



Office of Inspector General

FOLLOW-UP AND CLOSE-OUT OF THE REVIEW OF
FLRA NONDISCLOSURE REQUIREMENTS AND
WHISTLEBLOWING RIGHTS

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Report No. MAR-25-05
April 2025

Federal Labor Relations Authority
1400 K Street, N.W., Washington, D.C. 20424

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Acronyms

FLRA	Federal Labor Relations Authority
MAM	Management Advisory Memorandum
MAR	Management Advisory Review
OIG	Office of Inspector General
U.S.C.	United States Code
UAE	Union of Authority Employees
WPEA	Whistleblower Protection Enhancement Act of 2012, as amended

Follow-Up and Close-Out of the Review of FLRA Nondisclosure Requirements and Whistleblowing Rights

Report No. MAR-25-05

April 9, 2025

Colleen Duffy Kiko, Chairman:

This report presents the results of our follow-up review of the Federal Labor Relations Authority's (FLRA) implementation of agreed-upon actions from the Management Advisory Memorandum (MAM) regarding FLRA nondisclosure requirements and whistleblowing rights (MAM-24-02). We issued report MAM-24-02 on May 9, 2024, and made one recommendation. FLRA concurred with the recommendation and specified planned agency action to address the recommendation. Our work was limited to reviewing, as of April 2, 2025, the actions taken to implement the recommendation.

Results in Brief

The FLRA Office of Inspector General (OIG) conducted a follow-up review of *Management Advisory Memorandum Regarding FLRA Nondisclosure Requirements and Whistleblowing Rights*, Report No. MAM-24-02. We determined that the FLRA has taken sufficient action to implement the recommendation made in that report. Therefore, we are closing out the recommendation and the report. The background and details are as follows.

Background

Congress enacted the Whistleblower Protection Enhancement Act of 2012 (WPEA)¹ to “strengthen the rights of and protections for federal whistleblowers so that they can more effectively help root out waste, fraud, and abuse in the federal government.”² In part, the WPEA prohibits the implementation or enforcement of any nondisclosure policy, form, or agreement against Federal employees and job applicants, if such policy, form, or agreement does not contain certain language alerting Federal employees and job applicants of their whistleblowing rights and obligations.³

Original Report

In accordance with a request from a Member of Congress, we reviewed FLRA policies, forms, and agreements to identify any nondisclosure provisions that ostensibly bind FLRA employees without inclusion of the requisite statutory language from the WPEA, as amended (5 U.S.C. § 2302(b)(13)(A)). We identified six documents as having nondisclosure provisions without the statutory language from the WPEA. We recommended that the Executive Director incorporate

¹ Pub. L. No. 112-199, 126 Stat. 1465 (codified, in relevant part, at 5 U.S.C. § 2302).

² S. Rep. No. 112-155, at 1 (2012).

³ 5 U.S.C. § 2302(b)(13)(A). *See also* Further Consolidated Appropriations Act, 2024, Pub. L. No. 118-47, div. B, tit. VII, § 743(a), 138 Stat. 460, 584 (“No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: [provisions identical to those at 5 U.S.C. § 2302(b)(13)(A)]”).

the statutory language at 5 U.S.C. § 2302(b)(13)(A) into the six policies, forms, and agreements. FLRA management concurred with the recommendation and conveyed that the agency would incorporate the statutory language into new versions of the identified documents.

Results in Detail

Our follow-up review determined that the FLRA re-issued, with the requisite statutory language, or rescinded without re-issuing, all six documents. Specifically, the following policies and agreements, which replaced the policies and agreements identified in the original report, contain the requisite statutory language:

FLRA Policies and Agreements

1. FLRA Policy No. 6910.1, *FLRA Electronic Mail* (May 21, 2024).
2. FLRA Policy No. 6920.1, *FLRA Internet Access* (May 21, 2024).
3. FLRA Policy No. 3891.2, *Reasonable Accommodation Procedures for Individuals with Disabilities* (Mar. 6, 2025).
4. FLRA and Union of Authority Employees (UAE), “Collective Bargaining Agreement 2024” (June 3, 2024).
5. FLRA and UAE, “Labor-Management Forum Charter” (May 14, 2024).

Regarding the sixth document identified in the original report, “PERFORMANCE MANAGEMENT ALTERNATIVE DISPUTE RESOLUTION PROCEDURE,” FLRA rescinded and did not reissue the document.

We believe the management actions with respect to these documents addressed the single recommendation from the original report and we are formally closing the recommendation.

Conclusion

We determined that FLRA has taken appropriate action to close-out the one open recommendation. This is the final follow-up and close-out report for OIG Report MAM-24-02.

Appendix 1: Objective, Scope, and Methodology

This follow-up review from *Management Advisory Memorandum Regarding FLRA Nondisclosure Requirements and Whistleblowing Rights*, Report No. MAM-24-02, was conducted to review the status of the implementation of the open recommendation from that report.

The objective of this review was limited to determine whether the FLRA acceptably resolved and implemented the one open recommendation in report MAM-24-02. Our review was limited to reviewing the contents of the re-issued documents for the requisite statutory whistleblower language (5 U.S.C. § 2302(b)(13)(A)).

We downloaded the re-issued documents from the FLRA intranet site. We examined the documents in order to draw conclusions. Our conclusions are based on the herein described analysis. A preliminary version of the report was shared with management for their awareness.

Appendix 2: Report Distribution

Federal Labor Relations Authority

The Honorable Susan Tsui Grundmann, Member

The Honorable Anne M. Wagner, Member

Michael Jeffries, Executive Director

Rebecca J. Osborne, Director of Legislative Affairs and Program Planning

Contacting the Office of Inspector General

If you know of fraud, waste, abuse, or misconduct relating to an FLRA program, contract, or employee, you may report it to the FLRA OIG Hotline:

HOTLINE (877) 740-8278
[HTTP://WWW.FLRA.GOV/OIG-HOTLINE](http://www.flra.gov/oig-hotline)

Federal Labor Relations Authority, Office of Inspector General
CALL: (771) 444-5712 | FAX: (202) 208-4535
WRITE: 1400 K Street, NW
Washington, D.C. 20424

When reporting information, you may choose to be confidential, which means the FLRA OIG will not disclose your identity without your consent, unless the Inspector General determines that such a disclosure is unavoidable during the course of an investigation. You may instead choose to be anonymous. Anonymous reports may limit our ability to process the information you provide as we would not be able to contact you for additional information or clarification. To learn more about the FLRA OIG, visit our website at <https://www.flra.gov/components-offices/offices/office-inspector-general>.



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