
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; notice. (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 the content and the posting of notices pertaining to
3 the application of sections 378- and 396-8(e)."

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

7 "A. GENERAL PROVISIONS"

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

11 " . PUBLIC EMPLOYEES

12 §378- Protected disclosure by a public employee. (a)

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



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

4 (2) Any violation or suspected violation of a contract
5 executed by the State, a political subdivision of the
6 State, or the United States,
7 unless the employee knows that the report is false.

8 (b) Every public employer shall post notices pertaining to
9 the application of sections 378- and 396-8(e), as shall be
10 prescribed by the department of labor and industrial relations,
11 in conspicuous places in every workplace.

12 (c) For purposes of this section:

13 "Public employee" means any employee of the State or any
14 county, or the political subdivision and agencies of the State
15 or any county, any employee under contract with the State or any
16 county, any civil service employee, any probationary or
17 provisional employee of the State or county, and any employee of
18 any general contractor or subcontractor undertaking the
19 execution of a contract with a governmental contracting agency,
20 as defined in section 104-1.

21 "Public employer" means the State and any county, the
22 political subdivisions and agencies of the State and any county,



1 and any general contractor or subcontractor undertaking the
2 execution of a contract with a governmental contracting agency,
3 as defined in section 104-1, and includes any agent thereof."

4 SECTION 5. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on January 7, 2059.



Report Title:

Employment Practices; Whistleblowers' Protection

Description:

Provides additional protection to public employees who report violations of the law or government contracts. Expands the Department of Labor and Industrial Relations' responsibilities regarding whistleblowers. Effective January 7, 2059. (HB467 HD2)

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

