

# Senate Bill 996

Sponsored by Senator SCHRADER (Presession 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 **as introduced**.

Expands protection under public employee Whistleblower Law to include discussions with member of elected governing body of political subdivision in state.

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 **or any member of the elected gov-**  
11 **erning body of a political subdivision in the state** the activities of:

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

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

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

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

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

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

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

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

31 (2) No public employer shall invoke or impose any disciplinary action against an employee for

**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 employee activity described in subsection (1) of this section or ORS 659A.212.

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

3 659A.206. ORS 659A.200 to 659A.224 are not intended to:

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

9 (2) Permit an employee to leave the employee's assigned work areas during normal work hours  
10 without following applicable rules and policies pertaining to leaves, unless the employee is requested  
11 by a member of the Legislative Assembly or a legislative committee to appear before a legislative  
12 committee **or by a member of the elected governing body of a political subdivision to appear**  
13 **before the governing body of the political subdivision;**

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

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

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

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

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