

HB 1941 -- WHISTLEBLOWER'S PROTECTION ACT

SPONSOR: Mackey

This bill amends the definition of an "employer" to exclude the state of Missouri, its agencies, and political subdivisions, including but not limited to any public institution of higher education, except that the definition of "employer" includes any elementary school and high school as defined by Section 160.011, RSMo, for purposes of the Whistleblower's Protection Act (Act).

The bill also amends the definition of "protected person". Currently, employees in supervisory or managerial positions who report unlawful acts or serious misconduct that concerns matters upon which that employee is employed to report on or provide a professional opinion on are not considered protected persons. Neither are employees who report unlawful acts or violations of a clear mandate of public policy to the person the employee claims to have committed the act. This bill removes these exceptions from the definition of "protected person".

This bill allows for a private cause of action for damages but not for punitive damages, to a protected person aggrieved by a violation of the Act. However, no private right of action exists if there is a cause of action under another statutory or regulatory scheme.

This bill is similar to HB 125 (2021).