

House Amendment 8603

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1 1 Amend House File 2797 as follows:
1 2 #1. Page 36, by inserting after line 34 the
1 3 following:
1 4 <Sec. _____. NEW SECTION. 70A.29A REPRISALS
1 5 PROHIBITED == EMPLOYEES == PENALTY == CIVIL REMEDIES.
1 6 1. DEFINITIONS. As used in this section, unless
1 7 the context otherwise requires:
1 8 a. "Employee" means a person employed by the state
1 9 including but not limited to a person employed by the
1 10 general assembly and a person employed by the state
1 11 board of regents, by a political subdivision of the
1 12 state, or by a government-funded contractor.
1 13 "Employee" includes but is not limited to an
1 14 accountant, administrative assistant, construction
1 15 worker, day care worker, health care worker, social
1 16 worker, teacher, and full-time or part-time
1 17 legislative employee who are employed by the state, a
1 18 political subdivision of the state, or a
1 19 government-funded contractor.
1 20 b. "Government-funded contractor" means a person
1 21 receiving state or federal funds under a service
1 22 contract as provided in section 8.47.
1 23 2. An employee, who reasonably believes that a
1 24 particular practice the employee has observed
1 25 occurring at the employee's place of employment is a
1 26 violation of laws or regulations applicable to the
1 27 employee's employer, is a breach of public safety that
1 28 may result in harm to consumers or citizens, or is in
1 29 violation of employee professional standards of care
1 30 or professional codes of ethics, may report the
1 31 violation or breach to the employee's supervisor or
1 32 employer so that corrective action may be taken. A
1 33 report pursuant to this subsection shall be made
1 34 within fourteen days of the occurrence of the
1 35 violation or breach. An employee making a report
1 36 shall be protected against reprisals or retaliatory or
1 37 punitive action by the supervisor or employer
1 38 receiving the report.
1 39 3. If, after a reasonable period of time for
1 40 correction of the violation or breach reported
1 41 pursuant to subsection 2 an employee continues to
1 42 observe the particular practice that was the subject
1 43 of the report occurring in the workplace, the employee
1 44 may disclose information relating to the violation or
1 45 breach, and the fact that a correction of the
1 46 violation or breach has not been made, to the office
1 47 of citizens' aide, a licensing board, if applicable, a
1 48 member or employee of the general assembly, the office
1 49 of the attorney general, any other public official or
1 50 law enforcement agency, a federal government agency or
2 1 program, the governing board of the employee's
2 2 employer, the employee's professional association or
2 3 collective bargaining unit, or the media. The
2 4 employee shall be protected against reprisals or
2 5 retaliatory or punitive action by the supervisor or
2 6 employer that received the report if disclosure of the
2 7 information is not otherwise prohibited by law and
2 8 informs state agencies or entities of a violation of
2 9 state law or regulation, or is reasonably believed by
2 10 the employee to be a violation of law or regulation or
2 11 a breach of public safety that may lead to an adverse
2 12 event to consumers or citizens, based upon employee
2 13 professional standards of care or professional codes
2 14 of ethics.
2 15 4. An employee disclosing information in good
2 16 faith pursuant to subsection 2 or 3 is presumed to
2 17 have established a prima facie case showing a
2 18 violation of the protections against reprisals or
2 19 retaliatory or punitive action by the employee's
2 20 employer if the supervisor or employer knows or has
2 21 reason to know of the disclosure, and if subsequent to
2 22 and as a result of the disclosure, one or more of the
2 23 following actions were initiated by the employer:
2 24 a. Discharge of the employee from employment.

2 25 b. Failure by the employer to take action
2 26 regarding an employee's appointment, promotion or
2 27 proposed promotion, or receipt of any advantage or
2 28 benefit in the employee's position of employment.
2 29 c. An adverse change to the employee's terms or
2 30 conditions of employment or any administrative, civil,
2 31 or criminal action or other effort that diminishes the
2 32 professional competence, reputation, stature, or
2 33 marketability of the employee.
2 34 The employer has the burden to prove that actions
2 35 taken pursuant to this subsection were for a
2 36 legitimate business purpose.
2 37 5. If a supervisor or employer is determined to
2 38 have violated state laws or regulations, or
2 39 professional standards of care or professional codes
2 40 of ethics after a disclosure pursuant to subsection 2
2 41 or 3 results in an action as described in subsection
2 42 4, such a determination shall create a presumption of
2 43 retaliation or reprisal against the employee in
2 44 violation of this section.
2 45 6. A person who violates this section commits a
2 46 simple misdemeanor and is subject to civil action, as
2 47 follows:
2 48 a. An employer who violates this section is liable
2 49 to an aggrieved employee for affirmative relief,
2 50 including reinstatement with or without pay, or any
3 1 other equitable relief the court deems appropriate,
3 2 including attorney fees and costs, punitive damages,
3 3 and public notice of the retaliation or reprisal
3 4 undertaken against the employee through publication in
3 5 an official newspaper in the city or county.
3 6 b. When a person commits, is committing, or
3 7 proposes to commit an act in violation of this
3 8 section, an injunction may be granted through an
3 9 action in district court to prohibit the person from
3 10 continuing such act. The action for injunctive relief
3 11 may be brought by an aggrieved employee or by the
3 12 county attorney.
3 13 7. In addition to any other penalties applicable
3 14 for violation of this section, an employer of an
3 15 employee who violates this section with respect to
3 16 another employee of the employer shall be subject to a
3 17 civil penalty in the amount of one thousand dollars
3 18 per violation.
3 19 8. The provisions of this section are in addition
3 20 to, and not in lieu of, any other provisions of law
3 21 applicable to disclosures of information by
3 22 employees.>
3 23 #2. By renumbering as necessary.
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3 27 _____
3 28 WISE of Lee
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3 31 _____
3 32 PETERSEN of Polk
3 33 HF 2797.201 81
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