

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB798

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input checked="" type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Delaney

3. Committee: Commerce and Labor

4. Title: Employment; prohibited retaliatory action.

5. Summary: Prohibits an employer from discharging, disciplining, threatening, discriminating against, penalizing, or taking other retaliatory action against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee (i) reports a violation or suspected violation of any federal or state law or regulation to a supervisor or to any governmental body or law-enforcement official; (ii) is requested by a governmental body or law-enforcement official to participate in an investigation, hearing, or inquiry; (iii) refuses to engage in a criminal act that would subject the employee to criminal liability; (iv) refuses an employer's order to perform an action that the employee believes, which belief has an objective basis in fact, violates any federal or state law or regulation and the employee informs the employer that the order is being refused for that reason; or (v) provides information to or testifies before any governmental body or law-enforcement official conducting an investigation, hearing, or inquiry into any alleged violation by the employer of federal or state law or regulation. A person who alleges a violation of this chapter may bring a civil action seeking injunctive relief, reinstatement, and compensation for lost wages, benefits, and other remuneration.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary, see item 8.

8. Fiscal Implications: The Department of Labor and Industry (DOLI) indicates that it already has whistleblower provisions that track the provisions of this bill when a safety and health law or regulation is that which is complained about or involved. This bill may result in fewer safety and health whistleblower complaints made to DOLI because the employee will be able to go directly to court on their own and have a longer period to bring a whistleblower complaint, however, those numbers are unknown. This bill may lead to more involvement by DOLI's compliance officers in litigation brought by the employee under the bill, however, those numbers are unknown as well.

This bill is not anticipated to have a fiscal impact on the Department of Human Resource Management.

9. Specific Agency or Political Subdivisions Affected: Department of Labor and Industry;
courts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.