

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 46

Short Title: SHRA/Stronger Whistleblower Protection. (Public)

Sponsors: Representatives Cleveland, Stevens, Warren, and Riddell (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State Personnel, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

February 3, 2021

A BILL TO BE ENTITLED
AN ACT TO STRENGTHEN STATE HUMAN RESOURCES ACT WHISTLEBLOWER
PROTECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 126-84 reads as rewritten:

"§ 126-84. Statement of ~~policy~~-policy; duty to report.

(a) It is the policy of this State that State employees shall have a duty to report verbally or in writing to their ~~supervisor, department head, or other appropriate authority, department head or the State Auditor~~ evidence of activity by a State ~~agency-department, agency, or institution or~~ State employee ~~constituting that the employee reasonably believes to be~~ any of the following:

(1) A violation of State or federal law, rule or regulation.

(2) Fraud.

(3) Misappropriation of State resources.

(4) Substantial and specific danger to the public health and safety.

(5) Gross mismanagement, a gross waste of monies, or gross abuse of authority.

(b) Further, it is the policy of this State that State employees be free of intimidation or harassment when reporting to public bodies about matters of public concern, including offering testimony to or testifying before appropriate legislative panels.

(c) Any State employee who makes a report under this section in good faith is immune from civil liability that might otherwise be incurred or imposed as a result of making the report.

(d) The identity of a State employee who makes a report in good faith under this Article is not a public record under Chapter 132 of the General Statutes, and the employee's identity shall remain confidential until the matter is resolved or the employee consents to the report being made public.

(e) In addition to its investigative authority under G.S. 147-64.6B, the State Auditor shall assist State employees in making reports under this section directly to the State Auditor as an alternative to making reports to the employing State department, agency, or institution.

(f) For the purposes of this Article, "good faith" means honesty in fact with the goal of complying with the duties imposed by this section."

SECTION 2. G.S. 126-85 reads as rewritten:

"§ 126-85. Protection from ~~retaliation~~-retaliation for good-faith reports.

(a) No head of any State department, agency or institution or other State employee exercising supervisory authority shall discharge, threaten or otherwise discriminate against a State employee regarding the State employee's compensation, terms, conditions, location, or



1 privileges of employment because the State employee, or a person acting on behalf of the
2 employee, reports or is about to report, in good faith, verbally or in writing, any activity described
3 in G.S. 126-84, ~~unless the State employee knows or has reason to believe that the report is~~
4 ~~inaccurate.~~ G.S. 126-84.

5 (a1) No State employee shall retaliate against another State employee because the
6 employee, or a person acting on behalf of the employee, reports or is about to ~~report,~~ report in
7 good faith, verbally or in writing, any activity described in G.S. 126-84.

8 (b) No head of any State department, agency or institution or other State employee
9 exercising supervisory authority shall discharge, threaten or otherwise discriminate against a
10 State employee regarding the employee's compensation, terms, conditions, location or privileges
11 of employment because the State employee has refused in good faith to carry out a directive
12 which in fact constitutes a violation of State or federal law, rule or regulation or poses a
13 substantial and specific danger to the public health and safety.

14 (b1) No State employee shall retaliate against another State employee because the
15 employee has refused in good faith to carry out a directive which may constitute a violation of
16 State or federal law, rule or regulation, or poses a substantial and specific danger to the public
17 health and safety.

18 (c) The protections of this Article shall include State employees who report in good faith
19 any activity described in G.S. 126-84 to the State Auditor as authorized by G.S. 147-64.6B or to
20 the Program Evaluation Division as authorized by G.S. 120-36.12(10)."

21 **SECTION 3.** G.S. 126-88 reads as rewritten:

22 "**§ 126-88. Notice of employee protections and obligations.**~~duties and protections.~~

23 ~~It shall be the duty of an employer of a State employee to post notice in accordance with G.S.~~
24 ~~95-9 or use other appropriate means to keep his employees informed of their protections and~~
25 ~~obligations under this Article.~~ Each State department, agency, and institution shall post notice in
26 accordance with G.S. 95-9 and use other appropriate means to keep State employees informed of
27 their duties and protections under this section and the availability of assistance from the State
28 Auditor."

29 **SECTION 4.** Article 14 of Chapter 126 of the General Statutes is amended by adding
30 a new section to read:

31 "**§ 126-89. Substantiated allegations; savings; employee rewards.**

32 (a) Each substantiated allegation of improper governmental activities made under this
33 Article that involves fraud, mismanagement, or waste of State resources shall be immediately
34 referred to and reviewed by the Office of State Budget and Management (OSBM). Within 90
35 days of the date of referral, the OSBM shall determine the amount of any savings to the State
36 generated by substantiated allegations.

37 (b) A State employee who makes a substantiated allegation under this section that results
38 in a savings to the State is entitled to receive a monetary reward equal to twenty percent (20%)
39 of the amount of the savings generated as determined by the Office of State Budget and
40 Management."

41 **SECTION 5.** This act is effective when it becomes law and applies to reports made
42 or pending on or after that date.