

IN THE SENATE

SENATE BILL NO. 1076

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO PROTECTION OF PUBLIC EMPLOYEES; AMENDING SECTION 6-2104, IDAHO
2 CODE, TO CLARIFY PROVISIONS REGARDING PROHIBITED ADVERSE ACTIONS
3 AGAINST EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 6-2104, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 6-2104. REPORTING OF GOVERNMENTAL WASTE OR VIOLATION OF LAW -- EM-
9 PLOYER ACTION.

10 (1) (a) An employer may not take adverse action against an employee be-
11 cause the employee, or a person authorized to act on behalf of the em-
12 ployee, communicates in good faith the existence of any waste of public
13 funds, property or manpower, or a violation or suspected violation of a
14 law, rule or regulation adopted under the law of this state, a politi-
15 cal subdivision of this state or the United States. Such communication
16 shall be made at a time and in a manner which gives the employer reason-
17 able opportunity to correct the waste or violation.

18 (b) For purposes of ~~subsection (1) paragraph~~ (a) of this subsection, an
19 employee communicates in good faith if there is a reasonable basis in
20 fact for the communication. Good faith is lacking where the employee
21 knew or reasonably ought to have known that the report is malicious,
22 false or frivolous.

23 (2) An employer may not take adverse action against an employee because
24 an employee participates or gives information in an investigation, hearing,
25 court proceeding, legislative or other inquiry, or other form of administra-
26 tive review involving the existence of any waste of public funds, property or
27 manpower, or a violation or suspected violation of a law, rule or regulation
28 adopted under the law of this state, a political subdivision of this state or
29 the United States.

30 (3) An employer may not take adverse action against an employee because
31 the employee has objected to or refused to carry out a directive that the em-
32 ployee reasonably believes violates a law or a rule or regulation adopted un-
33 der the authority of the laws of this state, political subdivision of this
34 state or the United States.

35 (4) An employer may not implement rules or policies that unreasonably
36 restrict an employee's ability to document the existence of any waste of pub-
37 lic funds, property or manpower, or a violation, or suspected violation of
38 any laws, rules or regulations.