

Filing Whistleblower Complaints under the *Moving Ahead for Progress in the 21st Century Act* (MAP-21)

Employees who work for motor vehicle manufacturers, part suppliers, and dealerships are protected from retaliation for reporting alleged violations of the *National Traffic and Motor Vehicle Safety Act of 1966* (Chapter 301 of Title 49 of the United States Code).

Covered Entities

Section 31307 of the *Moving Ahead for Progress in the 21st Century Act* (MAP-21) prohibits motor vehicle manufacturers, part suppliers, and dealerships from retaliating against employees for engaging in certain protected activities, discussed below.

Background

Chapter 301 of Title 49 of the U.S. Code (Chapter 301) gives the National Highway Traffic Safety Administration (NHTSA) the authority to issue vehicle safety standards and to require manufacturers to recall vehicles that have a safety-related defect or that do not meet federal safety standards. It also contains other reporting and notification requirements for motor vehicle manufacturers and part suppliers.

Protected Activity

MAP-21 protects employees of covered entities from retaliation for:

- providing information relating to any motor vehicle defect or alleged violations of Chapter 301, including NHTSA vehicle safety standards and the federal reporting requirements for auto manufacturers, to:
 - his or her employer (including auto manufacturers, parts suppliers and dealerships), or
 - the U.S. Department of Transportation
- filing, testifying, assisting, or participating in a proceeding concerning any motor vehicle defect or alleged violation of Chapter 301, including NHTSA vehicle safety standards and the federal reporting requirements for auto manufacturers, or

- objecting to or refusing to participate in any activity that he or she reasonably believed to be in violation of Chapter 301 or any order, rule, regulation, standard, or ban under Chapter 301.

What is Retaliation?

Retaliation is not limited to firing an employee. Retaliation can include several types of actions, such as:

- Firing or laying off
- Reducing pay or hours
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failing to hire or rehire
- Intimidating
- Making threats
- Reassigning

Time Limits for Filing Complaints

An employee who believes that he or she has been retaliated against in violation of MAP-21 may file, or have a representative file on their behalf, a complaint with OSHA. MAP-21 complaints must be filed within 180 days after the alleged retaliatory action (that is, when the employee is notified of the retaliatory action).

How to File a MAP-21 Complaint

An employee can file a MAP-21 complaint with OSHA by visiting or calling his or her local OSHA office, sending a written complaint to the closest OSHA office, or filing a complaint online. No particular form is required and complaints may be submitted in any language.

Written complaints may be filed by fax, electronic communication, hand delivery during business hours, U.S. mail (confirmation services recommended), or other third-party commercial carrier.

The date of the postmark, fax, electronic communication, telephone call, hand delivery, delivery to a third-party commercial carrier, or in-person filing at an OSHA office is considered the date filed.

To file a complaint electronically, please visit www.osha.gov/whistleblower/WBComplaint.html.

To contact an OSHA area office, please call 1-800-321-OSHA (6742) and they will connect you to the closest area office. Or visit our website at www.osha.gov/html/RAmap.html and click on your state to find your local OSHA office address and contact information.

When OSHA receives a complaint, the agency will first review it to determine whether certain basic requirements are met, such as whether the complaint was filed on time. If so, the complaint will then be investigated according to the procedures required by 29 CFR Part 1988.

Results of the Investigation

If the evidence supports an employee's complaint of retaliation, OSHA will issue an order requiring the employer to, as appropriate, put the employee back to work, pay lost wages, restore benefits, and other possible relief. The exact requirements will depend on the facts of the case. If the evidence does not support the employee's complaint, OSHA will dismiss the complaint.

After OSHA issues a decision, the employer and/or the employee may request a full hearing before an administrative law judge of the Department of Labor. The administrative law judge's decision may be appealed to the Department's Administrative Review Board.

The employee may also file a complaint in federal court if the Department does not issue a final decision within 210 days. See 49 U.S.C. 30171.

To Get Further Information

For a copy of MAP-21 (49 U.S.C. §30171), the regulations (29 CFR Part 1988), and other information, go to www.whistleblowers.gov.

OSHA's Whistleblower Protection Program enforces the whistleblower provisions of more than twenty federal whistleblower statutes. To learn more about the whistleblower statutes, which OSHA enforces, view our "Whistleblower Statutes Desk Aid" at www.whistleblowers.gov/whistleblower_acts-desk_reference.pdf.

For information on the Office of Administrative Law Judges procedures and case law research materials, go to www.oalj.dol.gov and click on the link for "Whistleblower."

For information on NHTSA and motor vehicle safety, go to www.nhtsa.gov.

If you have questions or need more information, visit our website at www.whistleblowers.gov or call OSHA at 1-800-321-6742.

This is one of a series of informational fact sheets highlighting OSHA programs, policies, or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards and regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. Voice phone number: (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

For assistance, contact us. We can help. It's confidential.



www.osha.gov (800) 321-OSHA (6742)



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