

By: Marquez

H.B. No. 207

A BILL TO BE ENTITLED

AN ACT

relating to prohibited retaliation against state or local public employees for reporting to certain persons violations of law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 554.002(a), Government Code, is amended to read as follows:

(a) A state or local governmental entity 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:

- (1) an appropriate law enforcement authority;
- (2) a supervisor of the reporting employee;
- (3) an administrator of the entity; or
- (4) a human resources staff member of the entity.

SECTION 2. Section 554.006, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) A public employee may ~~must~~ initiate action under the grievance or appeal procedures of the employing state or local governmental entity relating to suspension or termination of employment or adverse personnel action before suing under this chapter.

(b) An ~~The~~ employee who invokes ~~must invoke~~ the

1 applicable grievance or appeal procedures before filing suit must  
2 invoke those procedures not later than the 90th day after the date  
3 on which the alleged violation of this chapter:

4 (1) occurred; or

5 (2) was discovered by the employee through reasonable  
6 diligence.

7 (e) A public employee is not required to initiate grievance  
8 or appeal procedures under this section as a prerequisite to filing  
9 suit under Section 554.005.

10 SECTION 3. Sections 554.002 and 554.006, Government Code,  
11 as amended by this Act, apply only to a personnel action taken on or  
12 after the effective date of this Act against an employee who reports  
13 a violation of law, regardless of the date on which the alleged  
14 violation of law occurred or was reported.

15 SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2013.