

WHISTLEBLOWER AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Lyle W. Hillyard

AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES; MODIFYING THE DEFINITIONS OF DAMAGES AND COSTS IN WHISTLEBLOWER CASES; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

67-21-4, as last amended by Chapter 198, Laws of Utah 1996

67-21-5, as last amended by Chapter 189, Laws of Utah 1989

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **67-21-4** is amended to read:

67-21-4. Remedies for employee bringing action -- Proof required.

(1) As used in this section, "damages" means damages for injury or loss caused by each violation of this chapter~~[, and includes court costs and reasonable attorney fees]~~.

(2) An employee who alleges a violation of this chapter may bring a civil action for appropriate injunctive relief or actual damages, or both, within 180 days after the occurrence of the alleged violation of this chapter.

(3) An action begun under this section may be brought in the district court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has his principal place of business.

(4) To prevail in an action brought under the authority of this section, the employee shall establish, by a preponderance of the evidence, that the employee has suffered an adverse action because the employee, or a person acting on his behalf engaged or intended to engage in an activity protected under Section 67-21-3.

Section 2. Section **67-21-5** is amended to read:

67-21-5. Court orders for violation of chapter.

(1) A court, in rendering a judgment in an action brought under this chapter, may order reinstatement of the employee at the same level, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies.

(2) A court [~~may~~] shall also award the complainant all or a portion of the costs of litigation, [~~including~~] which are defined to include reasonable attorney fees and witness fees, if the court determines that the award is appropriate.