

# LAW PROTECTS whistleblowers.

The law known as the “Whistleblower Act” prohibits retaliation against public employees who report official wrongdoing. The Act states that “a state or local governmental body may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority.” (Tex. Gov’t Code Ann. §554.002 (a) (Vernon 1999).

A public employee who reports a violation of law who...

1. was the victim of an adverse personnel action, suspension or termination;
2. meets the law’s requirements as described; and,
3. has initiated administrative grievance or appeal procedures

...may file suit against a state or local governmental body for damages and/or reinstatement, lost wages, court costs and legal fees.



**GREG ABBOTT**  
Attorney General  
of Texas

## NOTICE MUST be posted

The law requires each governmental employer to notify employees of their rights under the Act “by posting an appropriately worded sign in a prominent place in the workplace.”

For additional copies of this or other public information brochures, or for a copy of a Whistleblower poster, please contact:

Office of the Attorney General  
Public Information & Assistance Division/027  
P.O. Box 12548  
Austin, TX 78711-2548  
(800) 252-8011

Brochures are also available on the agency’s Web site at [www.oag.state.tx](http://www.oag.state.tx).

## WHISTLEBLOWER ACT



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

## WHAT YOU

What you

## NEED TO KNOW

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## ABOUT THE

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## WHISTLEBLOWER ACT

Whistleblower Act

## BEFORE YOU

sue

Before taking action under the Whistleblower Act, a public employee must have:

1. Reported, in good faith, what was believed to be a violation of a federal or state law, a local government ordinance, or a rule adopted under a law or an ordinance;
2. Reported the violation to an appropriate law enforcement authority; and
3. Been suspended, terminated or adversely affected by any other personnel action for reporting the violation.

## WHO IS CONSIDERED A

public employee?

“An employee or appointed officer other than an independent contractor who is paid to perform services for a state or local governmental entity.”

## A “STATE GOVERNMENTAL entity” is:

- Any board, commission, department, office or other agency in the executive branch of the state;
- An institution of higher learning;
- The Legislature or a legislative agency;
- The Texas Supreme Court, the Court of Criminal Appeals, a court of appeals, a state judicial agency or the State Bar of Texas.

## A “LOCAL GOVERNMENTAL entity” is:

- A county;
- A municipality;
- A public school district;
- A special-purpose district or authority.

## WHAT IS AN “APPROPRIATE” law enforcement authority?

Whether an authority is appropriate depends upon the particular circumstances of each case and is not limited to criminal law enforcement authorities.

The violation should be reported to an authority the employee believes is authorized to regulate or enforce the law alleged to be violated in the report, or to investigate or prosecute a violation of criminal law.

## INITIATE action

Even if the facts of the case satisfy the requirements for a whistleblower case, a public employee must first “initiate action under the grievance or appeal procedures” of the

agency before suing. The employee must invoke the appeal or grievance “not later than the 90th day after the date the alleged violation [of the Whistleblower Act] occurred or was discovered using reasonable diligence.”

## FILE SUIT within 90 days

A public employee who files suit under the Whistleblower Act must do so within 90 days of the date on which the retaliatory action occurred or was discovered. The time used for grievance procedures is not counted in computing the 90 days.

Whistleblower suits may be filed in the district court of the county in which the cause of action arises. Alternatively, a state governmental employee may file suit in a district court of Travis County. A local governmental employee may file suit in a district court of any county in the same geographic area that has established a council of governments or other regional commission with the county where the cause of action arises.

Under the law, the Office of the Attorney General cannot file suit to protect the employee’s rights—the employee must initiate the action. The Attorney General may, however, file a separate action to recover a statutory \$15,000 penalty if a supervisor is found to be in violation of the Act in the civil lawsuit brought by the employee.