

clear showing of evidence that shows a record of misconduct by an employee would certainly be a reasonable basis for disciplinary action and the public counsel would not interpret that as a form of reprisal. Thirdly, there is, in fact, language in the bill that says should an employee use this process frivolously, that is, in itself, a form of behavior that would be deserving of discipline of the employee. Who decides if there has been a reprisal? The State Personnel Board or the corresponding authority in agencies which are not part of the state personnel system and this ultimately is appealable to the district court. In conclusion, members of the Legislature, LB 401 is a measure designed to assist in identifying and ridding state government of mismanagement, of the waste of state funds. It does so by tapping the people in the front line who know that kind of information, and it gives them some sense of security that they can go to the Ombudsman, make a complaint, and it will be dealt with confidentially. Because of that confidential treatment they will not suffer mistreatment back on the work site through reprisals and attempts to get them through the disciplinary procedure. This has been a concept that has grown over the last several years. There are examples of other states that have this kind of language, and certainly the federal government was a pioneer, particularly in the Atomic Regulatory Commission, for the creation of whistle-blower protection. I would move for the advancement of LB 401.

SPEAKER NICHOL: Senator Wesely.

SENATOR WESELY: Thank you. Mr. Speaker, members, I'll be very brief. I know lunch is coming up very quickly. LB 401 is the culmination of a number of years of effort on the part of Senator Landis and myself. We have both been working on the issue of whistle-blowing legislation at least three or four years. The concept has been one that we've always adhered to, and I think most members of the Legislature have as well. It has been a lengthy process to work out the sort of system that Senator Landis just described for you. It is one that is fair to both sides. It is fair to the public, as well, to allow for this activity and protection of the employees without allowing for abuse of the system. I think it is a reasonable piece of legislation that has been worked on quite a bit. The substance of the bill is that we need to do something to recognize that whistle-blowing is a benefit to the public,