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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 542

02/13/2013 Authored by Loeffler, Freiberg, Cornish, Winkler, Dorholt and others
The bill was read for the first time and referred to the Committee on Government Operations
02/28/2013 Adoption of Report: Pass as Amended and Read Second Time
05/07/2013 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
1.2 relating to state government; establishing expectations for classified employees as
1.3 nonpartisan resources to all decision makers; providing additional whistleblower
1.4 protection to state employees; amending Minnesota Statutes 2012, section
1.5 181.932, subdivision 1; proposing coding for new law in Minnesota Statutes,
1.6 chapter 43A.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. [43A.015] CLASSIFIED EMPLOYEE COMMUNICATIONS WITH
1.9 DECISION MAKERS.

1.10 State employees in the classified service are expected to provide information in a
1.11 timely manner to both executive and legislative decision makers. Classified state employees
1.12 shall provide assistance to legislative decision makers in a manner that is consistent with
1.13 the employees' other duties. Consultation with their direct supervisor on the request
1.14 may be required but shall not unduly slow the promptness of the reply. A classified state
1.15 employee, and if applicable the employee's supervisor, shall maintain the confidentiality of
1.16 budget or policy discussions with a member of the legislature or legislative staff acting on a
1.17 member's request, unless otherwise designated by the legislator or legislative staff person.
1.18 This section does not authorize an employee to disclose data otherwise protected by law.

1.19 EFFECTIVE DATE. This section is effective the day following final enactment.

1.20 Sec. 2. Minnesota Statutes 2012, section 181.932, subdivision 1, is amended to read:

1.21 Subdivision 1. Prohibited action. An employer shall not discharge, discipline,
1.22 threaten, otherwise discriminate against, or penalize an employee regarding the employee's
1.23 compensation, terms, conditions, location, or privileges of employment because:

2.1 (1) the employee, or a person acting on behalf of an employee, in good faith, reports  
2.2 a violation or suspected violation of any federal or state law or rule adopted pursuant to  
2.3 law to an employer or to any governmental body or law enforcement official;

2.4 (2) the employee is requested by a public body or office to participate in an  
2.5 investigation, hearing, inquiry;

2.6 (3) the employee refuses an employer's order to perform an action that the employee  
2.7 has an objective basis in fact to believe violates any state or federal law or rule or  
2.8 regulation adopted pursuant to law, and the employee informs the employer that the order  
2.9 is being refused for that reason;

2.10 (4) the employee, in good faith, reports a situation in which the quality of health care  
2.11 services provided by a health care facility, organization, or health care provider violates a  
2.12 standard established by federal or state law or a professionally recognized national clinical  
2.13 or ethical standard and potentially places the public at risk of harm; ~~or~~

2.14 (5) a public employee communicates the findings of a scientific or technical study  
2.15 that the employee, in good faith, believes to be truthful and accurate, including reports  
2.16 to a governmental body or law enforcement official; or

2.17 (6) an employee in the classified service of state government communicates  
2.18 information that the employee, in good faith, believes to be truthful and accurate, and that  
2.19 relates to state services, including the financing of state services to:

2.20 (i) a legislator, the legislative auditor, or a legislative employee; or

2.21 (ii) a constitutional officer.

2.22 The disclosures protected pursuant to this section do not authorize the disclosure of data  
2.23 otherwise protected by law.

2.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.