



General Assembly

**Raised Bill No. 5402**

February Session, 2016

LCO No. 1807

\* \_\_\_\_\_ HB05402JUD \_\_\_ 031716 \_\_\_ \*

Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING THE EXTENSION OF WHISTLE-BLOWER PROTECTIONS TO AN EMPLOYEE WHO REPORTS A SUSPECTED VIOLATION OF LAW TO THE EMPLOYEE'S SUPERVISOR OR MANAGER.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-51m of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) As used in this section:

4 (1) "Person" means one or more individuals, partnerships,  
5 associations, corporations, limited liability companies, business trusts,  
6 legal representatives or any organized group of persons;

7 (2) "Employer" means a person engaged in business who has  
8 employees, including the state and any political subdivision of the  
9 state;

10 (3) "Employee" means any person engaged in service to an employer  
11 in a business of his employer;

12 (4) "Public body" means (A) any public agency, as defined in  
13 subdivision (1) of section 1-200, or any employee, member or officer  
14 thereof, or (B) any federal agency or any employee, member or officer  
15 thereof; and

16 (5) "Supervisor" or "manager" means any person who (A) directs or  
17 controls the daily activities of an employee, or (B) solely or in part is  
18 responsible for decisions involving employee compensation or other  
19 material terms and conditions of employment.

20 (b) No employer shall discharge, discipline or otherwise penalize  
21 any employee because (1) the employee, or a person acting on behalf of  
22 the employee, reports, verbally or in writing, a violation or a suspected  
23 violation of any state or federal law or regulation or any municipal  
24 ordinance or regulation to a public body or to any supervisor or  
25 manager of the employee, (2) the employee is requested by a public  
26 body or any supervisor or manager of the employer to participate in an  
27 investigation, hearing or inquiry held by [that] the public body or  
28 employer, or a court action, or (3) the employee reports a suspected  
29 incident of child abuse or neglect pursuant to sections 17a-101a to 17a-  
30 101d, inclusive, or 17a-103. No municipal employer shall discharge,  
31 discipline or otherwise penalize any employee because the employee,  
32 or a person acting on behalf of the employee, reports, verbally or in  
33 writing, to a public body concerning the unethical practices,  
34 mismanagement or abuse of authority by such employer. The  
35 provisions of this subsection shall not be applicable when the  
36 employee knows that such report is false.

37 (c) Any employee who is discharged, disciplined or otherwise  
38 penalized by his employer in violation of the provisions of subsection  
39 (b) may, after exhausting all available administrative remedies, bring a  
40 civil action, within [ninety] one hundred eighty days of the date of the  
41 final administrative determination or within [ninety] one hundred  
42 eighty days of such violation, whichever is later, in the superior court  
43 for the judicial district where the violation is alleged to have occurred  
44 or where the employer has its principal office, for (1) the reinstatement

45 of [his] the employee's previous job, (2) payment of back wages and  
46 reestablishment of employee benefits to which [he] the employee  
47 would have otherwise been entitled if such violation had not occurred,  
48 (3) noneconomic damages, (4) the removal of any discipline or penalty  
49 imposed upon the employee, and (5) future economic damages  
50 attributable to a reduction in the employee's wages in the event that  
51 reinstatement of the employee's previous job is not feasible or  
52 impracticable. An employee's recovery from any such action shall be  
53 limited to such items, [provided the] except that the court may allow  
54 [to] the prevailing [party his] party's costs, together with reasonable  
55 attorney's fees to be taxed by the court. Any employee found to have  
56 knowingly made a false report shall be subject to disciplinary action by  
57 his or her employer up to and including dismissal.

58 (d) This section shall not be construed to diminish or impair the  
59 rights of a person under any collective bargaining agreement.

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| This act shall take effect as follows and shall amend the following sections: |  |  |
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| Section 1 | October 1, 2016 | 31-51m |
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**JUD**      *Joint Favorable*