

HOUSE BILL No. 4559

April 17, 2001, Introduced by Reps. Basham, Lemmons, Stallworth, Frank, DeVuyst, Pumford, DeRossett, Newell, Thomas, Hale, Clark, Pestka, Anderson, Plakas, Kolb, Van Woerkom, Tabor and Vander Veen and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1980 PA 469, entitled "The whistleblowers' protection act," (MCL 15.361 to 15.369) by amending the title and by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to provide protection to employees who report a violation or suspected violation of state, local, or federal law; to provide protection to employees who participate in hearings, investigations, legislative inquiries, or court actions; TO PERMIT EMPLOYEES WHO REPORT A VIOLATION OR SUSPECTED VIOLATION OF STATE, LOCAL, OR FEDERAL LAW TO RECEIVE A PORTION OF DAMAGES RECOVERED IN CERTAIN CIVIL ACTIONS; TO PERMIT EMPLOYEES WHO REPORT A VIOLATION OR SUSPECTED VIOLATION OF STATE, LOCAL, OR FEDERAL LAW TO COMMENCE A CIVIL ACTION AND RECEIVE A PORTION OF

1 DAMAGES RECOVERED UNDER CERTAIN CIRCUMSTANCES; and to prescribe
2 remedies and penalties.

3 SEC. 5A. (1) IF AN EMPLOYEE REPORTS A VIOLATION OR A SUS-
4 PECTED VIOLATION OF A LAW OF THIS STATE OR OF THE UNITED STATES
5 OR OF A REGULATION OR RULE PROMULGATED UNDER THE LAWS OF THIS
6 STATE, A POLITICAL SUBDIVISION OF THIS STATE, OR THE UNITED
7 STATES TO A PUBLIC BODY AND THE PUBLIC BODY COMMENCES A CIVIL
8 ACTION TO RECOVER DAMAGES INCURRED BY THAT PUBLIC BODY AS A
9 RESULT OF THAT VIOLATION OR SUSPECTED VIOLATION, THE EMPLOYEE WHO
10 REPORTED THE VIOLATION OR SUSPECTED VIOLATION THAT WAS THE BASIS
11 FOR THE CIVIL ACTION SHALL RECEIVE NOT LESS THAN 15% AND NOT MORE
12 THAN 25% OF THE DAMAGES RECOVERED BY THAT PUBLIC BODY IN THAT
13 CIVIL ACTION, AS DETERMINED BY THE COURT.

14 (2) IF AN EMPLOYEE REPORTS A VIOLATION OR A SUSPECTED VIOLA-
15 TION OF A LAW OF THIS STATE OR OF THE UNITED STATES OR OF A REGU-
16 LATION OR RULE PROMULGATED UNDER THE LAWS OF THIS STATE, A POLIT-
17 ICAL SUBDIVISION OF THIS STATE, OR THE UNITED STATES TO A PUBLIC
18 BODY AND THE PUBLIC BODY DOES NOT BRING A CIVIL ACTION TO RECOVER
19 DAMAGES INCURRED BY THAT PUBLIC BODY AS A RESULT OF THAT VIOLA-
20 TION OR SUSPECTED VIOLATION WITHIN 180 DAYS AFTER THE VIOLATION
21 OR SUSPECTED VIOLATION IS REPORTED, THE EMPLOYEE WHO REPORTED THE
22 VIOLATION OR SUSPECTED VIOLATION MAY COMMENCE A CIVIL ACTION ON
23 BEHALF OF THAT PUBLIC BODY. IF THE EMPLOYEE PREVAILS IN A CIVIL
24 ACTION BROUGHT UNDER THIS SUBSECTION, THE EMPLOYEE SHALL RECEIVE
25 NOT LESS THAN 15% AND NOT MORE THAN 25% OF THE DAMAGES RECOVERED
26 IN THAT CIVIL ACTION, AS DETERMINED BY THE COURT, TOGETHER WITH
27 ALL ACTUAL COSTS AND ATTORNEY FEES.