

1.1 CONFERENCE COMMITTEE REPORT ON S.F. No. 271

1.2 A bill for an act
1.3 relating to state government; providing additional whistleblower protection
1.4 to state employees; amending Minnesota Statutes 2008, section 181.932,
1.5 subdivision 1.

1.6 May 8, 2010
1.7 The Honorable James P. Metzen
1.8 President of the Senate

1.9 The Honorable Margaret Anderson Kelliher
1.10 Speaker of the House of Representatives

1.11 We, the undersigned conferees for S.F. No. 271 report that we have agreed upon the
1.12 items in dispute and recommend as follows:

1.13 That the House recede from its amendment and that S.F. No. 271 be further amended
1.14 as follows:

1.15 Delete everything after the enacting clause and insert:

1.16 "Section 1. **[43A.015] CLASSIFIED EMPLOYEE COMMUNICATIONS WITH**
1.17 **DECISION MAKERS.**

1.18 State employees in the classified service are expected to provide objective
1.19 information in a timely manner to both executive and legislative decision makers. State
1.20 employees shall provide assistance to legislative decision makers in a manner that is
1.21 consistent with the need to perform the employees' other duties. A classified state
1.22 employee shall make a good-faith effort to maintain the confidentiality of budget or
1.23 policy discussions with a member of the legislature or the member's staff person, unless
1.24 otherwise directed by that member or staff person. This section does not authorize or
1.25 require an employee to disclose data otherwise protected by law.

1.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.27 Sec. 2. Minnesota Statutes 2008, section 181.932, subdivision 1, is amended to read:

2.1 Subdivision 1. **Prohibited action.** An employer shall not discharge, discipline,
2.2 threaten, otherwise discriminate against, or penalize an employee regarding the employee's
2.3 compensation, terms, conditions, location, or privileges of employment because:

2.4 (1) the employee, or a person acting on behalf of an employee, in good faith, reports
2.5 a violation or suspected violation of any federal or state law or rule adopted pursuant to
2.6 law to an employer or to any governmental body or law enforcement official;

2.7 (2) the employee is requested by a public body or office to participate in an
2.8 investigation, hearing, inquiry;

2.9 (3) the employee refuses an employer's order to perform an action that the employee
2.10 has an objective basis in fact to believe violates any state or federal law or rule or
2.11 regulation adopted pursuant to law, and the employee informs the employer that the order
2.12 is being refused for that reason;

2.13 (4) the employee, in good faith, reports a situation in which the quality of health care
2.14 services provided by a health care facility, organization, or health care provider violates a
2.15 standard established by federal or state law or a professionally recognized national clinical
2.16 or ethical standard and potentially places the public at risk of harm; ~~or~~

2.17 (5) a public employee communicates the findings of a scientific or technical study
2.18 that the employee, in good faith, believes to be truthful and accurate, including reports
2.19 to a governmental body or law enforcement official; or

2.20 (6) an employee in the classified service of state government communicates
2.21 information that the employee, in good faith, believes to be truthful and accurate, and that
2.22 relates to state services, including the financing of state services to:

2.23 (i) a legislator or the legislative auditor; or

2.24 (ii) a constitutional officer.

2.25 The disclosures protected pursuant to this section do not authorize the disclosure of data
2.26 otherwise protected by law.

2.27 **EFFECTIVE DATE.** This section is effective the day following final enactment."

2.28 Delete the title and insert:

2.29 "A bill for an act
2.30 relating to state government; establishing expectations for classified employees as
2.31 nonpartisan resources to all decision makers; providing additional whistleblower
2.32 protection to state employees; amending Minnesota Statutes 2008, section
2.33 181.932, subdivision 1; proposing coding for new law in Minnesota Statutes,
2.34 chapter 43A."

3.1 We request the adoption of this report and repassage of the bill.

3.2 Senate Conferees:

3.3
3.4 Mary Olson D. Scott Dibble

3.5
3.6 Warren Limmer

3.7 House Conferees:

3.8
3.9 Diane Loeffler Phyllis Kahn

3.10
3.11 Tony Cornish