

Introduced by

Senator Holmberg

1 A BILL for an Act to amend and reenact section 34-11.1-04 of the North Dakota Century Code,
2 relating to whistleblower protection for public employees; and to provide for a legislative council
3 study.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 34-11.1-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **34-11.1-04. Violations for misuse reported by employee - Reprisals prohibited -**
8 **Furnishing false information - Labor department.**

9 1. An employee may, without fear of reprisal, report in writing to the employee's
10 respective agency head, a state's attorney, the attorney general, or an employee
11 organization the existence of:

12 a. A job-related violation of local, state, or federal law, rule, regulation, or
13 ordinance.

14 b. The job-related misuse of public resources.

15 2. For having made a report under subsection 1, no employee will:

16 a. Be dismissed from employment.

17 b. Have salary increases or employment-related benefits withheld.

18 c. Be transferred or reassigned.

19 d. Be denied a promotion that the employee otherwise would have received.

20 e. Be demoted.

21 f. Be discriminated against in any term or condition of employment.

22 3. An employee who intentionally furnishes false information is subject to disciplinary
23 action, including suspension or dismissal as determined by the employee's
24 appointing authority or designee. An employee ~~dismissed under this subsection~~

1 claiming reprisal under this section may appeal first to the ~~state personnel board~~
2 human resource management services division and then to the district court in the
3 manner prescribed by chapter 28-32, or to other appropriate offices and then to
4 district court if the employee is not under the jurisdiction of the ~~state personnel~~
5 ~~board~~ human resource management services division.

6 **SECTION 2. LEGISLATIVE COUNCIL STUDY - WHISTLEBLOWER LAWS.** During
7 the 2009-10 interim, the legislative council shall consider studying the state's whistleblower
8 protection laws, including whether the laws adequately address the public policy issues related
9 to whistleblower protection. The legislative council shall report its findings and
10 recommendations, together with any legislation required to implement the recommendations, to
11 the sixty-second legislative assembly.