

Regular Session, 2014

HOUSE BILL NO. 1269 (Substitute for House Bill No. 716 by Representative Henry)

BY REPRESENTATIVE HENRY

ETHICS/CODE: Provides relative to the protection of public employees from reprisal and threats of reprisal for reporting acts of alleged impropriety

1 AN ACT

2 To amend and reenact R.S. 42:1169(B), relative to certain public employees who report acts  
3 of impropriety within governmental entities; to provide for certain remedies for such  
4 public employees; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:1169(B) is hereby amended and reenacted to read as follows:

7 §1169. Freedom from reprisal for disclosure of improper acts

8 \* \* \*

9 B.(1)(a) If any public employee is suspended, demoted, dismissed, or  
10 threatened with such suspension, demotion, or dismissal as an act of reprisal for  
11 reporting an alleged act of impropriety in violation of this Section, ~~such~~ the public  
12 employee shall report such action to the board.

13 (b) If any person that is a public employee because of a contractual  
14 arrangement with a governmental entity or agency thereof has the contract with the  
15 governmental entity or agency suspended, reduced, or terminated or is threatened  
16 with the suspension, reduction, or termination of the contract with the governmental  
17 entity or agency as an act of reprisal for reporting an alleged act of impropriety in  
18 violation of this Section, the public employee shall report such action to the board.

1 (2) ~~(a) An~~ A public employee who is wrongfully suspended, demoted, or  
2 dismissed shall be entitled to reinstatement of his employment and entitled to receive  
3 any lost income and benefits for the period of any suspension, demotion, or  
4 dismissal.

5 (b) A person that is a public employee because of a contractual arrangement  
6 with a governmental entity or agency thereof whose contract is wrongfully  
7 suspended, reduced, or terminated shall be entitled to reinstatement of his contract  
8 and entitled to receive any lost compensation under the terms of the contract.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Henry

HB No. 1269

**Abstract:** Provides remedies for reporting acts of alleged impropriety for a person that is a public employee because of a contractual arrangement with a governmental entity or agency whose contract is wrongfully suspended, reduced, or terminated as an act of reprisal for such reporting.

Present law provides that a public employee who reports acts of alleged impropriety related to the scope or duties of public employment or public office within a governmental entity to a person or entity of competent authority or jurisdiction shall be free from discipline or reprisal or threats of discipline or reprisal by the public employer. Present law prohibits an employee who has the authority to hire, fire, or discipline, a supervisor, an agency head, or an elected official from subjecting or threatening to subject a public employee to reprisal because of the employee's efforts to disclose acts of alleged impropriety. Present law requires that a public employee report to the Board of Ethics any suspension, demotion, or dismissal or threats of such actions which is a reprisal for disclosing information regarding acts of impropriety.

Proposed law further requires a person that is a public employee because of a contractual arrangement with a governmental entity or agency thereof whose contract with the governmental entity or agency is suspended, reduced, or terminated or who is threatened with the suspension, reduction, or termination of the contract with the governmental entity or agency as an act of reprisal for reporting an alleged act of impropriety in violation of present law, to report such action to the board.

Present law provides that a public employee who is wrongfully suspended, demoted, or dismissed shall be entitled to reinstatement of his employment and entitled to receive any lost income and benefits for the period of any suspension, demotion, or dismissal.

Proposed law adds that a person that is a public employee because of a contractual arrangement with a governmental entity or agency thereof whose contract is wrongfully suspended, reduced, or terminated shall be entitled to reinstatement of his contract and entitled to receive any lost compensation under the terms of the contract.

Present law provides that violations of present law are punishable by a fine of up to \$10,000. Also provides that an elected official may be censured and that a public employee may be removed, suspended, demoted, or have his pay reduced. Present law provides for the board to forward to the appropriate district attorney any findings of probable cause that a violation of a criminal law has occurred. Proposed law retains present law.

(Amends R.S. 42:1169(B))