

Offered: 5/8/86  
Referred: Judiciary

Original sponsors: Koponen, Thompson,  
Marrou, et al

1 IN THE HOUSE BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 327 (C&RA)

3 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:

9 ARTICLE 2. PROTECTION FOR PUBLIC EMPLOYEES.

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

11 not discharge, threaten, or otherwise discriminate against an employee

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

13 privileges of employment because

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

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

16 body, reasonably believing the report to be true:

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

18 regulation or ordinance;

19 (B) a substantial and specific danger to public health

20 or safety; or

21 (C) mismanagement, a gross waste of funds, or an abuse

22 of authority;

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

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

25 held by that public body.

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

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

28 held by a public body.

29 (c) This section and AS 39.51.110 do not apply if the report

1 made under (a)(1) of this section discloses information that is legal-  
2 ly required to be confidential.

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

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

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

14 Sec. 39.51.110. 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 39.51.100 - 39.51.120 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 39.51.100 - 39.51.120 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 39.51.100(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. 39.51.120. DEFINITIONS. In AS 39.51.100 - 39.51.120,

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

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

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