

BILL ANALYSIS

C.S.H.B. 1001
By: Israel
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to expand certain whistleblower protections for employees of state and local governmental entities in Texas. C.S.H.B. 1001 seeks to provide those additional protections by adding persons to whom employees of those entities may report certain violations of the law while still being protected from adverse personnel actions and by requiring the adoption of anti-retaliation policies by these entities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1001 amends the Government Code to expand the applicability of the prohibition against a state or local governmental entity suspending or terminating the employment of, or taking other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or by another public employee to an appropriate law enforcement authority to include such a report made to any of the following persons or entities:

- the reporting employee's immediate supervisor, or an individual who holds a position above that supervisor, at the employing governmental entity;
- an individual or office designated by the employing governmental entity as the individual or office for reporting such grievances; or
- a member of the human resources staff of the employing governmental entity.

C.S.H.B. 1001 requires a state or local governmental entity to develop and adopt, not later than December 1, 2019, an anti-retaliation policy consistent with statutory provisions relating to protection for reporting violations of law that informs its employees of their rights under those provisions and the policy and lists the individuals to whom its employees may report a violation of law. The bill requires such a governmental entity to provide a copy of the policy to each employee on the first day of employment with the entity and to notify its employees of any change made to its policy by e-mail, memorandum, or in any other manner that ensures each employee will be informed of the change. The bill requires an applicable state or local governmental entity supervisor, individual or office designated for reporting certain violations of law, or human resources staff member to provide the entity's anti-retaliation policy to an

employee on the employee's request.

C.S.H.B. 1001 requires the attorney general to post in a prominent location on its website a summary of the rights of public employees under provisions relating to protection for reporting violations of law and a notice informing public employees of the ability to obtain a copy of the anti-retaliation policy adopted by their employing governmental entity from the applicable individuals and of the requirement for such an entity to provide to each public employee such a copy on the first day of employment. The bill includes the provision of a copy of the adopted anti-retaliation policy as a means by which a state or local governmental entity is required to inform its employees of those rights.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1001 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute specifies that the supervisor to whom a public employee may report a violation of law is the employee's immediate supervisor or an individual who holds a position above that supervisor.

The substitute includes provisions relating to the development and adoption of an anti-retaliation policy by a state or local governmental entity, the content of the policy, and the provision of the policy to employees.

The substitute includes a requirement for the attorney general to post on its website a summary of the rights of public employees regarding protection for reporting violations of law and certain information regarding access to their employer's anti-retaliation policy.