

61.102 Reprisal against public employee for disclosure of violations of law prohibited -- Construction of statute.

- (1) No employer shall subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence, in any manner whatsoever, which tends to discourage, restrain, depress, dissuade, deter, prevent, interfere with, coerce, or discriminate against any employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Kentucky Legislative Ethics Commission, the Attorney General, the Auditor of Public Accounts, the Executive Branch Ethics Commission, the General Assembly of the Commonwealth of Kentucky or any of its members or employees, the Legislative Research Commission or any of its committees, members or employees, the judiciary or any member or employee of the judiciary, any law enforcement agency or its employees, or any other appropriate body or authority, any facts or information relative to an actual or suspected violation of any law, statute, executive order, administrative regulation, mandate, rule, or ordinance of the United States, the Commonwealth of Kentucky, or any of its political subdivisions, or any facts or information relative to actual or suspected mismanagement, waste, fraud, abuse of authority, or a substantial and specific danger to public health or safety. No employer shall require any employee to give notice prior to making such a report, disclosure, or divulgence.
- (2) No employer shall subject to reprisal or discriminate against, or use any official authority or influence to cause reprisal or discrimination by others against, any person who supports, aids, or substantiates any employee who makes public any wrongdoing set forth in subsection (1) of this section.
- (3) This section shall not be construed as:
 - (a) Prohibiting an employer from requiring that an employee inform him or her of an official request made to an agency for information, or the substance of testimony made, or to be made, by the employee to legislators on behalf of an agency;
 - (b) Permitting the employee to leave his or her assigned work area during normal work hours without following applicable law, administrative regulations, rules, or policies pertaining to leave, unless the employee is requested by the Kentucky Legislative Ethics Commission or the Executive Branch Ethics Commission to appear before the commission, or by a legislator or a legislative committee to appear before a legislative committee;
 - (c) Authorizing an employee to represent his or her personal opinions as the opinions of his or her employer; or
 - (d) Prohibiting disciplinary or punitive action if an employee discloses information which he or she knows:
 1. To be false or which he or she discloses with reckless disregard for its truth or falsity;
 2. To be exempt from required disclosure under the provisions of KRS 61.870 to 61.884; or
 3. Is confidential under any other provision of law.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 34, sec. 2, effective July 12, 2012. -- Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 64, effective September 16, 1993. -- Created 1986 Ky. Acts ch. 301, sec. 2, effective July 15, 1986.