

SENATE BILL No. 68

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-5-3-3.

Synopsis: Whistleblower reports. Allows for an employee who is reporting misconduct concerning the execution of a public contract to make an oral report or a report by electronic mail. (Current law requires that such a report be in writing.) Requires that, if an employee makes an oral report, the person to whom the report is made must memorialize the oral report to written form not less than 30 days after the date the person receives the oral report.

Effective: July 1, 2020.

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January 6, 2020, read first time and referred to Committee on Pensions and Labor.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 68

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-5-3-3, AS AMENDED BY P.L.149-2016,
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 3. (a) An employee of a private employer that is
4 under public contract may report **orally, by electronic mail, or in**
5 writing the existence of:
6 (1) a violation of a federal law or regulation;
7 (2) a violation of a state law or rule;
8 (3) a violation of an ordinance of a political subdivision (as
9 defined in IC 36-1-2-13); or
10 (4) the misuse of public resources;
11 concerning the execution of public contract first to the private
12 employer, unless the private employer is the person whom the
13 employee believes is committing the violation or misuse of public
14 resources. In that case, the employee may report the violation or misuse
15 of public resources **orally, by electronic mail, or** in writing to either
16 the private employer or to any official or agency entitled to receive a
17 report from the state ethics commission under IC 4-2-6-4(b)(2)(J) or



1 IC 4-2-6-4(b)(2)(K). If a good faith effort is not made to correct the
 2 problem within a reasonable time, the employee may submit a written
 3 report of the incident to any person, agency, or organization.

4 **(b) If the employee makes an oral report of a violation or misuse**
 5 **of public resources as described in subsection (a), the person to**
 6 **whom the employee makes the report must memorialize the oral**
 7 **report to written form not less than thirty (30) days after the date**
 8 **the person receives the oral report.**

9 ~~(b)~~ (c) For having made a report under subsection (a), an employee
 10 may not:

- 11 (1) be dismissed from employment;
- 12 (2) have salary increases or employment related benefits
- 13 withheld;
- 14 (3) be transferred or reassigned;
- 15 (4) be denied a promotion that the employee otherwise would
- 16 have received; or
- 17 (5) be demoted.

18 ~~(c)~~ (d) Notwithstanding subsections (a) through ~~(b)~~, (c), an
 19 employee must make a reasonable attempt to ascertain the correctness
 20 of any information to be furnished and may be subject to disciplinary
 21 actions for knowingly furnishing false information, including
 22 suspension or dismissal, as determined by the employer. However, any
 23 employee disciplined under this subsection is entitled to process an
 24 appeal of the disciplinary action as a civil action in a court of general
 25 jurisdiction.

26 ~~(d)~~ (e) An employer who violates this section commits a Class A
 27 infraction **and may be liable for damages arising from a civil action**
 28 **brought by the employee for retaliation.**

