

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE BILL NO. 659
84TH GENERAL ASSEMBLY

AN ACT

Relating to certain rights of state employees.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. 1. No supervisor or appointing authority of
2 any state agency shall prohibit any employee of the agency
3 from discussing the operations of the agency, either
4 specifically or generally, with any member of the legis-
5 lature or the state auditor.

6 2. No supervisor or appointing authority of any state
7 agency shall:

8 (1) Prohibit a state employee from or take any dis-
9 ciplinary action whatsoever against a state employee for
10 the disclosure of any alleged prohibited activity under
11 investigation or any related activity, or for the disclosure
12 of information which the employee reasonably believes
13 evidences:

14 (a) A violation of any law, rule or regulation; or

15 (b) Mismanagement, a gross waste of funds or abuse of
16 authority, or a substantial and specific danger to public
17 health or safety, if the disclosure is not specifically
18 prohibited by law; or

19 (2) Require any such employee to give notice to the
20 supervisor or appointing authority prior to making any
21 such report.

H.B. 659

3

52 5. Any employee who is in the classified service and
53 has permanent status under chapter 36, RSMo, may appeal
54 to the state personnel advisory board whenever the em-
55 ployee alleges that disciplinary action was taken against
56 the employee in violation of this section. Any employee
57 who is not in the classified service and who does not have
58 permanent status under chapter 36, RSMo, may appeal to
59 the appropriate agency review board or body of non-merit
60 agencies which have adopted provisions for appeals in
61 accordance with RSMo 36.390 whenever the employee
62 alleges that disciplinary action was taken against the
63 employee in violation of this section. The appeal shall be
64 filed within thirty days of the alleged disciplinary action.
65 Procedures governing the appeal shall be in accordance
66 with chapter 36, RSMo. If the board finds that disciplinary
67 action taken was unreasonable, the board shall modify or
68 reverse the agency's action and order such relief for the
69 employee as the board considers appropriate. If the board
70 finds a violation of this section, it may review and
71 recommend to the appointing authority that the violator be
72 suspended on leave without pay for not more than thirty
73 days or, in cases of willful or repeated violations, may
74 review and recommend to the appointing authority that the
75 violator forfeit the violator's position as a state officer or
76 employee and disqualify the violator for appointment to or
77 employment as a state officer or employee for a period of
78 not more than two years. The decision of the board in such
79 cases may be appealed by any party pursuant to law.

80 6. Each state agency shall prominently post a copy of
81

H.B. 659

2

22 3. This section shall not be construed as:

23 (1) Prohibiting a supervisor or appointing authority
24 from requiring that an employee inform the supervisor or
25 appointing authority as to legislative requests for in-
26 formation to the agency or the substance of testimony
27 made, or to be made, by the employee to legislators on
28 behalf of the employee to legislators on behalf of the
29 agency;

30 (2) Permitting an employee to leave the employee's
31 assigned work areas during normal work hours without
32 following applicable rules and regulations and policies
33 pertaining to leaves, unless the employee is requested by a
34 legislator or legislative committee to appear before a
35 legislative committee;

36 (3) Authorizing an employee to represent the em-
37 ployee's personal opinions as the opinions of a state
38 agency; or

39 (4) Restricting or precluding disciplinary action taken
40 against a state employee if: the employee knows the dis-
41 closure to be false or which the employee discloses with
42 reckless disregard for its truth or falsity; the information is
43 closed or is confidential under the provisions of the open
44 meetings law or any other law; or the disclosure relates to
45 the employee's own violations, mismanagement, gross
46 waste of funds, abuse of authority or endangerment of the
47 public health or safety.

48 4. As used in this section, "disciplinary action" means
49 any dismissal, demotion, transfer, reassignment, suspen-
50 sion, reprimand, warning of possible dismissal or with-
51 holding of work, whether or not the withholding of work
52 has affected or will affect the employee's compensation.

82 this section in locations where it can reasonably be expected
83 to come to the attention of all employees of the agency.