

No. 2014-88

AN ACT

HB 185

Amending the act of December 12, 1986 (P.L.1559, No.169), entitled "An act providing protection for employees who report a violation or suspected violation of State, local or Federal law; providing protection for employees who participate in hearings, investigations, legislative inquiries or court actions; and prescribing remedies and penalties," further providing for the definitions of "appropriate authority," "good faith report" and "public body," for protection of employees and for penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definitions of "appropriate authority," "good faith report" and "public body" in section 2 of the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law, are amended to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Appropriate authority." A Federal, State or local government body, agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or waste; or a member, officer, agent, representative or supervisory employee of the body, agency or organization. The term includes, but is not limited to, *the Office of Inspector General*, the Office of Attorney General, the Department of the Auditor General, the Treasury Department, the General Assembly and committees of the General Assembly having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or waste.

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"Good faith report." A report of conduct defined in this act as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true. *An employer is not barred from taking disciplinary action against the employee who completed the report if the employee's report was submitted in bad faith.*

"Public body." All of the following:

(1) A State officer, agency, department, division, bureau, board, commission, council, authority or other body in the executive branch of State government.

(1.1) The General Assembly and its agencies.

(2) A county, city, township, regional governing body, council, school district, special district or municipal corporation, or a board, department, commission, council or agency.

(3) Any other body which is created by Commonwealth or political subdivision authority or which is funded in any amount by or through

Commonwealth or political subdivision authority or a member or employee of that body.

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Section 2. Section 3 is amended by adding a subsection to read:

Section 3. Protection of employees.

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(c) Disclosure prohibition.—An appropriate authority to which a violation of this act was reported may not disclose the identity of a whistleblower without the whistleblower's consent unless disclosure is unavoidable in the investigation of the alleged violation.

Section 3. Section 6 of the act is amended to read:

Section 6. Penalties.

A person who, under color of an employer's authority, violates this act shall be liable for a civil fine of not more than [~~\$500~~] **\$10,000**. Additionally, except where the person holds an elected public office, if the court specifically finds that the person, while in the employment of the Commonwealth or a political subdivision, committed a violation of this act with the intent to discourage the disclosure of criminal activity, the court may order the person's suspension from public service for not more than six months. A civil fine which is ordered under this section shall be paid to the State Treasurer for deposit into the General Fund.

Section 4. The amendment of sections 2, 3 and 6 of the act shall apply to a person who alleges a violation of the act or who violates the act on or after the effective date of this section.

Section 5. This act shall take effect in 60 days.

APPROVED—The 2nd day of July, A.D. 2014

TOM CORBETT