSA 349.24

Workforce Investment Act (WIA) Regulation 20 CFR 667.630

Section 665 of Title 18, United States Code

Public Welfare Regulations 45 CFR 73.735-1301, 73.735-1302, and 73.735-1303

**Rescissions:** OWD Policy Issuance 98-28

**Background:** The WIA repealed the Job Training Partnership Act (JTPA) on July 1, 2000, thus, creating a need for the MDCD/OWD to update this policy to delete references to the JTPA.

The Federal Whistle-Blowers' Act pertains to federal employees. However, the general protections available and the right to take legal action in the event that a specific threat or adverse action occurs toward other employees are described in the Michigan Whistle-Blowers' Protection Act. Section 2 of Michigan's Whistle-Blowers' Protection Act, 1980 PA 469, MCL 15.362; MSA 349.24 provides that:

An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee, or a person acting on

behalf of the employee, reports or is about to report, verbally or in writing, a violation or a suspect violation of a law or regulation or rule promulgated pursuant to [a] law of this state, a political subdivision of this state, or the United States to a public body, unless the employee knows that the report is false, or because an employee is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action.

Pursuant to Sections 3 and 4 of the act, an employee claiming a violation of the act is authorized to bring a civil action and may, if successful, obtain damages, including payment of back wages, reinstatement of fringe benefits and seniority rights, and payment of attorney and witness fees. However, while the Whistle-Blowers' Protection Act does protect employees who report or are about to report suspected violations of law from direct reprisals, a violation of the act occurs only if and when an employer takes some action to threaten, discharge, or otherwise penalize an employee for making a report covered by the act.

Also, Section 73.735-1303 of the U.S. Department of Health and Human Services regulations prohibit any reprisals or discrimination against any individual who files a complaint.

**Policy:** All employees, including MWA and service provider employees, shall have protection available and the right to take legal action under the Michigan Whistle-Blowers' Protection Act. The Act states that an actionable claim exist when a specific threat or adverse action occurs against an employee who reports or is about to report a violation or suspected violation of a federal, state or local law or regulation.

**Action:** MWA and service providers shall ensure they are in compliance with federal and state whistle-blower protection laws and regulations.

**Inquiries:** Questions regarding this policy may be directed to the state coordinator.

The information continued in this policy issuance will be made available in alternative format (large type, audio tape, etc.) upon request received by this office.

**Expiration Date:** Continuing

**SIGNED**

Vicki Enright, Director  
Office of Workforce Development

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