

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

Original sponsors: Koponen, Thompson,  
Marrou and Jenkins

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 327 (Judiciary) am

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

8 \* Section 1. AS 39.51 is amended by adding new sections to read:

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ARTICLE 2. PROTECTION FOR PUBLIC EMPLOYEES.

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Sec. 39.51.100. EMPLOYEES PROTECTED. (a) A public employer may

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not discharge, threaten, or otherwise discriminate against an employee

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regarding the employee's compensation, terms, conditions, location, or

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privileges of employment because

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(1) the employee or a person acting on behalf of the

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employee reports to a public body or is about to report to a public

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body, reasonably believing the report to be true;

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

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regulation or ordinance; or

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(B) a substantial and specific danger to public health

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or safety;

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(2) the employee is requested by a public body to partici-

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pate in a court action or in an investigation, hearing, or inquiry

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held by that public body; or

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(3) the employee, or a person acting on behalf of the

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employee, reports to a public body or is about to report to a public

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body, reasonably believing the report to be true, mismanagement, a

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gross waste of funds, or an abuse of authority.

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

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employee for participation in an investigation, hearing, or inquiry.

1 held by a public body.

2 (c) This section and AS 39.51.110 do not apply if the report  
3 made under subsections (a)(1) or (a)(3) of this section discloses  
4 information which is legally required to be confidential.

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

8 (e) The person must show by clear and convincing evidence that  
9 the employer violated (a) of this section.

10 (f) The provisions of AS 39.51.100 - 39.51.120 do not diminish  
11 or impair the rights of a person under a collective bargaining agree-  
12 ment.

13 (g) An employer shall post notices and use other appropriate  
14 means to inform employees of their protections and obligations under  
15 AS 39.51.100 - 39.51.120.

16 Sec. 39.51.110. RELIEF AND PENALTIES. (a) The court may order  
17 an employer to reinstate the employee, pay the employee back wages,  
18 reinstate fringe benefits and seniority rights, and pay actual dam-  
19 ages.

20 (b) A public body may not disqualify a person who alleges a  
21 violation of AS 39.51.100 - 39.51.120 from eligibility to

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

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

25 (3) receive another right or benefit to which the person is  
26 entitled.

27 (c) A person who violates AS 39.51.100 - 39.51.120 is liable for  
28 a civil fine of not more than \$10,000.

29 (d) A person who attempts to prevent another person from making

1 a report or participating in a matter under AS 39.51.100(a) with  
2 intent to impede or prevent a public inquiry on the matter is liable  
3 for a civil fine of not more than \$10,000.

4 Sec. 39.51.120. DEFINITIONS. In AS 39.51.100 - 39.51.120,

5 (1) "employee" or "public employee" means a person who  
6 performs a service for wages or other remuneration under a contract of  
7 hire, written or oral, express or implied for a public employer;

8 (2) "employer" or "public employer" includes the state, a  
9 public or quasi-public corporation or authority established by law,  
10 the University of Alaska, a municipality, a political subdivision of  
11 the state, and the Alaska Railroad;

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