

## AMENDMENTS TO HOUSE BILL NO. 1852

Sponsor: REPRESENTATIVE W. KELLER

Printer's No. 3094

1 Amend Bill, page 1, line 18, by inserting after

2 "COMPENSATION,"

3 for protection of employees from retaliation,

4 Amend Bill, page 3, by inserting between lines 27 and 28

5 Section 3.1. The act is amended by adding a section to read:

6 Section 703.3. Protection of Employees from Retaliation.--(a)

7 No employer or officer or agent of the employer may discharge,

8 threaten or otherwise discriminate or retaliate against an

9 employee regarding the employee's compensation, terms, conditions,

10 location or privileges of employment for making a complaint or

11 reporting suspected illegalities to the department or other

12 appropriate authority related to the payment or nonpayment,

13 collection or noncollection of contributions required of the

14 employer under this act. An employer or officer or agent of the

15 employer who violates any provision of this section shall be

16 guilty of a misdemeanor and, upon conviction thereof, shall be

17 sentenced for each offense to pay a fine of not less than five

18 hundred dollars (\$500) nor more than one thousand dollars

19 (\$1,000), or be imprisoned for not more than six (6) months, or

20 both.

21 (b) No employer or officer or agent of the employer may

22 discharge, threaten or otherwise discriminate or retaliate

23 against an employee regarding the employee's compensation, terms,

24 conditions, location or privileges of employment because the

25 employee is requested by the secretary to participate in an

26 investigation, hearing or inquiry held by the secretary or in a

27 court action.

28 (c) An employee who alleges a violation of this act may bring

29 a civil action in a court of competent jurisdiction for

30 appropriate injunctive relief or damages, or both, within six

31 (6) months after the discovery of the alleged violation.

32 (1) It shall be a defense to an action under this section if

33 the defendant proves by a preponderance of the evidence that the

34 action by the employer or officer or agent of the employer

35 occurred for separate and legitimate reasons which are not

36 merely pretextual.

1       (2) A court, in rendering a judgment in an action brought  
2 under this act, shall order, as the court considers appropriate,  
3 reinstatement of the employee, the payment of back wages, full  
4 reinstatement of fringe benefits and seniority rights, damages  
5 or a combination of the remedies. A court may also award the  
6 complainant all or a portion of the costs of litigation,  
7 including reasonable attorney and witness fees, if the court  
8 determines that the award is appropriate.