

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2284 Session of 2018

INTRODUCED BY O'BRIEN, DERMODY, HANNA, STURLA, BULLOCK,  
 CALTAGIRONE, CONKLIN, DALEY, A. DAVIS, DEAN, DONATUCCI,  
 DRISCOLL, FRANKEL, HARKINS, HILL-EVANS, KINSEY, KIRKLAND,  
 MADDEN, D. MILLER, MURT, PASHINSKI, ROEBUCK, WARREN,  
 YOUNGBLOOD AND D. COSTA, APRIL 19, 2018

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 19, 2018

AN ACT

1 Amending the act of December 12, 1986 (P.L.1559, No.169),  
 2 entitled "An act providing protection for employees who  
 3 report a violation or suspected violation of State, local or  
 4 Federal law; providing protection for employees who  
 5 participate in hearings, investigations, legislative  
 6 inquiries or court actions; and prescribing remedies and  
 7 penalties," further providing for remedies and for  
 8 enforcement.

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

11 Section 1. Sections 4(a) and 5 of the act of December 12,  
 12 1986 (P.L.1559, No.169), known as the Whistleblower Law, are  
 13 amended to read:

14 Section 4. Remedies.

15 (a) Civil action.--A person who alleges a violation of this  
 16 act may bring a civil action in a court of competent  
 17 jurisdiction, with a right of trial by jury, for appropriate  
 18 injunctive relief or damages, or both, within [180 days] two  
 19 years after the occurrence of the alleged violation.

1 \* \* \*

2 Section 5. Enforcement.

3 (a) Relief that may be ordered.--

4 (1) A court or jury, in rendering a judgment in an  
5 action brought under this act, shall order, as the court or  
6 jury considers appropriate, reinstatement of the employee,  
7 the payment of back wages, full reinstatement of fringe  
8 benefits and seniority rights, actual damages or any  
9 combination of these remedies.

10 (2) A court or jury shall also award the complainant all  
11 or a portion of the costs of litigation, including reasonable  
12 attorney fees and witness fees, if the complainant prevails  
13 in the civil action.

14 (b) Punitive damages.--The complainant may also recover  
15 punitive damages if the complainant demonstrates that the  
16 defendant engaged in an unlawful retaliatory or discriminatory  
17 practice in violation of section 3 with malice or reckless  
18 indifference to the rights of the complainant protected pursuant  
19 to this act.

20 Section 2. This act shall not be construed to affect an  
21 action or proceeding commenced or right accrued before the  
22 effective date of this section.

23 Section 3. This act shall take effect in 90 days.