
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.



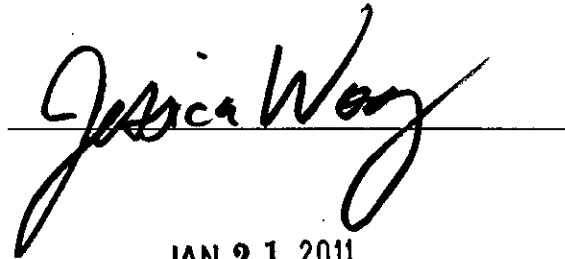
1 "Public employer" means the State and any county, and the
2 political subdivisions and agencies of the State and any county,
3 and includes any agent thereof."

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:

A handwritten signature in black ink, appearing to read "Jessica Wang", is written over a horizontal line.

JAN 21 2011



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.

