

**From:** Ted Hobson

**Sent:** Wednesday, May 06, 2015 4:40 PM

**Subject:** Re: Files

It was nice to meet you today. During my appearance, I was unable to point to the specific statute that bars a claim after the filing of a grievance. That statute is 3 V.S.A. section 975(b):

(b) A state employee who files a claim of retaliation for protected activity with the Vermont labor relations board may not bring such a claim in superior court.

As always, on my ride home I came up with better answers. Another improvement would be to adopt the False Claims Act provision requiring double damages for retaliation against whistleblowers:

31 U.S.C. Sec. 3730

(h) Relief From Retaliatory Actions.—

(1) In general.— Any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent or associated others in furtherance of an action under this section or other efforts to stop 1 or more violations of this subchapter.

(2) Relief.— Relief under paragraph (1) shall include reinstatement with the same seniority status that employee, contractor, or agent would have had but for the discrimination,

2 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An action under this subsection may be brought in the appropriate district court of the United States for the relief provided in this subsection.

3) Limitation on bringing civil action.— A civil action under this subsection may not be brought more than 3 years after the date when the retaliation occurred.

[Emphasis added.]

I do not think the Committee's time could be better spent than watching the short video of Peter Garon. That is the most compelling testimony as to the costs of whistleblowing that anyone is likely to produce for a long time.

Ted Hobson