

FIRST REGULAR SESSION

HOUSE BILL NO. 533

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ZWEIFEL, CORCORAN, JOHNSON (90), DARROUGH
(Co-sponsors), MEINERS, YAEGER, FRASER, BURNETT, WALKER, VILLA, SAGER,
YOUNG AND WILDBERGER.

Read 1st time February 20, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1196L.02I

AN ACT

To amend chapter 285, RSMo, by adding thereto one new section relating to employee rights,
with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 285, RSMo, is amended by adding thereto one new section, to be
2 known as section 285.030, to read as follows:

285.030. 1. The provisions of this section shall be known and may be cited as the
2 "Whistleblower Protection and Security Act".

3 2. No owner, manager, or supervisor of any private employer shall:

4 (1) Prohibit an employee from or take any disciplinary action whatsoever against
5 an employee for the disclosure of any alleged prohibited activity under investigation or any
6 related activity, or for the disclosure of information which the employee reasonably
7 believes evidences:

8 (a) A violation of any law, rule, or regulation; or

9 (b) Mismanagement, a gross waste of funds or abuse of authority, or a substantial
10 and specific danger to public health or safety, if the disclosure is not specifically prohibited
11 by law; or

12 (2) Require any such employee to give notice to the owner, manager, or supervisor
13 prior to making any such report.

14 3. This section shall not be construed as:

15 (1) Permitting an employee to leave the employee's assigned work areas during
16 normal work hours without following applicable rules and regulations and policies
17 pertaining to leaves;

18 **(2) Authorizing an employee to represent the employee's personal opinions as the**
19 **opinions of a private employer; or**

20 **(3) Restricting or precluding disciplinary action taken against an employee if:**

21 **(a) The employee knew that the information was false;**

22 **(b) The information is closed or is confidential under the provisions of the open**
23 **meetings law or any other law; or**

24 **(c) The disclosure relates to the employee's own violations, mismanagement, gross**
25 **waste of funds, abuse of authority, or endangerment of the public health or safety.**

26 **4. As used in this section, "disciplinary action" means any dismissal, demotion,**
27 **transfer, reassignment, suspension, reprimand, warning of possible dismissal, or**
28 **withholding of work, regardless of whether the withholding of work has affected or will**
29 **affect the employee's compensation.**

30 **5. Every private employer shall prominently post a copy of this section in locations**
31 **where it can reasonably be expected to come to the attention of all employees of the private**
32 **employer.**

33 **6. Any person or business organization that violates any part of this section shall**
34 **be fined in an amount not to exceed twenty thousand dollars per occurrence per employee.**