ATTENTION:
New Whistle-Blower law takes effect July 22

Act 1103 of 2015, also known as the Whistle-Blower Act, becomes effective July 22, 2015, and it affects municipalities in two important ways:

First, this Act requires public employers to post a printed sign relating to employees’ rights under the Whistle-Blower Act and that Arkansas Legislative Audit prepare a sign and have it available on its website, www.arklegaudit.gov. The law requires this poster to be placed in a conspicuous place and be printed at least 8 1/2 x 11 inches in size. **The poster appears on the opposite page.**

Second, this Act requires that a public employee with supervisory fiduciary responsibility over all fiscal matters of a public employer shall report a loss of public funds to Arkansas Legislative Audit, including without limitation:

(a) Apparent unauthorized disbursements of public funds; and
(b) The apparent theft or misappropriation of public funds or property.

A report shall be made within five (5) business days of the date the public employee learns of the loss of public funds. A public employee with supervisory fiduciary responsibility over all fiscal matters who purposely fails to comply with this law is guilty of a Class A misdemeanor.

*If you have questions on how to apply this law, please contact Mark Hayes, Director of Legal Services, at 501-978-6102 or mhayes@arml.org.*
The Arkansas Whistle-Blower Act prohibits a public employer from taking adverse action against a public employee who communicates in good faith to an appropriate authority the existence of waste of public funds, property, or manpower or a violation of law; participates, or gives information, in an investigation, hearing, court proceeding, legislative inquiry, or administrative review; or objects to carrying out a directive the public employee reasonably believes violates the law.

A whistle-blower is a person who witnesses or has evidence of waste or a violation of law while employed by a public employer and who communicates in good faith about the waste or violation to a supervisor, an agent of the public employer, or an appropriate authority (e.g., Office of Attorney General, Office of Auditor of State, Arkansas Ethics Commission, Legislative Joint Auditing Committee, Arkansas Legislative Audit, Prosecuting Attorney, etc.).

If a public employer takes adverse action against a public employee, that employee may bring civil suit against the public employer to recover actual damages and injunctive relief. There are time limitations and other requirements applicable to this right of action. A public employee reporting waste or violations may be eligible for a financial reward.