

Introduced: 2/6/84
Referred: State Affairs

1 IN THE HOUSE

BY WARD

2

HOUSE BILL NO. 578

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to whistleblowing."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 39.26.010(a) is amended to read:

9 (a) A [NO] department, agency, official, officer, and any other
10 [OR ANY] person employed by the state may not directly or indirectly
11 [:]

12 (1) require or coerce any employee of the state to partici-
13 pate in any way in any activity or undertaking unless the activity or
14 undertaking is related to the performance of official duties;

15 (2) require or coerce any employee of the state to make any
16 report concerning any of the [HIS] activities or undertakings of the
17 employee unless the activity or undertaking is related to the
18 performance of [HIS] official duties;

19 (3) except as directly related to the performance of [HIS]
20 official duties, require or coerce any employee of the state to submit
21 to any interrogation or examination or psychological test which is
22 designed to elicit from the employee [HIM] information concerning

23 (A) the [HIS] personal relationship of the state
24 employee with any person related to the employee [CONNECTED WITH
25 HIM] by blood or marriage,

26 (B) the [HIS] religious beliefs or practices of any
27 employee of the state,

28 (C) sexual matters,

29 (D) the [HIS] political affiliation or philosophy of

1 any employee of the state;

2 (4) coerce any employee of the state to invest or contrib-
3 ute [HIS] earnings in any manner or for any purpose;

4 (5) restrict or attempt to restrict after-working-hour
5 statements, pronouncements or other activities, not otherwise prohib-
6 ited by law or personnel rule, of any employee of the state, if the
7 employee does not purport to speak or act in an official capacity;

8 (6) take or fail to take a personnel action with regard to
9 an employee of the state or an applicant for employment with the state
10 as a reprisal for a disclosure of information to the employee desig-
11 nated under AS 39.26.012(c) if the disclosure of information is pro-
12 TECTED under AS 39.26.012.

13 * Sec. 2. AS 39.26.010 is amended by adding a new subsection to read:

14 (d) The head of each agency is responsible for the prevention of
15 personnel practices prohibited under (a) of this section. An indivi-
16 dual to whom the head of an agency delegates authority for personnel
17 management or any aspect of personnel management is responsible for
18 the prevention of personnel practices prohibited under (a) of this
19 section within the limits of the delegation.

20 * Sec. 3. AS 39.26 is amended by adding a new section to read:

21 Sec. 39.26.012. WHISTLEBLOWING. (a) An officer or employee who
22 has authority to take, direct, recommend, or approve a personnel
23 action may not, with regard to that authority, take or fail to take a
24 personnel action with respect to an employee of the state or an appli-
25 cant for employment with the state as retaliation for a disclosure of
26 information under (b) or (d) of this section by the employee or appli-
27 cant that the employee or applicant reasonably believes constitutes

28 (1) a violation of law or regulation of the state;

29 (2) mismanagement;

- 1 (3) a gross waste of funds;
2 (4) an abuse of authority;
3 (5) a substantial and specific danger to public health or
4 safety.

5 (b) An employee of the state or an applicant for employment with
6 the state who possesses information that the employee or applicant
7 reasonably believes constitutes a violation of law or a regulation or
8 a dereliction of duty described in (a)(2) - (5) of this section may
9 disclose the information to an employee of the agency described in (c)
10 of this section.

11 (c) The head of each agency with employees who are located in
12 the classified service under AS 39.25.100 or in the partially exempt
13 service under AS 39.25.120 shall designate an employee to receive
14 evidence of a violation of a law or regulation or a dereliction of
15 duty described in (a)(2) - (5) of this section and act on the
16 information. The head of each agency shall identify the employee who
17 will receive information under this section in a regulation adopted
18 under the Administrative Procedure Act (AS 44.62) within 30 days of
19 the appointment of the head of the agency. Until the head of the
20 agency makes an appointment, the personnel officer of the agency may
21 receive the information.

22 (d) Nothing in this section may be construed to authorize the
23 withholding of information from the legislature or the implementation
24 of an adverse personnel action against an employee who discloses
25 information described in (a) of this section to the legislature.

26 (e) As used in this section, "personnel action" means

- 27 (1) an appointment;
28 (2) a promotion;
29 (3) a disciplinary or corrective action;

- 1 (4) a detail, transfer, or reassignment;
2 (5) a reinstatement;
3 (6) a restoration;
4 (7) a reemployment;
5 (8) a performance evaluation;
6 (9) a decision concerning pay, benefits, or awards; or
7 (10) a decision concerning education or training if the
8 education or training would lead to appointment, promotion, perfor-
9 mance evaluation, or other action described under this subsection.

10 * Sec. 4. AS 39.26.020 is amended to read:

11 Sec. 39.26.020. APPLICATION OF PROVISIONS. The provisions of
12 AS 39.26.010 - 39.26.015 [AS 39.26.010 AND 39.26.015] apply to those
13 state employees in the classified and partially exempt services.