

## 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 Employes 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 employe regarding the employe'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 employe regarding the employe's compensation, terms,  
24 conditions, location or privileges of employment because the  
25 employe 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 employe 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 employe, 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.