

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1374

Introduced by Assembly Member Gray

February 22, 2013

An act to ~~amend Section 8547.3 of~~ *add Section 8547.14 to the Government Code*, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1374, as amended, Gray. State government: The California Whistleblower Protection ~~Act~~. *Act: state agencies: Internet.*

The California Whistleblower Protection Act establishes procedures under which a state employee may report improper governmental activities or make a protected disclosure to the California State Auditor, and prohibits retaliation or reprisal against a state employee for these acts. The act requires the California State Auditor, to investigate and report on improper governmental activities, as defined.

This bill would require a state agency to post a graphical link, as specified, to the California State Auditor's Internet Web page that contains information on how to file a complaint under the act.

~~Existing law, the California Whistleblower Protection Act, prohibits an employee from directly or indirectly using or attempting to use the official authority or influence of the employee for the purpose of intimidating, threatening, coercing, commanding, or attempting to intimidate, threaten, coerce, or command any person for the purpose of interfering with the rights conferred pursuant to the act.~~

~~This bill would make technical, nonsubstantive changes to a provision of the act.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8547.14 is added to the Government Code,
2 to read:

3 8547.14. A state agency shall, on the homepage of its Internet
4 Web site, post a link to the California State Auditor’s Internet Web
5 page that contains information on how to file a complaint pursuant
6 to this article.

7 ~~SECTION 1. Section 8547.3 of the Government Code is~~
8 ~~amended to read:~~

9 ~~8547.3. (a) An employee shall not directly or indirectly use~~
10 ~~or attempt to use the official authority or influence of the employee~~
11 ~~for the purpose of intimidating, threatening, coercing, commanding,~~
12 ~~or attempting to intimidate, threaten, coerce, or command any~~
13 ~~person for the purpose of interfering with the rights conferred~~
14 ~~pursuant to this article.~~

15 ~~(b) For the purpose of subdivision (a), “use of official authority~~
16 ~~or influence” includes promising to confer, or conferring, any~~
17 ~~benefit; effecting, or threatening to effect, any reprisal; or taking,~~
18 ~~or directing others to take, or recommending, processing, or~~
19 ~~approving, any personnel action, including, but not limited to,~~
20 ~~appointment, promotion, transfer, assignment, performance~~
21 ~~evaluation, suspension, or other disciplinary action.~~

22 ~~(c) An employee who violates subdivision (a) may be liable in~~
23 ~~an action for civil damages brought against the employee by the~~
24 ~~offended party.~~

25 ~~(d) This section shall not be construed to authorize an individual~~
26 ~~to disclose information otherwise prohibited by or under law.~~