

IN THE SENATE

SENATE BILL NO. 1076, As Amended

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO PROTECTION OF PUBLIC EMPLOYEES; AMENDING SECTION 6-2104, IDAHO
CODE, TO CLARIFY PROVISIONS REGARDING PROHIBITED ADVERSE ACTIONS
AGAINST EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

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

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

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

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

(2) (a) An employer may not take adverse action against an employee
because an employee in good faith participates or gives information in
an investigation, hearing, court proceeding, legislative or other in-
quiry, or other form of administrative review.

(b) For purposes of paragraph (a) of this subsection, an employee par-
ticipates or gives information in good faith if there is a reasonable
basis in fact for the participation or the provision of the information.
Good faith is lacking where the employee knew or reasonably ought to
have known that the employee's participation or the information pro-
vided by the employee is malicious, false or frivolous.

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

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