

JAN 19 1996
STATE GOVERNMENT

HOUSE FILE 2088
BY BAKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to prohibitions concerning state employee
2 disclosures of information and imposing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2088

1 Section 1. Section 19A.19, unnumbered paragraph 4, Code
2 1995, is amended to read as follow:

3 A person shall not discharge an employee from or take or
4 fail to take action regarding an employee's appointment or
5 proposed appointment to, promotion or proposed promotion to,
6 or any advantage in, a position in a merit system administered
7 by, or subject to approval of, the director as a reprisal for
8 a failure by that employee to inform the person that the
9 employee made a disclosure of information permitted by this
10 section, or for a disclosure of any information by that
11 employee to a member or employee of the general assembly, or
12 for a disclosure of information to any other public official
13 or law enforcement agency if the employee reasonably believes
14 the information evidences a violation of law or rule,
15 mismanagement, a gross abuse of funds, an abuse of authority,
16 or a substantial and specific danger to public health or
17 safety. However, this paragraph does not apply if the
18 disclosure of the information is prohibited by statute.

19 Sec. 2. Section 70A.28, subsection 1, Code 1995, is
20 amended to read as follows:

21 1. A person who serves as the head of a state department
22 or agency or otherwise serves in a supervisory capacity within
23 the executive branch of state government shall not require an
24 employee of the state to inform the person that the employee
25 made a disclosure of information permitted by this section and
26 shall not prohibit an employee of the state from disclosing
27 any information to a member or employee of the general
28 assembly or from disclosing information to any other public
29 official or law enforcement agency if the employee reasonably
30 believes the information evidences a violation of law or rule,
31 mismanagement, a gross abuse of funds, an abuse of authority,
32 or a substantial and specific danger to public health or
33 safety.

34 Sec. 3. Section 70A.28, subsection 2, Code 1995, is
35 amended to read as follows:

1 2. A person shall not discharge an employee from or take
2 or fail to take action regarding an employee's appointment or
3 proposed appointment to, promotion or proposed promotion to,
4 or any advantage in, a position in a state employment system
5 administered by, or subject to approval of, a state agency as
6 a reprisal for a failure by that employee to inform the person
7 that the employee made a disclosure of information permitted
8 by this section, or for a disclosure of any information by
9 that employee to a member or employee of the general assembly,
10 or a disclosure of information to any other public official or
11 law enforcement agency if the employee reasonably believes the
12 information evidences a violation of law or rule,
13 mismanagement, a gross abuse of funds, an abuse of authority,
14 or a substantial and specific danger to public health or
15 safety.

16 EXPLANATION

17 This bill provides that a person who serves in a
18 supervisory capacity within the executive branch of state
19 government shall not require an employee of the state to
20 inform that person that the employee made a disclosure of
21 information otherwise permitted by section 70A.28, relating to
22 public officers and employers, to be made to the general
23 assembly or any other public official or law enforcement
24 agency. The bill also provides that no adverse employment
25 decision can be made by a person involved with state govern-
26 ment as a reprisal for a state employee not informing that
27 person that a disclosure of information otherwise permitted by
28 section 19A.19, relating to the state merit employment system,
29 or section 70A.28, was made. A violation of this protection
30 constitutes a simple misdemeanor and the prohibition
31 concerning employment reprisals can be enforced through a
32 civil action.

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