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# A BILL FOR AN ACT

RELATING TO WHISTLEBLOWERS' PROTECTION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that public employees may  
2 possess information about improper activities such as waste,  
3 fraud, and misconduct occurring in state and local government,  
4 but may not report the information because of fear of  
5 retaliation by their supervisors. Greater protection for public  
6 employees is necessary to encourage them to come forward with  
7 information that will help ensure the efficiency and integrity  
8 of state and local government.

9           The purpose of this Act is to provide additional protection  
10 to public employees who report violations of the law and other  
11 improper activities.

12           SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended  
13 by adding a new section to be appropriately designated and to  
14 read as follows:

15           "§78-    Whistleblowers. (a) Upon receipt of any  
16 complaint made pursuant to section 378-    , the department of  
17 labor and industrial relations shall inform the complainant of  
18 the complainant's rights under the law.



1           (b) The department of labor and industrial relations shall  
2 prescribe notices pertaining to the application of part V of  
3 chapter 378."

4           SECTION 3. Chapter 378, Hawaii Revised Statutes, is  
5 amended by designating sections 378-61 to 378-69, Hawaii Revised  
6 Statutes, as subpart A and adding a title before section 378-61,  
7 Hawaii Revised Statutes, to read as follows:

8                           "Subpart A. General Provisions"

9           SECTION 4. Chapter 378, Hawaii Revised Statutes, is  
10 amended by adding a new subpart to part V to be appropriately  
11 designated and to read as follows:

12                           "Subpart B. Public Employees

13           §378-    Protected disclosure by a public employee. (a)

14 In addition to any other protections under this chapter, a  
15 public employer shall not discharge, threaten, or otherwise  
16 discriminate against a public employee regarding the public  
17 employee's compensation, terms, conditions, location, or  
18 privileges of employment because the public employee, or a  
19 person acting on behalf of the public employee, reports or is  
20 about to report to the public employer or a public body,  
21 verbally or in writing:

1       (1) Any violation of a federal, state, or local law, rule,  
2           ordinance, or regulation; or

3       (2) Any condition that may significantly threaten the  
4           health or safety of the public or the public employee;  
5           provided that the disclosure is made for the purpose  
6           of remedying the condition.

7       (b) In addition to the relief and damages provided under  
8       section 378-63, a public employee who alleges a violation of  
9       this section may bring a civil action for punitive damages.

10       (c) Every public employer shall post and keep posted  
11       notices pertaining to the application of the law, as shall be  
12       prescribed by the department of labor and industrial relations,  
13       in conspicuous places in every establishment where any public  
14       employee is employed to permit the public employee to readily  
15       observe a copy on the way to or from the public employee's place  
16       of employment.

17       (d) For purposes of this section:

18       "Public employee" means any employee of the State or any  
19       county, or the political subdivision and agencies of the State  
20       or any county, any employee under contract with the State or any  
21       county, any civil service employee, and any probationary or  
22       provisional employee of the State or county.



1        "Public employer" means the State and any county, and the  
 2 political subdivisions and agencies of the State and any county,  
 3 and includes any agent thereof."

4        SECTION 5.    New statutory material is underscored.

5        SECTION 6.    This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Employment Practices; Whistleblowers' Protection

**Description:**

Provides additional protection to public employees who report violations of the law. Expands the department of labor and industrial relations' responsibilities regarding whistleblowers.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

