

# SENATE BILL No. 129

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-5-3-3.

**Synopsis:** Whistleblower reports. Allows an employee who is reporting misconduct concerning the execution of a public contract to make an oral report or a report by electronic mail. (Current law requires that such a report be in writing.)

**Effective:** July 1, 2021.

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January 5, 2021, read first time and referred to Committee on Pensions and Labor.

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First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## SENATE BILL No. 129

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A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 22-5-3-3, AS AMENDED BY P.L.149-2016,  
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 3. (a) An employee of a private employer that is  
4 under public contract may report **orally, by electronic mail, or in**  
5 writing the existence of:  
6 (1) a violation of a federal law or regulation;  
7 (2) a violation of a state law or rule;  
8 (3) a violation of an ordinance of a political subdivision (as  
9 defined in IC 36-1-2-13); or  
10 (4) the misuse of public resources;  
11 concerning the execution of public contract first to the private  
12 employer, unless the private employer is the person whom the  
13 employee believes is committing the violation or misuse of public  
14 resources. In that case, the employee may report the violation or misuse  
15 of public resources **orally, by electronic mail, or** in writing to either  
16 the private employer or to any official or agency entitled to receive a  
17 report from the state ethics commission under IC 4-2-6-4(b)(2)(J) or



1 IC 4-2-6-4(b)(2)(K). If a good faith effort is not made to correct the  
2 problem within a reasonable time, the employee may submit a ~~written~~  
3 report of the incident **orally, by electronic mail, or in writing** to any  
4 person, agency, or organization.

5 (b) For having made a report under subsection (a), an employee may  
6 not:

7 (1) be dismissed from employment;

8 (2) have salary increases or employment related benefits  
9 withheld;

10 (3) be transferred or reassigned;

11 (4) be denied a promotion that the employee otherwise would  
12 have received; or

13 (5) be demoted.

14 (c) Notwithstanding subsections (a) through (b), an employee must  
15 make a reasonable attempt to ascertain the correctness of any  
16 information to be furnished and may be subject to disciplinary actions  
17 for knowingly furnishing false information, including suspension or  
18 dismissal, as determined by the employer. However, any employee  
19 disciplined under this subsection is entitled to process an appeal of the  
20 disciplinary action as a civil action in a court of general jurisdiction.

21 (d) An employer who violates this section commits a Class A  
22 infraction **and may be liable for damages arising from a civil action**  
23 **brought by the employee for retaliation.**

