

1 S.152

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: Executive; State Employees Labor Relations Act; whistleblower  
6 protection

7 Statement of purpose of bill as introduced: This bill proposes to expand the  
8 instances in which a State employee is entitled to whistleblower protection, to  
9 permit an employee whose whistleblower rights have been violated to recover  
10 punitive damages in addition to any other remedies provided in statute or at  
11 common law, and to extend the time for an employee to bring a claim in  
12 Superior Court to one year.

13 An act relating to whistleblower protection for State employees

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 3 V.S.A. § 973 is amended to read:

16 § 973. PROTECTED ACTIVITY

17 (a) A ~~state~~ State agency, department, appointing authority, official, or  
18 employee shall not engage in retaliatory action against a ~~state~~ State employee  
19 because the ~~state~~ State employee refuses to comply with an illegal order or an

1 order that the State employee reasonably believes to be illegal, or engages in  
2 any of the following:

3 (1) Providing or threatening to provide to a public body a good faith  
4 report or good faith testimony that alleges an entity of ~~state~~ State government,  
5 a ~~state~~ State employee or official, or a person providing services to the ~~state~~  
6 State under contract has engaged in a violation of law, in conduct that the  
7 employee reasonably believes to be in violation of the law, or in waste, fraud,  
8 abuse of authority, or a threat to the health of employees, the public, or persons  
9 under the care of the ~~state~~ State.

10 \* \* \*

11 Sec. 2. 3 V.S.A. § 976 is amended to read:

12 § 976. REMEDIES

13 (a) A ~~state~~ State employee who brings a claim pursuant to this subchapter  
14 in ~~superior court~~ Superior Court may be awarded the following remedies:

15 (1) reinstatement of the employee to the same position, seniority, and  
16 work location held prior to the retaliatory action;

17 (2) back pay, lost wages, benefits, and other remuneration;

18 (3) in the event of a showing of a willful, intentional, and egregious  
19 violation of this subchapter, punitive damages and an amount up to the amount  
20 of back pay in addition to the actual back pay;

21 (4) other compensatory damages;

- 1 (5) interest on back pay;
- 2 (6) appropriate injunctive relief; and
- 3 (7) reasonable costs and attorney's fees.

4 (b) The rights and remedies provided pursuant to this subchapter shall be in  
5 addition to all other rights and remedies that are provided in statute or at  
6 common law.

7 Sec. 3. 3 V.S.A. § 977 is amended to read:

8 § 977. POSTING

9 Every ~~state~~ State agency and department shall:

10 (1) distribute a copy of this law by August 1, 2008, to new State employees  
11 upon their being hired;

12 (2) annually distribute a copy of this law to all State employees during the  
13 month of January; and shall

14 (3) conspicuously post and display notices of ~~state employee protection~~  
15 ~~under~~ the protections for State employees that are provided pursuant to this  
16 subchapter in a prominent and accessible location in the workplace.

17 Sec. 4. 3 V.S.A. § 978 is amended to read:

18 § 978. LIMITATIONS OF ACTIONS

19 An action alleging a violation of this subchapter brought under a grievance  
20 procedure or similar process shall be brought within the period allowed by that  
21 process or procedure. An action brought in ~~superior court~~ Superior Court shall

1 be brought within ~~180 days~~ one year of the date of the alleged retaliatory  
2 action.

3 Sec. 5. EFFECTIVE DATE

4 This act shall take effect on July 1, 2015.