

bill is to encourage conscientious public service, to tap the ability of our state workers to help us identify mismanagement of funds and more appropriate use of tax dollars. The bill does a couple of things. It describes the procedure for investigating alleged wrongdoing in state government, and waste. Secondly, it forbids personnel actions in reprisal for state employees identifying wrongdoing for us. Third, it gives an employee, who is a victim of reprisal, an appeal to the district court. Wrongdoing, in the case of state government, one for which a state employee would be able to make an allegation to the Ombudsman, is either a violation of any law, gross mismanagement or gross waste of funds, or substantial specific danger to public health and safety. The procedure for the investigation of this kind of fraud or mismanagement is, first, an informal investigation by the Ombudsman to determine whether there are reasonable grounds to support the allegation of wrongdoing; secondly, that there would be a formal investigation by an agency to obtain evidence; and, third, there would be a report to the agency. Who conducts the investigation? Well, an elected state official, like ourselves, or probably more appropriately the Ombudsman's Office who conducts the formal and informal investigations and makes a report. The report of the mismanagement or misuse of money would include a summary of information from the preliminary investigation, a description of the conduct of the investigation, how they went about it; third, a summary of the evidence that was obtained; fourth, a list of any violations of law or agency rules or policy and, fifth, recommendations for corrective action. Now an employee that provides us with the basis of information for that is given some protection from transfer, termination, suspension, or whatever, by an anguished superior who has been embarrassed, perhaps, by these kinds of revelations. If a personnel action follows upon an employee making one of these allegations, the employee has a right to be protected. The public counsel shall determine whether it is reasonable to believe that the personnel action is in reprisal for the whistle-blowing activity. If it seems that the personnel action is in reprisal, the action will be stayed until a hearing can be held to determine whether, in fact, it is a reprisal. Can an employee protect themselves by blowing the whistle on some frivolous situation and, therefore, freeze potential discipline for themselves? No, they can't. First, all that is there is a rebuttable presumption that the relationship is one of reprisal; and, secondly, any