

Colorado Broadens Whistleblower Protection for State Employees Who Disclose Confidential Information

By **Timothy M. Kratz** and **Kristen M. Baylis**

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.

Meet the Authors



Timothy M. Kratz

Principal and Office Litigation Manager
Denver

303-892-0404
Tim.Kratz@jacksonlewis.com

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.



Kristen M. Baylis

Associate
Denver

303-892-0404
Kristen.Baylis@jacksonlewis.com

©2016 Jackson Lewis P.C. This Update is provided for informational purposes only. It is not intended as legal advice nor does it create an attorney/client relationship between Jackson Lewis and any readers or recipients. Readers should consult counsel of their own choosing to discuss how these matters relate to their individual circumstances. Reproduction in whole or in part is prohibited without the express written consent of Jackson Lewis.

This Update may be considered attorney advertising in some states. Furthermore, prior results do not guarantee a similar outcome.

Jackson Lewis P.C. represents management exclusively in workplace law and related litigation. Our attorneys are available to assist employers in their compliance efforts and to represent employers in matters before state and federal courts and administrative agencies. For more information, please contact the attorney(s) listed or the Jackson Lewis attorney with whom you regularly work.

Related Articles You May Like

June 28, 2016



Proposed EEOC Guidance on National Origin Discrimination Provides Clues to Agency's Focus

The Equal Employment Opportunity Commission has issued a Proposed Enforcement Guidance on National Origin Discrimination (“PEG”) and is allowing the public to comment through July 1, 2016. The last time the EEOC issued specific guidelines on National Origin Discrimination was in 2002. Role of the PEG The PEG is intended... [Read More](#)

June 27, 2016



New Colorado Law Grants Employees Access to Personnel Files

Colorado Governor John Hickenlooper has signed into law new requirements specifying when and how private-sector employers must respond to their employees' requests for inspection and copying of their personnel files. Prior to this law, Colorado had no law granting private-sector employees access to their personnel records. The... [Read More](#)

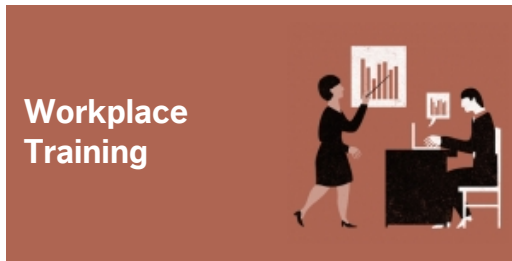
June 7, 2016



Connecticut Joins Ban the Box Movement

Connecticut has joined the “Ban the Box” movement, becoming the most recent state in the nation to implement statewide legislation prohibiting employers from making inquiries into an applicant's criminal history on job applications, except under certain circumstances. Governor Dannel Malloy signed “An Act... [Read More](#)

Related Practices



©2016 Jackson Lewis P.C. All rights reserved. Attorney Advertising. Prior results do not guarantee a similar outcome. No client-lawyer relationship has been established by the posting or viewing of information on this website.

*Honolulu, Hawai'i is through an affiliation with Jackson Lewis P.C., a Law Corporation