

1 discriminate or retaliate against an employee by changing the
 2 employee's compensation, terms, conditions, location or privileges
 3 of employment because the employee, acting on his or her own
 4 volition, or a person acting on behalf of or under the direction of
 5 the employee, makes a good faith report or is about to report,
 6 verbally or in writing, to the employer or appropriate authority an
 7 instance of wrongdoing or waste.

8 (b) No employer may discharge, threaten or otherwise
 9 discriminate or retaliate against an employee by changing the
 10 employee's compensation, terms, conditions, location or privileges
 11 of employment because the employee is requested or subpoenaed by an
 12 appropriate authority to participate in an investigation, hearing
 13 or inquiry held by an appropriate authority or in a court action.

14 (c) No employer may deny a whistle-blower a promotion or other
 15 increase in compensation that the whistle-blower otherwise would
 16 have received.

17 **§6C-1-4. Civil action by whistle-blower for violation; limitation**
 18 **on actions; burden of proof; defense; use of evidence**
 19 **in civil service proceeding; grievance action**
 20 **available; other rights and actions not limited.**

21 (a) A person who alleges that he or she is a victim of a
 22 violation of this article may bring a civil action in a court of
 23 competent jurisdiction for appropriate injunctive relief or

1 damages, or both, within one hundred eighty days after the
2 occurrence of the alleged violation.

3 (b) An employee alleging a violation of this article must show
4 by a preponderance of the evidence that, prior to the alleged
5 reprisal, the employee, or a person acting on behalf of or under
6 the direction of the employee, had reported or was about to report
7 in good faith, verbally or in writing, an instance of wrongdoing or
8 waste to the employer or an appropriate authority.

9 (c) It shall be a defense to an action under this section if
10 the defendant proves by a preponderance of the evidence that the
11 action complained of occurred for separate and legitimate reasons,
12 which are not merely pretexts.

13 (d) An employee covered by the civil service system who
14 contests a civil service action, believing it to be motivated by
15 ~~his~~ the employee having made a disclosure of information may submit
16 as admissible evidence any or all material relating to the action
17 as whistle-blower and to the resulting alleged reprisal.

18 (e) Any whistle-blower who feels he or she has suffered
19 retaliatory action as a result of being a whistle-blower may pursue
20 a grievance under the West Virginia Public Employees Grievance
21 Procedure.

22 (f) Nothing in this chapter shall disparage, impair, or limit
23 any other right or legal action of an employee.

24 **§6C-1-7. Limitations on scope of construction; protections related**

1 to political activity and membership in organization
2 of employees.

3 (a) The provisions of this article shall not be construed to
4 require an employer to compensate an employee for participation in
5 an investigation, hearing or inquiry held by an appropriate
6 authority or impair the rights of any person under a collective
7 bargaining or other labor management agreement.

8 (b) Except when on duty or acting in an official capacity and
9 except where otherwise prohibited by state or federal law, no
10 employee may be prohibited from engaging in political activity or
11 be denied the right to refrain from engaging in political activity.

12 (c) No employee may be denied the right to be a member of an
13 organization of employees or to refrain from being a member of an
14 organization of employees.

NOTE: The purpose of this bill is to extend or clarify
protections under the state's Whistle-Blower Law.

Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.