

Original sponsor: Labor & Commerce
Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 168 (Judiciary)
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 certain public
7 employees and certain other persons who report
8 matters of public concern."

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

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

11 ARTICLE 2. PROTECTION FOR REPORTS OF CERTAIN MATTERS.

12 Sec. 39.51.100. PERSONS PROTECTED. (a) A public employer may
13 not discharge, threaten, or otherwise discriminate against an employee
14 regarding the employee's compensation, terms, conditions, location, or
15 privileges of employment because

16 (1) the employee, or a person acting on behalf of the
17 employee, reports to a public body or is about to report to a public
18 body a matter of public concern; or

19 (2) the employee is requested by a public body to partici-
20 pate in a court action or in an investigation, hearing, or inquiry
21 held by that public body.

22 (b) A public employer may not disqualify a public employee or
23 other person who reports a matter of public concern, or a public
24 employee on whose behalf a matter of public concern is reported,
25 because the employee or person reported the matter, from eligibility
26 to

27 (1) bid on contracts with the public employer;

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

1 (3) receive another right or benefit.

2 (c) The provisions of AS 39.51.100 - 39.51.130 do not

3 (1) require an employer to compensate an employee for
4 participation in a court action or in an investigation, hearing, or
5 inquiry by a public body;

6 (2) prohibit an employer from compensating an employee for
7 participation in a court action or in an investigation, hearing, or
8 inquiry by a public body;

9 (3) authorize the disclosure of information that is legally
10 required to be kept confidential; or

11 (4) diminish or impair the rights of an employee under a
12 collective bargaining agreement.

13 (d) 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 - 39.51.130.

16 Sec. 39.51.110. EMPLOYER RIGHTS. (a) An employee or other
17 person is not entitled to the protections under AS 39.51.100 - 39.51.-
18 130 unless the employee or other person

19 (1) has reasonable cause to believe that the information
20 reported is or is about to become a matter of public concern;

21 (2) has made a reasonable attempt to ascertain the accuracy
22 of the information before reporting; and

23 (3) reports the information in good faith.

24 (b) As part of its written personnel policy, a public employer
25 may require that, before an employee reports a matter of public con-
26 cern under AS 39.51.100, the employee shall submit a written report
27 concerning the matter to the employer. However, the employer may not
28 require the employee to submit a report if the employee

29 (1) reasonably believes that reports to the employer will

1 not result in prompt action to remedy the matter of public concern;

2 (2) knows with reasonable certainty that the activity,
3 policy, or practice is already known to one or more supervisors;

4 (3) reasonably believes that an emergency is involved; or

5 (4) reasonably fears physical harm as a result of disclo-
6 sure.

7 Sec. 39.51.120. RELIEF AND PENALTIES. (a) A person who alleges
8 a violation of AS 39.51.100 may bring a civil action and the court may
9 grant appropriate relief.

10 (b) A person who violates or attempts to violate AS 39.51.100 -
11 39.51.130 is also liable for a civil fine of not more than \$10,000.
12 The attorney general may enforce this subsection.

13 Sec. 39.51.130. DEFINITIONS. In AS 39.51.100 - 39.51.130

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

17 (2) "employer" or "public employer" includes the state, a
18 public or quasi-public corporation or authority established by state
19 law, the University of Alaska, a municipality, a political subdivision
20 of the state, and the Alaska Railroad Corporation;

21 (3) "matter of public concern" means

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

24 (B) a danger to public health or safety; or

25 (C) gross mismanagement, a substantial waste of funds,
26 or a clear abuse of authority;

27 (4) "public body" includes a federal, state, or municipal
28 officer or agency.