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# Pennsylvania Extends the Protections of Whistleblower Law to Private Employers that Receive Money from a Public Body

By Sarah J. Miley / Jul 21, 2014

On July 2, 2014, Pennsylvania Governor Tom Corbett signed into law two bills that significantly expand the scope and enforcement provisions of the Pennsylvania Whistleblower Law ("PWL"). The PWL provides that a public employer cannot discharge, threaten, or otherwise discriminate or retaliate against an employee because the employee or a person acting on behalf of the employee either: (1) makes a good-faith report to the employer or an appropriate authority of an instance of wrongdoing or waste, or (2) is asked by an appropriate authority to participate in an investigation, hearing, or court action. In the previous version of the PWL, only employees of "public bodies" were covered by the law's protections; however, beginning on August 31, 2014, whistleblower protections will be extended to employees of any business or nonprofit organization that receives public contracts or funding from the Commonwealth of Pennsylvania or its subdivisions. These protections were also extended to employees of the Pennsylvania legislature and its agencies. The bills specifically prohibit such employers from discriminating or retaliating against employees who make a good faith report to the employer of wrongdoing or waste by a public body or covered employer. However, the revisions also allow employers to take disciplinary action against employees who submit a whistleblower complaint in bad faith.

The new law also increases monetary and administrative penalties for parties who violate the provisions of the PWL. In its previous version, the maximum civil fine an employer could face for wrongful retaliation against a whistleblower was \$500, and, for public employees who are not elected officials, a suspension of up to six months. In the new version, employers will face a maximum civil fine of up to \$10,000 for wrongful retaliation, while public employees who acted with the intent to discourage the disclosure of criminal activity could be suspended from public employment for up to seven years. Finally, the revisions strip courts of their discretion in deciding whether or not to award costs and attorney's fees. The new law now states that a court "shall ...award the complainant all or a portion of the costs of litigation, including reasonable attorney fees...if the complainant prevails in the civil action."

Given the broad expansion of both the scope and the enforcement provisions of the revised PWL, covered employers who receive public funds from the state or local government should be cognizant of the PWL's anti-retaliation provisions. Prior to the August 31 effective date, covered employers should review their policies and practices to ensure that they are in compliance, and should also consider providing training or informational materials to management and supervisors regarding the new provisions of the PWL.

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