

Senate File 20 - Introduced

SENATE FILE 20
BY SWEENEY

A BILL FOR

1 An Act relating to disclosure to the general assembly of
2 information concerning nongovernmental employers and providing
3 remedies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **2.80 Prohibitions relating to**
2 **disclosure to the general assembly — nongovernmental employers**
3 **— civil remedies.**

4 1. For purposes of this section, "employer" means a person
5 who employs an employee in this state for wages. "Employer" does
6 not include the state; any political subdivision of the state;
7 or any state or local government official, officer, district,
8 institution, agency, board, or other body.

9 2. An employer shall not do any of the following:

10 a. Prohibit an employee from disclosing any information to
11 a member or employee of the general assembly if the employee,
12 in good faith, reasonably believes the information evidences a
13 violation of law or rule, or a substantial and specific danger to
14 public health or safety.

15 b. Require an employee to inform the employer that the
16 employee made a disclosure of information permitted by this
17 section.

18 3. An employer shall not discharge from employment, demote or
19 fail to promote, or take other adverse employment action against
20 an employee as a reprisal for any of the following:

21 a. Disclosure of any information by the employee to a member
22 or employee of the general assembly if the employee, in good
23 faith, reasonably believed the information evidences a violation
24 of law or rule, or a substantial and specific danger to public
25 health or safety.

26 b. Failure by the employee to inform the employer that the
27 employee made a disclosure of information permitted by this
28 section.

29 4. Subsections 2 and 3 are inapplicable if any of the
30 following apply:

31 a. Disclosure of the information is prohibited by statute.

32 b. The employee uses deception on a matter that would
33 reasonably result in a denial of access to a place of employment
34 that is not open to the public, with the intent to cause physical
35 or economic harm to any operations, personnel, equipment,

1 buildings, premises, business interests, or customer of the
2 employer, and through such deception gains access to the place
3 of employment.

4 c. The employee uses deception on a matter that would
5 reasonably result in a denial of opportunity to be employed, with
6 the intent to cause physical or economic harm or other injury
7 to the operations, personnel, equipment, buildings, premises,
8 business interests, or customers of the employer, and through
9 such deception is so employed.

10 5. Subsection 3 may be enforced through a civil action. When
11 an employer commits, is committing, or proposes to commit an act
12 in violation of subsection 3, an aggrieved employee may bring an
13 action for injunctive relief in district court to prohibit the
14 employer from engaging in such acts. An employer who violates
15 subsection 3 is liable to an aggrieved employee for affirmative
16 relief including reinstatement, with or without back pay, civil
17 damages in an amount not to exceed three times the annual wages
18 and benefits received by the aggrieved employee prior to the
19 violation of subsection 3, and any other equitable relief the
20 court deems appropriate, including attorney fees and costs.

21 6. If an employee makes a disclosure of information to a
22 member or employee of the general assembly permitted by this
23 section, such disclosure, any information disclosed, and any
24 communication between the employee and the member or employee of
25 the general assembly relating to the disclosure are confidential.
26 The employee or the member or employee of the general assembly
27 shall not be compelled to disclose such matters under chapter
28 22 or any other provision of law and cannot be examined as
29 to such matters under section 622.11. The employee or the
30 member or employee of the general assembly may choose to provide
31 information disclosed as permitted by this section to a law
32 enforcement agency or other government agency for use in the
33 agency's official duties.

34 7. This section shall not be construed to permit an employee
35 to retaliate against an employer by neglecting job duties,

1 violating employer rules, or engaging in actions that would
2 otherwise result in employee misconduct.

3 8. The legislative services agency shall post a notice of
4 the provisions of this section on the general assembly's internet
5 site.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill relates to disclosure to the general assembly of
10 information concerning nongovernmental employers.

11 The bill provides that an employer, as defined in the bill,
12 cannot prohibit an employee from disclosing any information to
13 a member or employee of the general assembly if the employee,
14 in good faith, reasonably believes the information evidences a
15 violation of law or rule, or a substantial and specific danger
16 to public health or safety. The employer additionally cannot
17 require an employee to inform the employer that the employee
18 made such a disclosure. The bill further prohibits the employer
19 from discharging from employment, demoting or failing to promote,
20 or taking other adverse employment action against an employee
21 as a reprisal for such actions. The bill specifies that these
22 provisions do not apply when disclosure of information by an
23 employee is required by statute or when the employee engages in
24 certain deceptive actions.

25 An employee may enforce the prohibition on adverse employment
26 action through a civil action. An aggrieved employee may seek
27 injunctive relief. An employer who violates the prohibition
28 is liable to an aggrieved employee for affirmative relief as
29 provided in the bill.

30 If an employee makes a permitted disclosure of information to
31 a member or employee of the general assembly, such disclosure,
32 any information disclosed, and any communication between the
33 employee and the member or employee of the general assembly
34 relating to the disclosure are confidential. Such matters are
35 not subject to compelled disclosure under any provision of law.

1 The employee or the member or employee of the general assembly
2 may choose to provide information disclosed as permitted by the
3 bill to a law enforcement agency or other government agency for
4 use in the agency's official duties.

5 The bill shall not be construed to permit an employee to
6 retaliate against an employer.

7 The bill requires the legislative services agency to post a
8 notice of the provisions of the bill on the general assembly's
9 internet site.

unofficial