

67-21-3 Reporting of governmental waste or violations of law -- Employer action --

Exceptions.

- (1)
 - (a) An employer may not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith:
 - (i) the waste or misuse of public funds, property, or manpower;
 - (ii) a violation or suspected violation of a law, rule, or regulation adopted under the law of this state, a political subdivision of this state, or any recognized entity of the United States; or
 - (iii) as it relates to a state government employer:
 - (A) gross mismanagement;
 - (B) abuse of authority; or
 - (C) unethical conduct.
 - (b) For purposes of Subsection (1)(a), an employee is presumed to have communicated in good faith if the employee gives written notice or otherwise formally communicates the conduct described in Subsection (1)(a) to:
 - (i) a person in authority over the person alleged to have engaged in the conduct described in Subsection (1)(a);
 - (ii) the attorney general's office;
 - (iii) law enforcement, if the conduct is criminal in nature;
 - (iv) if the employee is a public entity employee, public body employee, legislative employee, or a judicial employee:
 - (A) the state auditor's office;
 - (B) the president of the Senate;
 - (C) the speaker of the House of Representatives;
 - (D) the governor's office;
 - (E) the state court administrator; or
 - (F) the Division of Finance;
 - (v) if the employee is a public entity employee, but not an employee of a state institution of higher education, the director of the Division of Purchasing and General Services;
 - (vi) if the employee is a political subdivision employee:
 - (A) the legislative body, or a member of the legislative body, of the political subdivision;
 - (B) the governing body, or a member of the governing body, of the political subdivision;
 - (C) the top executive of the political subdivision; or
 - (D) any government official with authority to audit the political subdivision or the applicable part of the political subdivision; or
 - (vii) if the employee is an employee of a state institution of higher education:
 - (A) the State Board of Regents or a member of the State Board of Regents;
 - (B) the commissioner of higher education;
 - (C) the president of the state institution of higher education where the employee is employed; or
 - (D) the entity that conducts audits of the state institution of higher education where the employee is employed.
 - (c) The presumption described in Subsection (1)(b) may be rebutted by showing that the employee knew or reasonably ought to have known that the report is malicious, false, or frivolous.
- (2) An employer may not take adverse action against an employee because an employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review held by the public body.

- (3) An employer may not take adverse action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law of this state, a political subdivision of this state, or the United States, or a rule or regulation adopted under the authority of the laws of this state, a political subdivision of this state, or the United States.
- (4) An employer may not implement rules or policies that unreasonably restrict an employee's ability to document:
 - (a) the waste or misuse of public funds, property, or manpower;
 - (b) a violation or suspected violation of any law, rule, or regulation; or
 - (c) as it relates to a state government employer:
 - (i) gross mismanagement;
 - (ii) abuse of authority; or
 - (iii) unethical conduct.

Amended by Chapter 427, 2013 General Session