

BILL ANALYSIS

Senate Research Center
83R621 VOO-D

S.B. 121
By: Rodríguez
Open Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 121 is a response to corruption which occurred in the El Paso Independent School District (EPISD). The Federal Bureau of Investigation and the United States Department of Education have been investigating EPISD for more than two years, and a variety of issues have emerged during these investigations.

S.B. 121 seeks to strengthen whistleblower protections to encourage employees of independent school districts to report illegal activity without fear of retaliation.

As proposed, S.B. 121 amends current law relating to prohibited retaliation against state or local public employees for reporting to certain persons violations of law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 554.002(a), Government Code, to prohibit a state or local governmental entity from 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 another public employee to an appropriate law enforcement authority, a supervisor of the reporting employee, an administrator of the entity, or a human resources staff member of the entity.

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

(a) Authorizes, rather than requires, a public employee to 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) Requires that an employee who invokes the applicable grievance or appeal procedures before filing suit to invoke those procedures not later than the 90th day after the date on which the alleged violation of this chapter occurred or was discovered by the employee through reasonable diligence. Makes a conforming change.

(e) Provides that a public employee is not required to initiate grievance or appeal procedures under this section as a prerequisite to filing suit under Section 554.005 (Limitation Period).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2013.