

## Colorado Broadens Whistleblower Protection for State Employees Who Disclose Confidential Information

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June 29, 2016

Encouraging government whistleblowers, an amendment to Colorado law bars disciplinary actions against state employees who reveal confidential information while reporting instances of waste, mismanagement of public funds, abuses of authority, or illegal and unethical practices to a designated “whistleblower review agency.” Colorado Governor John Hickenlooper signed the amendment (SB 16-056) to Colorado Revised Statutes Section 24-50.5-101 *et seq.* on June 10, 2016.

The law defines whistleblower review agencies to include the office of legislative legal services, the state attorney general, or the commission on judicial discipline.

Prior to this amendment, there were no whistleblower protections for Colorado government employees who revealed confidential information exempted from disclosure by the Colorado Open Records Act or another state statute.

Now, the law protects an employee's disclosure of confidential information if the employee first discloses the information to a review agency to determine whether the information is releasable or should remain confidential. If the information is releasable, the agency is tasked with releasing the information to members of the general assembly and to the public. The whistleblower review agency also must notify the disclosing employee's supervisor that the agency has received the information and remind the supervisor that retaliation is prohibited (unless limited statutory exceptions apply).

The amendment does not affect the employee's right to bring a private right of action after first bringing a complaint to the state personnel board pursuant to Section 24-50.5-105.

Please contact Jackson Lewis with any questions about this and other workplace developments.

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