

Senate File 502

H-1201

1 Amend Senate File 502, as passed by the Senate, as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 70A.28, subsections 2 and 5, Code 2019,
4 are amended to read as follows:

5 2. A person shall not discharge an employee from or take
6 or fail to take action regarding an employee's appointment or
7 proposed appointment to, promotion or proposed promotion to,
8 or any advantage in, a position in a state employment system
9 administered by, or subject to approval of, a state agency as a
10 reprisal for a failure by that employee to inform the person
11 that the employee made a disclosure of information permitted
12 by [this section](#), or for a disclosure of any information by
13 that employee to a member or employee of the general assembly,
14 a disclosure of information to the office of ombudsman, a
15 disclosure of information to a person providing human resource
16 management for the state, or a disclosure of information to any
17 other public official or law enforcement agency if the employee
18 reasonably believes the information evidences a violation
19 of law or rule, mismanagement, a gross abuse of funds, an
20 abuse of authority, or a substantial and specific danger to
21 public health or safety. However, an employee may be required
22 to inform the person that the employee made a disclosure
23 of information permitted by [this section](#) if the employee
24 represented that the disclosure was the official position of
25 the employee's immediate supervisor or employer.

26 5. [Subsection 2](#) may be enforced through a civil action.

27 a. A person who violates [subsection 2](#) is liable to
28 an aggrieved employee for affirmative relief including
29 reinstatement, with or without back pay, ~~or~~ civil damages in an
30 amount not to exceed three times the annual wages and benefits
31 received by the aggrieved employee prior to the violation of
32 subsection 2, and any other equitable relief the court deems
33 appropriate, including attorney fees and costs.

34 b. When a person commits, is committing, or proposes to
35 commit an act in violation of [subsection 2](#), an injunction may

1 be granted through an action in district court to prohibit the
2 person from continuing such acts. The action for injunctive
3 relief may be brought by an aggrieved employee, ~~or~~ the attorney
4 general, or a person providing human resource management for
5 the state.>

6 2. Title page, line 2, after <employees of> by inserting
7 <the state and>

8 3. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
KAUFMANN of Cedar, Chairperson