

**A-Engrossed**  
**Senate Bill 996**

Ordered by the Senate February 9  
Including Senate Amendments dated February 9

Sponsored by Senator SCHRADER (Pre-session filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Expands protection under public employee Whistleblower Law to include discussions with member of elected governing body of political subdivision in state **and discussions with elected auditor of city, county or metropolitan service district.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to whistleblower protection for public employees; amending ORS 659A.203 and 659A.206;  
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 659A.203 is amended to read:

6 659A.203. (1) Subject to ORS 659A.206, except as provided in ORS 659A.200 to 659A.224, it is  
7 an unlawful employment practice for any public employer to:

8 (a) Prohibit any employee from discussing, in response to an official request, either specifically  
9 or generally with any member of the Legislative Assembly, [or] legislative committee staff acting  
10 under the direction of a member of the Legislative Assembly, **any member of the elected gov-**  
11 **erning body of a political subdivision in the state or any elected auditor of a city, county or**  
12 **metropolitan service district**, the activities of:

13 (A) The state or any agency of or political subdivision in the state; or

14 (B) Any person authorized to act on behalf of the state or any agency of or political subdivision  
15 in the state.

16 (b) Prohibit any employee from disclosing, or take or threaten to take disciplinary action against  
17 an employee for the disclosure of any information that the employee reasonably believes is evidence  
18 of:

19 (A) A violation of any federal or state law, rule or regulation by the state, agency or political  
20 subdivision;

21 (B) Mismanagement, gross waste of funds or abuse of authority or substantial and specific dan-  
22 ger to public health and safety resulting from action of the state, agency or political subdivision;  
23 or

24 (C) Subject to ORS 659A.212 (2), the fact that a person receiving services, benefits or assistance  
25 from the state or agency or subdivision, is subject to a felony or misdemeanor warrant for arrest  
26 issued by this state, any other state, the federal government, or any territory, commonwealth or  
27 governmental instrumentality of the United States.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (c) Require any employee to give notice prior to making any disclosure or engaging in discussion  
2 described in this section, except as allowed in ORS 659A.206 (1).

3 (d) Discourage, restrain, dissuade, coerce, prevent or otherwise interfere with disclosure or dis-  
4 cussions described in this section.

5 (2) No public employer shall invoke or impose any disciplinary action against an employee for  
6 employee activity described in subsection (1) of this section or ORS 659A.212.

7 **SECTION 2.** ORS 659A.206 is amended to read:

8 659A.206. ORS 659A.200 to 659A.224 are not intended to:

9 (1) Prohibit a supervisor or appointing authority from requiring that an employee inform the  
10 supervisor or appointing authority as to official [*legislative*] requests for information to the agency  
11 **or subdivision** or the substance of testimony made, or to be made, by the employee to legislators  
12 **or members of the elected governing body of a political subdivision** on behalf of the agency or  
13 subdivision;

14 (2) Permit an employee to leave the employee's assigned work areas during normal work hours  
15 without following applicable rules and policies pertaining to leaves, unless the employee is requested  
16 by [*a member of the Legislative Assembly or a legislative committee to appear before a legislative*  
17 *committee*];

18 (a) **A member of the Legislative Assembly or a legislative committee to appear before a**  
19 **legislative committee;**

20 (b) **A member of the elected governing body of a political subdivision to appear before the**  
21 **governing body of the political subdivision; or**

22 (c) **An elected auditor of a city, county or metropolitan service district to participate in**  
23 **an investigation or audit;**

24 (3) Authorize an employee to represent the employee's personal opinions as the opinions of the  
25 agency or subdivision;

26 (4) Except as specified in ORS 659A.212 (2), authorize an employee to disclose information re-  
27 quired to be kept confidential under state or federal law, rule or regulation;

28 (5) Restrict or preclude disciplinary action against an employee if the information disclosed by  
29 the employee is known by the employee to be false, if the employee discloses the information with  
30 reckless disregard for its truth or falsity, or if the information disclosed relates to the employee's  
31 own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the  
32 public health or safety; or

33 (6) Restrict or impair any judicial right of action an employee or an employer has under existing  
34 law.

35 **SECTION 3. This 2010 Act being necessary for the immediate preservation of the public**  
36 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**  
37 **on its passage.**

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