



1 SECTION 3. Chapter 378, Hawaii Revised Statutes, is  
2 amended by adding a new subpart to part V to be appropriately  
3 designated and to read as follows:

4 "B. Public Employees

5 §378- Protected disclosure by a public employee. (a)

6 In addition to any other protections under this chapter, a  
7 public employer shall not discharge, threaten, or otherwise  
8 discriminate against a public employee regarding the public  
9 employee's compensation, terms, conditions, location, or  
10 privileges of employment because the public employee, or a  
11 person acting on behalf of the public employee, reports or is  
12 about to report to the public employer or a public body,  
13 verbally or in writing:

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

16 (2) Any action by a public employer or a public employee  
17 that:

18 (A) Is undertaken in the performance of official  
19 duties, regardless of whether the action is  
20 within the normal scope of employment; and

21 (B) Is economically wasteful; or



1           (C) Involved gross misconduct, incompetence, or  
2                           inefficiency; or

3           (3) 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(c), 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 state ombudsman, in conspicuous places in  
13                           every establishment where any public employee is employed to  
14                           permit the public employee to readily observe a copy on the way  
15                           to or from the public employee's place of employment.

16           (d) For purposes of this section:

17           "Public employee" means any employee of the State or any  
18                           county, or the political subdivision and agencies of the State  
19                           or any county, any employee under contract with the State or any  
20                           county, any civil service employee, and any probationary or  
21                           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 4. Chapter 78, Hawaii Revised Statutes, is amended  
5 by adding a new section to be appropriately designated and to  
6 read as follows:

7        "§78- Whistleblowers. (a) Upon receipt of any  
8 complaint made pursuant to section 378- , the ombudsman shall  
9 inform the complainant of the complainant's rights under the  
10 law.

11        (b) The ombudsman shall prescribe notices pertaining to  
12 the application of part V of chapter 378."

13        SECTION 5. Section 96-8, Hawaii Revised Statutes, is  
14 amended to read as follows:

15        "§96-8 Appropriate subjects for investigation. (a) An  
16 appropriate subject for investigation is an administrative act  
17 of an agency [~~which~~] that might be:

- 18        (1) Contrary to law;
- 19        (2) Unreasonable, unfair, oppressive, or unnecessarily  
20        discriminatory, even though in accordance with law;
- 21        (3) Based on a mistake of fact;
- 22        (4) Based on improper or irrelevant grounds;



1 (5) Unaccompanied by an adequate statement of reasons;

2 (6) Performed in an inefficient manner; [øæ]

3 (7) A violation of section 378- ; or

4 [~~(7)~~] (8) Otherwise erroneous.

5 (b) The ombudsman may investigate to find an appropriate  
6 remedy."

7 SECTION 6. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

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*Will Syro*  


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*S.S.T.*  


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*Mike Hubbard*



**Report Title:**

Employment Practices; Whistleblowers' Protection

**Description:**

Provides additional protection to public employees who report violations of the law, and other improper activities such as waste, gross misconduct, incompetence, or inefficiency. Expands the state ombudsman's responsibilities regarding whistleblowers.

