

Hall of the House of Representatives

92nd General Assembly - Regular Session, 2019

Amendment Form

Subtitle of House Bill No. 1842

TO STREAMLINE THE GRIEVANCE PROCESS FOR STATE EMPLOYEES; AND TO AMEND THE LAW CONCERNING THE PROCEDURES, FACTORS TO BE CONSIDERED, AND STANDARD OF REVIEW FOR GRIEVANCES.

Amendment No. 1 to House Bill 1842

Amend House Bill No. 1842 as originally introduced:

Page 2, line 31, delete "employed" and substitute "employed;"

AND

Page 3, delete line 11, and substitute the following:

"with the state agency's disciplinary policy.

(c)(1)(A) The procedure established under subsection (a) of this section shall provide without limitation that an employee be afforded a hearing within fifteen (15) business days of the filing of his or her appeal if the employee alleges that he or she was terminated by a state agency for the following actions under § 21-1-603:

(i) Communicating in good faith to an appropriate authority:

(a) The existence of waste of public funds, property, or manpower, including federal funds, property, or manpower administered or controlled by a public employer; or

(b) A violation or suspected violation of a law or rule adopted under the law of this state or a political subdivision of the state;

(ii) Participating or giving information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review;



(iii) Objecting to or refusing to carry out a directive that the employee reasonably believes violates a law or rule adopted under the authority of the laws of the state or a political subdivision of the state; or

(iv) Reporting a loss of public funds under § 25-1-124.

(B) A hearing under subdivision (c)(1)(A) of this section shall take place before the occurrence of a state agency hearing pursuant to the grievance filed by the person.

(C)(i)(a) An employee requesting a hearing under subdivision (c)(1)(A) of this section shall submit with his or her request for a hearing evidence that he or she committed one (1) of the actions under subdivisions (c)(1)(A)(i)-(iv) of this section.

(b) Evidence under this subdivision (c)(1)(C)(i) that is confidential under § 21-1-607 or other provisions of law shall remain confidential when submitted in support of a request for a hearing or otherwise utilized in the appeal of the grievance decision.

(ii) If the person fails to demonstrate that he or she committed one (1) of the actions under subdivisions (c)(1)(A)(i)-(iv) of this section, the office shall not schedule a hearing under subdivision (c)(1)(A) of this section.

(2) If the employee demonstrates at the hearing that a reasonable person would conclude that the state agency terminated the employee as a result of the employee's activities under subdivision (c)(1)(A) of this section, the employee shall be:

(A) Reinstated to his or her position until the conclusion of the grievance review procedure under this section; or

(B) Reinstated to his or her position and placed on administrative leave until the conclusion of the grievance review procedure under this section.

(3) An employee filing an appeal of a grievance decision under this section does not waive his or her right to file a claim under the Arkansas Whistle-Blower Act, § 21-1-601 et seq."

The Amendment was read _____

By: Representative Pilkington
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Chief Clerk