

Offered: 2/17/86  
For Today's Calendar

Original sponsors: Koponen, Thompson,  
Marrou and Jenkins

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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CS FOR HOUSE BILL NO. 327 (Judiciary)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

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A BILL

6 For an Act entitled: "An Act relating to protection for employees."

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

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\* Section 1. AS 23.10 is amended by adding new sections to read:

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ARTICLE 7. PROTECTION FOR EMPLOYEES.

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Sec. 23.10.500. EMPLOYEES PROTECTED. (a) An employer may not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because

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(1) the employee or a person acting on behalf of the employee reports to a public body or is about to report to a public body, believing the report to be true,

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(A) a violation of a state, federal, or municipal law, regulation or ordinance; or

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(B) a substantial and specific danger to public health or safety;

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(2) the employee is requested by a public body to participate in a court action or in an investigation, hearing, or inquiry held by that public body; or

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(3) an employee of the state or a political subdivision of the state, or a person acting on behalf of the employee, reports to a public body or is about to report to a public body, believing the report to be true, mismanagement, a gross waste of funds, or an abuse of authority.

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(b) This section does not require an employer to compensate an

1 employee for participation in an investigation, hearing, or inquiry  
2 held by a public body.

3 (c) A person who alleges a violation of this section may bring a  
4 civil action for appropriate injunctive relief, actual damages, or  
5 both, within 90 days after the occurrence of the alleged violation.

6 (d) The person must show by clear and convincing evidence that  
7 the employer violated (a) of this section.

8 (e) The provisions of AS 23.10.500 - 23.10.520 do not diminish  
9 or impair the rights of a person under a collective bargaining agree-  
10 ment.

11 (f) An employer shall post notices and use other appropriate  
12 means to inform employees of their protections and obligations under  
13 AS 23.10.500 - 23.10.520.

14 Sec. 23.10.510. RELIEF AND PENALTIES. (a) The court may order  
15 an employer to reinstate the employee, pay the employee back wages,  
16 reinstate fringe benefits and seniority rights, and pay actual dam-  
17 ages.

18 (b) A public body may not disqualify a person who alleges a  
19 violation of AS 23.10.500 - 23.10.520 from eligibility to

20 (1) bid on contracts with the public body;

21 (2) receive land under a law of the state or an ordinance  
22 of the municipality;

23 (3) receive another right or benefit to which the person is  
24 entitled.

25 (c) A person who violates AS 23.10.500 - 23.10.520 is liable for  
26 a civil fine of not more than \$10,000.

27 (d) A person who attempts to prevent another person from making  
28 a report or participating in a matter under AS 23.10.500(a) with  
29 intent to impede or prevent a public inquiry on the matter is liable

1 for a civil fine of not more than \$10,000.

2 Sec. 23.10.520. DEFINITIONS. In AS 23.10.500 - 23.10.520,

3 (1) "employee" means a person who performs a service for  
4 wages or other remuneration under a contract of hire, written or oral,  
5 express or implied and includes a person employed by the state or a  
6 political subdivision of the state;

7 (2) "employer" means a person who has at least one employee  
8 and includes an agent of an employer;

9 (3) "public body" includes a federal, state, or municipal  
10 officer or agency.