

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

Sec. 1. 3 V.S.A. § 972 is added to read:

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(6) “Law” means any statute, or regulation adopted by this state, a political subdivision, or the United States.

(7) “Managerial Employee” means an individual finally determined by the board as being in an exempt or classified position which requires the individual to function as an agency, department, or institutional head , a major program division director, a major section chief or director of a district operation.

Sec. 2. 3 V.S.A. § 973 is amended to read:

§ 973. Protected activity

(a) A state agency, department, appointing authority, official, or employee shall not engage in retaliatory action against a state employee because the state employee refuses to comply with an illegal order or refuses to comply with an order that the state employee reasonably believes is illegal or engages in any of the following:

- (1) Providing, or giving notice of intent to provide, to a managerial employee or public body a good faith report ~~or good faith testimony~~ that alleges an entity of state government, a state employee or official, or person providing services to the state under contract has engaged in a violation of law or in gross waste, fraud, abuse of authority, or a threat to the health of employees, the public, or persons under the care of the state.
- (2) Providing or giving notice of intent to provide good faith testimony to a public body that alleges an entity of state government, a state employee or official, or a person

providing services to the state under contract has engaged in a violation of law or in gross waste, fraud, abuse of authority, or a threat to the health of employees, the public, or persons under the care of the state.

(3) Assisting or participating in a proceeding to enforce the provisions of this subchapter.

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

§ 976. Remedies

(a) A state employee who brings a claim in superior court may be awarded the following remedies:

- (1) reinstatement of the employee to, the extent possible, to an equivalent ~~the same~~ position in terms of pay, benefits, duties, seniority, shift scheduling, hours worked and work location ~~to that~~ held prior to the retaliatory action;
- (2) back pay, lost wages, benefits, and other remuneration;
- (3) in the event of a showing of a willful, intentional, and egregious violation of this subchapter, an amount up to the amount of back pay in addition to the actual back pay;
- (4) other compensatory damages;
- (5) interest on back pay;
- (6) appropriate injunctive relief; and
- (7) payment by the State of reasonable costs and attorney's fees.

Sec. 4. 3 V.S.A. § 977 is amended to read:

§ 977. Posting

Every state agency and department shall distribute a copy of this law ~~by August 1, 2008,~~ via written notice to new state employees upon hire and shall conspicuously post and display notices

of state employee protection under this subchapter in a prominent and accessible location in the workplace.

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

§ 978. Limitations of actions

An action alleging a violation of this subchapter brought under a grievance procedure or similar process shall be brought within the period allowed by that process or procedure. An action brought in superior court shall be brought within 180 days of the date of the alleged retaliatory action.