



Legislative Council Staff

Research Note

Version: House Local Gov
Date: 1/28/2016

Bill Number

House Bill 16-1078

Sponsors

*Representative Kagan
(None)*

Short Title

*Local Government Employee
Whistleblower Protection*

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Status

This bill is currently pending before the House Local Government Committee. This research note reflects the introduced version of the bill.

Summary

The bill prohibits a local education provider, county, or municipality from taking any disciplinary action against an employee on account of the employee's statements about the local government employer that the employee believes to show:

- a violation of state, federal, or local government policy;
- a waste or misuse of public funds;
- fraud;
- an abuse of authority;
- mismanagement; or
- a danger to the health or safety of students, employees, or the public.

The prohibition of disciplinary action does not apply to an employee that discloses information that:

- the employee knows is false;
- is from a public record closed to public inspection or that is confidential under state law; or
- information that is confidential under federal law.

In addition, the bill establishes deadlines and other requirements for an employee to file a complaint with the Office of Administrative Courts in the Department of Personnel and

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Administration for referral to an administrative law judge (judge). If the employee prevails in his or her complaint, the judge may award the employee damages and other relief deemed appropriate. If the judge determines that the employer did not violate the law by imposing disciplinary action, the employee may bring a civil action in the district court.

Background

Private enterprise employment protection. Under current law, no supervisor of a private enterprise under contract with a state agency may issue disciplinary action against an employee who disclosed information concerning activities of the employer that could:

- waste public funds;
- endanger public health, safety, or welfare; or
- adversely affect the interests of the state.

Current law does not apply to an employee who discloses information that:

- the employee knows is false; or
- is confidential under any other provisions of law.

The employee may bring a civil action in district court. If the employee prevails, the employee may recover damages or relief as determined by the court.

State employee protection. Under current law, no supervisor of a state employee may issue disciplinary action against an employee who discloses information to:

- reduce waste of public funds;
- reduce abuses of government authority; or
- prevent illegal and unethical practices.

Current law does not apply to an employee who discloses information that:

- the employee knows is false;
- is from a public record closed to public inspection or that is confidential under state law; or
- information that is confidential under federal law.