

# WHISTLEBLOWER'S PROTECTION ACT



## STATE OF NEW HAMPSHIRE DEPARTMENT OF LABOR THE WHISTLEBLOWERS' PROTECTION ACT RSA 275-E

An employer cannot discharge, threaten, or discriminate against any public or private employee

- If the employee, in good faith, reports or causes to be reported an alleged violation of any law or rule adopted under the laws of this state, a political subdivision of this state, or the United States;
- OR, the employee objects to or refuses to participate in any activity that the employee, in good faith, believes is a violation of the law or rule ;
- OR, the employee refuses to execute a directive which the employee, in good faith, believes violates any law or rule adopted under the laws of this state, a political subdivision of this state or the United States;
- OR, the employee participates in an investigation, hearing, or inquiry conducted by any governmental entity or any court action which concerns allegations that the employer has violated any law or rule adopted under the laws of this state, a political subdivision of this state, or the United States.

### RIGHTS AND REMEDIES - RSA 275-E:4

After the employee has made a reasonable effort to maintain or restore his/her rights through any grievance procedure or similar process available with the employer

And has filed the written complaint with the New Hampshire Department of Labor.

He/she may request a hearing with the New Hampshire Department of Labor, which can result in a judgment to order reinstatement, payment of fringe benefits, seniority rights, and injunctive relief.

### ADDITIONAL RIGHTS AND REMEDIES FOR PUBLIC EMPLOYEES ONLY - RSA 275-E:8 and 9

Public employees can issue complaints to the New Hampshire Department of Labor, who has the authority to investigate complaints or information concerning the possible existence of any activity constituting fraud, waste, or abuse in the expenditure of any public funds, whether state or local, or relating to programs and operations involving the procurement of any supplies, services, or construction by governmental entities within the state.

The identity of the person who filed the complaint shall not be disclosed without his or her written consent, unless such disclosure is to a law enforcement agency that is conducting a criminal investigation.

No governmental entity shall take any retaliatory action against a public employee who, in good faith, files a complaint under this section and the public employee shall be afforded all protections under RSA 275-E:2.

No governmental entity shall threaten, discipline, demote, fire, transfer, reassign, or discriminate against a public employee who files a complaint with the department of labor under RSA 275-E:8 or otherwise discloses or threatens to disclose activities or information that the employee reasonably believes violates RSA 275-E:2, represents a gross mismanagement or waste of public funds, property, or manpower, or evidences an abuse of authority or a danger to the public health and safety.

Inspection Division  
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Rudolph W. Ogden, III  
Deputy Commissioner  
  
Ken Merrifield  
Commissioner

This notice must be posted in a conspicuous place

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