



Dedicated to the Improvement of the Administration of Justice

President  
Jarom A. Whitehead

March 16, 2020

President-elect  
Taylor L. Mossman-Fletcher

Treasurer  
T. Guy Hallam

Secretary  
Russell L. Johnson

Senate Judiciary and Rules Committee  
Idaho State Capitol Building

AAJ Governors  
Darrel W. Aherin  
David E. Comstock

RE: Idaho Protection of Public Employees Act – H 583

AAJ Delegates  
Tim Gresback  
Eric S. Rossman

Dear Senator:

Past Presidents  
Wyatt B. Johnson  
Jeffrey R. Owens  
James D. Ruchti

The legislative intent of the Idaho Protection of Public Employees Act, passed in 1994, states:

Governmental Relations  
Andrew M. Chasan  
Kurt D. Holzer  
James D. Ruchti

§6-2101. The legislature hereby finds, determines and declares that government constitutes a large proportion of the Idaho work force and that it is beneficial to the citizens of this state to protect the integrity of government by providing a legal cause of action for public employees who experience adverse action from their employer as a result of reporting waste and violations of a law, rule or regulation.

Membership  
Erika Birch  
Matthew D. Romrell

The Definitions section of the Act defines adverse actions this way:

Public Relations  
Sheli Fulcher Koontz

"Adverse action" means to discharge, threaten or otherwise discriminate against an employee in any manner that affects the employee's employment, including compensation, terms, conditions, location, rights, immunities, promotions or privileges.

Publications  
Daniel J. Luker  
Erica S. Phillips  
Rebecca A. Rainey

Seminars  
Matthew C. Andrew  
Michael J. Hanby, II  
Regina M. McCrea

House Bill 583 is designed to limit the protection of the whistleblower and the employee when they participate in an investigation into the misconduct of the government by establishing a cap on non-economic damages by tying the judgment to the caps identified under §6-1603(1).

Student Liaison  
Ashley Marelius

Under Chapter 6, section 16, there is a provision wherein a jury may find the action was willful or reckless misconduct which then would remove the cap. This bill does not allow for a jury to decide any level of misconduct making even the most egregious cases the same as the mild.

Street Law Clinic  
Jane C. Gordon

We ask that this be added to §6-2105 to clarify what acts by the employer are not tolerated against a public employee.

Technology  
Brian J. Hilverda

(5) (d) The limitation on non-economic damages contained in this subsection shall not apply if the jury finds that the employer's conduct was malicious, oppressive or in reckless disregard of the employee's rights.

Women's Caucus  
Angie Perkins

We urge you to send this bill to the 14<sup>th</sup> order to add the above language.

Workers' Compensation  
Darin G. Monroe

Sincerely,

District Directors  
Joshua K. Hickey  
Stephen J. Nemecek  
Anthony C. Anegon  
Eben T. Masingill  
Kaleena M. Beck  
Stephen E. Blackburn  
Evan S. Mortimer  
Patrick D. Brown  
Lee P. Ritzau  
Bron M. Rammell  
John M. Avondet  
Justin B. Oleson

Barbara Jorden

Executive Director  
Barbara Jorden

Director of Communication  
Avery Roberts