

CHAPTER 109

PUBLIC EMPLOYEE WHISTLEBLOWER PROTECTION

S.F. 502

AN ACT relating to disclosures of certain information, including reprisals with respect to employees of the state and a political subdivision of the state and providing information to employees concerning the office of ombudsman.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 70A.28, subsections 2 and 5](#), Code 2019, are amended to read as follows:

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

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

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

b. When a person commits, is committing, or proposes to commit an act in violation of [subsection 2](#), an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee, ~~or the attorney general, or a person providing human resource management for the state.~~

Sec. 2. [Section 70A.29, subsection 1](#), Code 2019, is amended to read as follows:

1. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in employment by a political subdivision of this state as a reprisal for a disclosure of any information by that employee to a member or employee of the general assembly, ~~or an official of that political subdivision, a person providing human resource management for that political subdivision, or a state official,~~ or for a disclosure of information to any other public official or law enforcement agency if the employee, in good faith, reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. [This section](#) does not apply if the disclosure of the information is prohibited by statute.

Sec. 3. [Section 70A.29, subsection 3](#), Code 2019, is amended to read as follows:

3. [Subsection 1](#) may be enforced through a civil action.

a. A person who violates [subsection 1](#) is liable to an aggrieved employee for affirmative relief including reinstatement, with or without back pay, ~~or civil damages in an amount not to exceed three times the annual wages and benefits received by the aggrieved employee prior~~

to the violation of [subsection 1](#), and any other equitable relief the court deems appropriate, including attorney fees and costs.

b. When a person commits, is committing, or proposes to commit an act in violation of [subsection 1](#), an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee, ~~or the county attorney,~~ or the person providing human resource management for the political subdivision.

Sec. 4. [Section 70A.29](#), Code 2019, is amended by adding the following new subsection:
NEW SUBSECTION. 4. Each political subdivision of this state subject to the requirements of this section shall provide procedures for notifying new employees of the authority of the office of ombudsman to investigate complaints under [chapter 2C](#) and shall provide information to all employees of the political subdivision, including the toll-free telephone number of the ombudsman.

Approved May 10, 2019