

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE BILL NO. 168

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST 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;

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(B) a substantial and specific danger to public health

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or safety; or

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

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of authority;

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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.

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

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employee for participation in a court action or in an investigation,

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hearing, or inquiry by a public body.

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(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 kept 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 The person must show by clear and convincing evidence that the em-
7 ployer violated (a) of this section.

8 (e) The provisions of AS 39.51.100 - 39.51.120 do not diminish
9 or impair the rights of an employee under a collective bargaining
10 agreement.

11 (f) 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 for alleging 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, a political subdivision of
9 the state, and the Alaska Railroad Corporation;

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