

IN THE SENATE

SENATE BILL NO. 1308

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PROTECTION OF PUBLIC EMPLOYEES; AMENDING SECTION 6-2105, IDAHO
2 CODE, TO REVISE A PROVISION REGARDING EMPLOYEES WHO BRING A CIVIL AC-
3 TION.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 6-2105, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 6-2105. REMEDIES FOR EMPLOYEE BRINGING ACTION -- PROOF REQUIRED. (1)
9 As used in this section, "damages" means damages for injury or loss caused
10 by each violation of this chapter, and includes court costs and reasonable
11 attorneys' fees.

12 (2) An employee who alleges a violation of this chapter may bring a
13 civil action, subject to the requirements and limitations of chapter 9, ti-
14 tle 6, Idaho Code, for appropriate injunctive relief or actual damages, or
15 both, within one hundred eighty (180) days after the occurrence of the al-
16 leged violation of this chapter, except that filing a notice of a tort claim
17 within the one hundred eighty (180) day period set forth in sections 6-905
18 and 6-906, Idaho Code, shall not be required.

19 (3) An action begun under this section may be brought in the district
20 court for the county where the alleged violation occurred, the county where
21 the complainant resides, or the county where the person against whom the
22 civil complaint is filed resides or has his principal place of business.

23 (4) To prevail in an action brought under the authority of this section,
24 the employee shall establish, by a preponderance of the evidence, that the
25 employee has suffered an adverse action because the employee, or a person
26 acting on his behalf engaged or intended to engage in an activity protected
27 under section 6-2104, Idaho Code.