



SPONSOR: Rep. Baumbach & Rep. K. Williams & Sen. Townsend
Reps. Brady, Jaques, Kowalko, Longhurst, Paradee,
Schwartzkopf, B. Short, Viola, Walker, Sen. Cloutier

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 300

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE WHISTLEBLOWERS'
PROTECTION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1703, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1703. Protection.

An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment:

(1) Because the employee, or a person acting on behalf of the employee, reports or is about to report to a public body, verbally or in writing, a violation which the employee knows or reasonably believes has occurred or is about to occur, unless the employee knows or has reason to know that the report is false; or

(2) Because an employee participates or is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action, in connection with a violation as defined in this chapter; or

(3) Because an employee refuses to commit or assist in the commission of a violation, as defined in this chapter; or

(4) Because the employee reports verbally or in writing to the employer or to the employee's supervisor a violation, which the employee knows or reasonably believes has occurred or is about to occur, unless the employee knows or has reason to know that the report is false. Provided, however that if the report is verbally made, the employee must establish by clear and convincing evidence that such report was made: ; or

(5) Because an employee reports verbally or in writing any noncompliance or an infraction of Chapter 80, Title 15 of the Delaware Code; or participates in an investigation, hearing, trial or inquiry, of a person or entity other than employee, regarding noncompliance or an infraction of Chapter 80, Title 15 of the Delaware Code; or refuses to participate or assist in the noncompliance or an infraction of Chapter 80, Title 15 of the Delaware Code.

SYNOPSIS

This bill ensures that retaliation against an employee by an employer for refusing to engage in an offense under Chapter 80, Title 15 of the Delaware Code or reporting or participating in an investigation, hearing, trial or inquiry of an offense of Chapter 80, Title 15 of the Delaware Code shall not occur.