

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 638 Session of 2019

INTRODUCED BY HAYWOOD, FONTANA, MUTH, TARTAGLIONE, HUGHES,
SCHWANK, BREWSTER AND COSTA, MAY 13, 2019

REFERRED TO LABOR AND INDUSTRY, MAY 13, 2019

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.

20 * * *

21 Section 5. Enforcement.

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

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

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

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

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

21 Section 3. This act shall take effect in 60 days.