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MEMORANDUM

TO: All House Members
FROM: Representative Brian Ellis *B7C*
DATE: January 6, 2011
SUBJECT: Reintroduction of HB 2108-Whistleblower Law

I will be reintroducing HB 2108 from last session which amends the Whistleblower Law (Act 169 of 1986) to expand its coverage and increase its penalties. The Whistleblower Law provides protection from retaliation for public employees who report fraud, waste, or abuse of public moneys from the Commonwealth or any of its political subdivisions. There are two problems with the current law that we believe exist. First, it only protects public employees, and not employees of private-sector companies that may be administering a public contract. Secondly, the penalties are archaic and need to be updated.

My legislation expands coverage of the law to include employees of companies that are performing services for public bodies with public monies. It would seem logical that much of the fraud, waste, and abuse, of tax dollars occurs in the fulfillment of public contracts by private entities. Our legislation also updates the civil fines for employers that illegally retaliate against "whistleblowers" from a fine of up to \$500 to a fine of up to \$10,000. In addition, our legislation allows a court to suspend a public employee from public service for up to 7 years (up from the law's current 6 month suspension) if it determines that that employee intentionally discouraged the disclosure of criminal activity.

It is important to note that last session HB 2108 was passed unanimously by the House, although the Senate never took action on it. We believe that with the infusion of billions of stimulus dollars into our state's public programs, this legislation is especially timely and needed. The public expects that our tax dollars be spent wisely and not be wasted. My legislation offers a strong tool to uncover fraud, waste, and abuse of public monies.

If you wish to co-sponsor this legislation, please contact Bethann Gebhart in my office by email bgebhart@pahousegop.com or phone 7-7686.

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