



January 22, 2025

Re: SF475 (Mathews) Whistleblower protections for public employees modifications.

Dear Chair McEwen, Chair Dornink and Members of the Senate Labor Committee:

The League of Minnesota Cities appreciates the opportunity to provide comments outlining concerns with SF475 (Mathews) as amended by the A1 amendment, which would modify whistleblower protections for public employees.

Cities across the state share the goal of being responsible stewards of taxpayer dollars and support existing statutory protections for those that make good faith efforts to report waste, fraud, and abuse of those resources. There is a long history and clarity in current law about whistleblowing and legal requirements involving use and expenditures of public funds. Adding the proposed A1 amendment to state statute, which adds new definitions of Abuse, Fraud and Waste, could potentially complicate that standing precedent. This legislation could serve to increase the amount of litigation for public employers because of the additional availability of causes of action that are altogether unnecessary and could serve to increase litigation costs for the parties, as well as increase court time and cost burdens to deal with them.

Lastly, current statute is written in such a way as to protect public employees who make those good faith reports of the misuse or abuse of public funds. This is due to the fact that city expenditures must be lawful (via state constitution, caselaw, state auditor rules, etc.) and that there are also statutory requirements for cities to report suspicions of theft, embezzlement, unlawful use (or misuse) of public funds or public property to the State Auditor (Minn. Stat. § 609.456). With these protections in place, it is already clear that a city employee involved in a report is currently within the scope of whistleblower protections in existing state statute.

Thank you for your consideration of the League's concerns with the language in SF475 as amended by the A1 amendment. We look forward to working with Senator Mathews as this bill progresses.

Sincerely,

A handwritten signature in black ink that reads "Owen Wirth".

Owen Wirth
League of Minnesota Cities