

# Exhibit B

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2013 Pennsylvania House Bill No. 118, Pennsylvania One Hundred Ninety-Seventh General Assembly - 2013-2014

PENNSYLVANIA BILL TEXT

**TITLE: An Act amending the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law, further providing for the definitions of “employee” and “employer,” for protection of employees, for enforcement and for penalties.**

VERSION: Introduced

January 16, 2013

ELLIS,METCALFE,R. BROWN,D. COSTA,BROOKS,M. K. KELLER,SAYLOR,GINGRICH,O’NEILL,B. BOYLE,RAVENSTAHL,STURLA,REED,CAUSER,WATSON,FLECK,MAJOR,KNOWLES,HICKERNELL,ROZZI,STEPHENS,MUNDY,MILLARD,CARROLL,SCHLOSSBERG,BAKER,AUMENT,BOBACK,KAUFFMAN,PICKETT,HARKINS,MACKENZIE,MOUL,MILLER,SONNEY,GROVE,MARSHALL,HAHN,READSHAW,RAPP,STEVENSON,O’BRIEN,C. HARRIS,CUTLER,PYLE,OBERLANDER,REESE,MURT,P. COSTA,COHEN,SWANGER,PETRI,DEASY,GIBBONS,QUINN,CLYMER

 Image 1 within document in PDF format.

SUMMARY: Amending the act of December 12, 1986 (P.L.1559, No.169),entitled “An act providing protection for employees whoreport a violation or suspected violation of State, local orFederal law; providing protection for employees whoparticipate in hearings, investigations, legislativeinquiries or court actions; and prescribing remedies andpenalties,” further providing for the definitions of ’employee” and “employer,” for protection of employees, forenforcement and for penalties.

**TEXT:**

PRINTER’S NO. 118

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL No. 118

Session of 2013

INTRODUCED BY ELLIS, METCALFE, R. BROWN, D. COSTA, BROOKS, M. K. KELLER, SAYLOR, GINGRICH, O’NEILL, B. BOYLE, RAVENSTAHL, STURLA, REED, CAUSER, WATSON, FLECK, MAJOR, KNOWLES, HICKERNELL, ROZZI, STEPHENS, MUNDY, MILLARD, CARROLL, SCHLOSSBERG, BAKER, AUMENT, BOBACK, KAUFFMAN, PICKETT, HARKINS, MACKENZIE, MOUL, MILLER, SONNEY, GROVE, MARSHALL, HAHN, READSHAW, RAPP, STEVENSON, O’BRIEN, C. HARRIS, CUTLER, PYLE, OBERLANDER, REESE, MURT, CLYMER, P. COSTA, COHEN, SWANGER, PETRI AND DEASY, JANUARY 16, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 16, 2013

AN ACT

Amending the act of December 12, 1986 (P.L.1559, No.169), entitled “An act providing protection for employees who report a violation or suspected violation of State, local or Federal law; providing protection for employees who participate in hearings, investigations, legislative inquiries or court actions; and prescribing remedies and penalties,” further providing for the definitions of “employee” and “employer,” for protection of employees, for enforcement and for penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definitions of "employee" and "employer" in [section 2](#) of the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law, are amended to read: Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Employee." A person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied, for ~~a public body~~ an employer.

"Employer." ~~[A person supervising one or more employees, including the employee in question; a superior of that supervisor; or an agent of a public body.]~~ A public body or any of the following which receives money from a public body to perform work or provide services:

(1) An individual.

(2) A partnership.

(3) An association.

(4) A corporation for profit.

(5) A corporation not for profit.

\* \* \*

Section 2. [Sections 3\(a\), 5 and 6](#) of the act are amended to read:

Section 3. Protection of employees.

(a) Persons not to be discharged.--No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste by a public body or an instance of waste by any other employer.

\* \* \*

Section 5. Enforcement.

A court, in rendering a judgment in an action brought under this act, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages or any combination of these remedies. A court ~~may~~ shall also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, ~~if the court determines that the award is appropriate~~, if the complainant prevails in the civil action.

Section 6. Penalties.

A person who, under color of an employer's authority, violates this act shall be liable for a civil fine of not more than ~~[\$500]~~

2013 Pennsylvania House Bill No. 118, Pennsylvania One..., 2013 Pennsylvania...

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\$10,000. Additionally, except where the person holds an elected public office, if the court specifically finds that the person, while in the employment of the Commonwealth or a political subdivision, committed a violation of this act with the intent to discourage the disclosure of criminal activity, the court may order the person's suspension from public service for not more than ~~six months~~ seven years. A civil fine which is ordered under this section shall be paid to the State Treasurer for deposit into the General Fund.

Section 3. This act shall take effect in 60 days.

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