

Public Employees for Environmental Responsibility (PEER) 2009

About the State Whistleblower Rankings On a Scale of 1 to 100 April 2009

PEER analyzed the text of every state's whistleblower law protecting state employees. We have broken down each state's whistleblower law into three broad components:

1. **Coverage:** What employee speech does the law protect? What topics are covered or excluded?
2. **Usability:** To whom must the employee make a disclosure for protections to apply? How useful in this statute in covering the range of possible employee interactions?
3. **Strength:** What remedies are available to aggrieved whistleblowers? How is the law enforced?

As with a three-legged stool, each of these three components is necessary for the law to work well. If a law has broad coverage but no enforcement, it is of limited value. So, too, is a strong law which applies only very narrowly.

A 100-point scale was developed in which each of the three components accounted for 33 points. A one point bonus is awarded where a state is required to notify employees about legal rights available.

A literature search of current and proposed model statutes yielded a list of elements within each component. These elements were analyzed and assigned a weighted score according to its relative value in assisting a whistleblower to prevail.

PEER is grateful to Alan Richard (Dick) Kasdan, a retired senior attorney with the Government Accountability Office, whose work formed the backbone of this effort. Dick worked with PEER's legal staff (Senior Counsel Paula Dinerstein and Executive Director Jeff Ruch) to finalize these ratings. In 2009, Staff Counsel Christine Erickson updated the legislative provisions of all the states.

Important Disclaimer

As noted, this analysis and ranking is based solely upon state statutory provisions, not case law, agency rules or administrative interpretations. PEER hopes to incorporate more of these legal materials in future editions of these ratings.

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No warranty whatsoever is made that any of the ratings are current or precise. Statutes can change, sometimes quite quickly. In addition, a law may have been modified or overturned by subsequent development since the entry was made.

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