



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 649

**Assembly Substitute
Amendment 1**

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Current Law

Generally, under Wisconsin's Whistleblower Law, a state employee who follows certain steps specified in the law is protected against retaliatory action for disclosing to any person information regarding any of the following: (a) mismanagement or abuse of authority in state or local government; (b) a substantial waste of public funds; (c) a danger to public health and safety; or (d) a violation of any state or federal law, rule, or regulation.

For purposes of the Whistleblower Law, "employee" is defined broadly, but *does not include* the following: (a) a person employed by the Office of the Governor, the courts, the Legislature, or a legislative service agency; or (b) a person who is, or whose immediate supervisor is, assigned to an executive salary group or a university senior executive salary group. Thus, these employees enjoy no Whistleblower protections.

Among other things, in order to obtain protection under the Whistleblower Law, a covered state employee must do either of the following before disclosing information to any person other than his or her attorney, collective bargaining representative, or legislator:

- (a) Disclose the information in writing to the employee's supervisor.
- (b) After asking the Division of Equal Rights which governmental unit is appropriate to receive the information, disclose the information in writing only to the governmental unit the division determines is appropriate.

Each "appropriate" governmental entity must designate an employee to receive such information and the information received must be processed in accord with certain statutory requirements. Current law prohibits the division from designating the Department of Justice, the courts, the Legislature, or a

legislative service agency as an appropriate governmental unit to receive information under the Whistleblower Law.

2003 Assembly Bill 649

2003 Assembly Bill 649 extends Whistleblower Law protection to those state employees specifically excluded from coverage under current law, i.e., those employed by the Office of the Governor, the courts, the Legislature, or legislative service agencies, or a person who is, or whose immediate supervisor is, assigned to an executive salary group or University of Wisconsin senior executive salary group. In addition, the bill deletes the provision in current law which prohibits the Division of Equal Rights from designating the Legislature or a legislative service agency as being appropriate to receive Whistleblower information.

Assembly Substitute Amendment 1

Assembly Substitute Amendment 1 extends Whistleblower Law protection to those state employees excluded from coverage under current law, ***except persons who serve at the pleasure of the Governor in a position that is not in the Office of the Governor***. In addition, Assembly Substitute Amendment 1, like the bill, deletes the provision in current law which prohibits the Division of Equal Rights from designating the Legislature or a legislative service agency as being appropriate to receive Whistleblower information.

Legislative History

Assembly Substitute Amendment 1 was offered by the Assembly Committee on Labor and recommended for adoption by the committee on February 18, 2004 on a vote of Ayes, 8; Noes, 1. The bill was recommended for passage, as amended, on the same date on a vote of Ayes, 9; Noes, 0.

RJC:tlu:wu:rv;wu;jal