



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 185

PRINTERS NO. 243

PRIME SPONSOR: Gibbons

COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	\$0	\$0

SUMMARY: Amends the Whistleblower Law to provide protection for employees of the General Assembly who report waste, or a violation of local, state or federal law. This legislation would take effect in 60 days.

ANALYSIS: This legislation amends the Whistleblower Law to add the General Assembly and its agencies to the public bodies covered by the law.

The legislation prohibits the House, Senate or other agency of the legislature from discharging, threatening, discriminating and/or retaliating against an employee because:

- the employee makes a good faith report of an instance of wrongdoing or waste to an appropriate authority; or
- the employee participates in an investigation, hearing or inquiry pursuant to a report of wrongdoing or waste.

The legislation would allow an employee of the General Assembly, who alleges a violation of the Whistleblower Law, to bring a civil action for injunctive relief and/or damages. In rendering a judgment in such action, a court may order reinstatement of an employee, the payment of back wages, reinstatement of fringe benefits and/or actual damages.

The legislation also increases the cap of civil fines from \$500 to \$10,000 for individuals under an employer's authority who violate the Whistleblower Law. The increased fine only applies to individuals who violate the act on or after the effective date of this legislation.

The legislation recognizes the Office of the Inspector General as an "appropriate authority" to which a whistleblower can report wrongdoing or waste. An appropriate authority, to which a violation has been reported, shall not disclose the identity of a whistleblower without his or her consent, unless disclosure is unavoidable in the investigation of an alleged violation.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth funds. The increase in the civil fine cap could generate some additional revenue for the General Fund. That additional revenue is indeterminable at the point.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: February 4, 2013

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.