

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 773, Page 12, Section 190.336, Line 88,  
2 by inserting immediately after said line the following:

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4 "285.478 1. This section shall be known and may be cited as the "Whistleblower's  
5 Protection Act".

6 2. As used in this section, the following terms shall mean:

7 (1) "Employer", any organization, partnership, the state, political subdivision, corporation,  
8 or other legal entity which has or had in the entity's employ six or more individuals performing  
9 services for the entity within this state;

10 (2) "Proper authorities", a manager or supervisor employed by the employer, or designated  
11 representative employed by the employer for the purposes of receiving reports from employees  
12 regarding unlawful activity or public authorities such as governmental or law enforcement agencies,  
13 but shall not include an individual directly involved in the alleged conduct;

14 (3) "Protected person", Someone who reports to proper authorities wrongdoing or serious  
15 misconduct that constitutes a violation of the law or of well-established and clearly mandated public  
16 policy as articulated in a constitutional provision, a statute, a regulation based on a statute, or a rule  
17 promulgated by a governmental body; or someone who refuses to violate the law or any well  
18 established and clear mandate of public policy as articulated in the constitution, statute, regulation  
19 based on a statute, or a rule created by a governmental body.

20 3. This section is intended to codify the existing common law exceptions to the at-will  
21 employment doctrine and to limit their future expansion by the courts. This section shall provide the  
22 exclusive remedy for any and all unlawful employment practices articulated herein and hereby  
23 supersedes and abrogates any common law causes of action to the contrary.

24 4. It shall be an unlawful employment practice for an employer to discharge or retaliate  
25 against an individual defined as a protected person in this section, because of that person's status as a  
26 protected person.

27 5. Any party to any action initiated under this section may demand a trial by jury.

28 6. A protected person aggrieved by a violation of this section shall have a private right of  
29 action which may be filed in a court of competent jurisdiction for actual damages and punitive  
30 damages which shall be limited as articulated in section 510.265 RSMo."; and

31  
32 Further amend said bill by amending the title, enacting clause, and intersectional references  
33 accordingly.  
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Action Taken \_\_\_\_\_ Date \_\_\_\_\_