

1 Senators Kemp of the 3rd, Harp of the 16th, Meyer von Bremen of the 12th, Thompson of
2 the 33rd and Tate of the 38th and others offered the following amendment:

3 Amend HB 590 by inserting the following after the first semicolon on page 1:

4 "to enact the 'Whistleblowers' Protection Act for Public School Employees'; to provide a
5 short title and definitions; to prohibit retaliatory actions against any public school employee
6 for disclosure, providing information to a public body concerning, objection to or refusal
7 to participate in any activity, policy, or practice that the employee reasonably believes in
8 violation of a law, rule, regulation, ordinance, or policy or that the employee reasonably
9 believes poses a risk to public health, safety, or the environment; to provide for civil
10 actions and remedies;".

11 By inserting between lines 18 and 19 of page 1 the following:

12 **"SECTION 1.1.**

13 Said chapter is further amended by inserting a new article to be designated Article 32 to read
14 as follows:

15 **'ARTICLE 32**

16 20-2-2080.

17 This article may be cited as the 'Whistleblowers' Protection Act for Public School
18 Employees.'

19 20-2-2081.

20 As used in this Code section, the term:

21 (1) 'Employee' means any public school employee, full or part-time, performing a service
22 for wages or other compensation for a local unit of administration, board of education,
23 or school system, but does not include an independent contractor.

24 (2) 'Employer' means a local unit of administration, local board of education, or county,
25 city, or independent school district or school system.

26 (3) 'Public body' means:

27 (A) The United States Congress, the Georgia General Assembly or any committee
28 thereof, or any other state legislature;

29 (B) Any federal, state, or local judge, or any employee thereof, or any member of a
30 grand or petit grand jury;

1 (C) Any federal, state, or local regulatory, administrative, or public agency or
2 authority, or instrumentality thereof;

3 (D) Any federal, state, or local law enforcement agency, prosecutorial office, or police
4 or peace officer; or

5 (E) Any board, commission, bureau, division, office, committee, or commission of any
6 of the public bodies described in this subsection.

7 (4) 'Retaliatory action' means the discharge, nonrenewal, suspension, demotion, transfer,
8 reprimand, reduction in salary or benefits, or other adverse employment action, or any
9 oral or written threat of such action, against an employee in the terms and conditions of
10 employment.

11 (5) 'Supervisor' means any individual to whom an employer has given the authority to
12 direct and control the work performance of the affected employee and who has authority
13 to take corrective action regarding the violation of the law, rule, regulation, ordinance,
14 or policy of which the employee complains.

15 20-2-2082.

16 An employer or supervisor shall not take any retaliatory action against an employee
17 because the employee, or a person acting on behalf of the employee, does any of the
18 following:

19 (1) Discloses, or threatens to disclose, to a supervisor, employers, or a public body, any
20 activity, policy, or practice of the employer or supervisor that the employee in good faith
21 reasonably believes is in violation of a law, rule, regulation, ordinance, or policy
22 promulgated pursuant to law, or which the employee in good faith reasonably believes
23 poses a risk to public health, safety, or the environment;

24 (2) Provides information to, or testifies before, any public body with authority to conduct
25 an investigation, hearing, or inquiry into any violation of a law, rule, regulation,
26 ordinance, or policy promulgated pursuant to law, or into any activity, policy, or practice
27 which the employee in good faith reasonably believes poses a risk to public health, safety,
28 or the environment by a supervisor or the employer; or

29 (3) Objects to or refuses to participate in any activity, policy, or practice which the
30 employee in good faith reasonably believes is in violation of a law, rule, regulation,
31 ordinance, or policy promulgated pursuant to law, or any activity, policy, or practice
32 which the employee in good faith reasonably believes poses a risk to public health, safety,
33 or the environment by a supervisor or the employer.

1 20-2-2083.

2 (a)(1) Any employee or former employee who has been the object of retaliation in
3 violation of this article may institute a civil action in superior court for relief as set forth
4 in paragraph (2) of this subsection within one year after discovering the retaliation or
5 within three years after the retaliation, whichever is earlier.

6 (2) In any action brought pursuant to this subsection, the court may order any or all of
7 the following relief:

8 (A) An injunction restraining continued violation of this article;

9 (B) Reinstatement of the employee to the same position held before the retaliation or
10 to an equivalent position;

11 (C) Reinstatement of full fringe benefits and seniority rights;

12 (D) Compensation for lost wages, benefits, and other remuneration;

13 (E) Any other compensatory damages allowable at law; and

14 (F) Attorney's fees, court costs, and expenses to a prevailing employee or former
15 employee.

16 (b) With regard to seeking the remedies provided by subparagraphs (B) through (F) of
17 paragraph (2) of this Code section, any party shall be entitled to a jury trial upon request."