

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-3010 of the Code of Virginia, relating to the Fraud and Abuse*  
3 *Whistle Blower Protection Act; definition of state agency.*

4 [H 1916]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-3010 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-3010. Definitions.**

9 As used in this chapter:

10 "Abuse" means an employer's or employee's conduct or omissions that result in substantial misuse,  
11 destruction, waste, or loss of funds or resources belonging to or derived from federal, state, or local  
12 government sources.

13 "Appropriate authority" means a federal or state agency or organization having jurisdiction over  
14 criminal law enforcement, regulatory violations, professional conduct or ethics, or abuse; or a member,  
15 officer, agent, representative, or supervisory employee of the agency or organization. The term also  
16 includes the Office of the Attorney General, the Office of the State Inspector General, and the General  
17 Assembly and its committees having the power and duty to investigate criminal law enforcement,  
18 regulatory violations, professional conduct or ethics, or abuse.

19 "Employee" means any person who is regularly employed full time on either a salaried or wage  
20 basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of and  
21 whose compensation is payable, no more often than biweekly, in whole or in part, by a state agency.

22 "Employer" means a person supervising one or more employees, including the employee filing a  
23 good faith report, a superior of that supervisor, or an agent of the state agency.

24 "Good faith report" means a report of conduct defined in this chapter as wrongdoing or abuse which  
25 is made without malice and which the person making the report has reasonable cause to believe is true.

26 "Misconduct" means conduct or behavior by an employee that is inconsistent with state or agency  
27 standards for which specific corrective or disciplinary action is warranted.

28 "State agency" means any agency, institution, board, bureau, commission, council, or instrumentality  
29 of state government in the executive branch listed in the appropriation act *and any independent agency*.

30 "Whistle blower" means an employee who witnesses or has evidence of wrongdoing or abuse and  
31 who makes or demonstrates by clear and convincing evidence that he is about to make a good faith  
32 report of, or testifies or is about to testify to, the wrongdoing or abuse to one of the employee's  
33 superiors, an agent of the employer, or an appropriate authority. "Whistle blower" includes a citizen of  
34 the Commonwealth who witnesses or has evidence of wrongdoing or abuse and who makes or  
35 demonstrates by clear and convincing evidence that he is about to make a good faith report of, or  
36 testifies or is about to testify to, the wrongdoing or abuse to an appropriate authority.

37 "Wrongdoing" means a violation, which is not of a merely technical or minimal nature, of a federal  
38 or state law or regulation or a formally adopted code of conduct or ethics of a professional organization  
39 designed to protect the interests of the public or employee.

ENROLLED

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