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FEDERAL STATUTES DEALING WITH EMPLOYMENT

DISCRIMINATION STATUTES

Constitution First Amendment	First Amendment and 42 U.S.C. §1983	Protects public employees for protected speech that relates to a matter of public concern
Title VII of the 1964 Civil Rights Act	42 U.S.C. § 2000e. et. seq. See also Texas Labor Code §21.005	Race, color, religion, sex (gender), and national origin
Equal Pay Act	29 U.S.C. §206(d)(1); 29 U.S.C. §215(a)(3)	Paying wages to one sex for equal work at lower rate
Age Discrimination in Employment	28 U.S.C. §§621-634	Age
Americans with Disabilities Act	42 U.S.C. §§12111 - §12117	Disability
Vocational Rehabilitation Act of 1973	29 U.S.C. §701 et. seq.	Disability
Title IX of the Civil Rights Act (1972 Amendments)	20 U.S.C. §1681	Retaliation for excluding individuals excluded from participating in any educational program or activity receiving Federal financial assistance
Civil Rights Act of 1866	42 U.S.C. §1981	Race and national origin in making and enforcing contracts
Ku Klux Klan Act	42 U.S.C. §1985(3) and §1986	Discharge or negative employment actions based on conspiracy to deny equal protection
Executive Order 11246	Executive Order 11246	Affirmative action by government contractors and subcontractors

FEDERAL SAFETY AND HEALTH STATUTES AFFECTING EMPLOYMENT

First and Fourteenth Amendment to United States Constitution	First and Fourteenth Amendment to United States Constitution	Retaliation by government officials against whistleblowers and individuals who speak on matters of public concern
Occupational Safety and Health Act	29 U.S.C. §§651-678 See also Texas Labor Code §411.082	Sets workplace safety standards and prohibits retaliation for refusal to work in unsafe workplace or for exercising rights under the Act.
Job Training and Partnership Act	29 U.S.C. §2934(f)	Discrimination against recipients

Energy Reorganization Act	42 U.S.C. §5851	Discrimination for participating in proceedings under the Act or the Atomic Energy Act
Clean Air Act	42 U.S.C. §7622	Participation in proceedings
Water Pollution Control Act	33 U.S.C. §1367	Participation in proceedings
Railroad Safety Act	45 U.S.C. §20109	Participation in proceedings under this Act, related safety laws, or refusing to work in conditions reasonably believed to be dangerous
Federal Employers Liability Act	46 U.S.C. §60	Discrimination or retaliation for voluntarily furnishing information incident to an injury or death
Motor Carrier Employee Protection Amendments to the Surface Transportation Assistance Act	49 U.S.C. §31105	Truck drivers and others who blow whistle on violations of commercial motor vehicle safety rules
Federal Mine Health and Safety Act	30 U.S.C. §815(c)	Miners and others who complain about potential violations of act
Surface Mining Control and Reclamation Act	30 U.S.C. §1293	Whistleblower protection
Agricultural Workers Protection Act (aka Migrant and Seasonal Agricultural Workers Protection Act)	29 U.S.C. §1855	Migrant workers from retaliation for seeking information about hazardous chemicals, requires training and appropriate personal protective equipment
Safe Containers for International Cargo Act	46 U.S.C. §1506	Retaliation for reporting violations of Act
Toxic Substances Control Act	15 U.S.C. §2622 See also Texas Health and Safety Code §502.017(c) and Texas Agriculture Code §125.013	Reporting violations of or participating in proceedings under Act
Water Pollution Control Act	33 U.S.C. §1367	Reporting violations of, or participating in proceedings under the Act
Safe Drinking Water Act	42 U.S.C. §300j-9	Reporting violations of or participating in proceedings under the Act
Comprehensive Environmental Responsibility Compensation & Liability Act (aka Superfund Act)	42 U.S.C. §9610	Reporting violations of or participating in proceedings under the Act
Solid Waste Disposal Act	42 U.S.C. §6971	Reporting violations of or participating in proceedings under the Act
International Safety Container Act	46 U.S.C. §1506	Reporting existence of an unsafe container or any violation of the Act
Aviation Investment and Reform Act for the 21 st Century	29 U.S.C. §42121	Reporting violations of laws that regulate the aviation industry
Merchant Marine Act of 1920 (aka Jones Act)	46 U.S.C. §688	Whistleblower protections

Longshoreman's and Harbor Worker's Compensation Act	33 U.S.C. 948(a)	Whistleblower protections
Merit System Protection	5 U.S.C. §2302(b)	Retaliation for refusal to engage in political activity, disclosure of information believed to evidence violation of law or gross management, cooperation with law enforcement, refusing to obey and order requiring a violation of law
Seaman's Protection Act	46 U.S.C. §2114	Retaliation for good faith report of violation of maritime safety law or refusing to perform duties if reasonable apprehension such duty would result injury to seaman or others
Pipeline Safety Act	29 U.S.C. §60129	Whistleblower protection
National Transit Systems Security Act	6 U.S.C. §1142	Discrimination and retaliation regarding activities in industry
Civil Rights of Institutionalized Persons Act	52 U.S.C. §1997d	Retaliation for reporting violations regarding institutionalized persons
Asbestos Hazard Emergency Response Act of 1986	15 U.S.C. §2651(a)	Reporting asbestos hazard
Asbestos School Hazard Abatement	20 U.S.C. §4018 and 3608	Reporting asbestos hazard
Emergency Medical Treatment and Active Labor Act	42 U.S.C. §1395dd(a)	Terminating physicians or hospital employees because they refuse to transfer an unstable patient or report patient dumping

MISCELLANEOUS OTHER FEDERAL STATUTES AFFECTING EMPLOYMENT

Sarbanes Oxley Act	18 U.S.C. §1514A	Whistleblowers regarding Sarbanes Oxley Act, Securities and Exchange Commission, or law relating to fraud against shareholders of publicly traded companies
National Labor Relations Act	29 U.S.C. §157 and §158 See also Texas Labor Code §101.052	Discrimination regarding union membership, organizational activities, or concerted activity
Railway Labor Act	45 U.S.C. §152	Discrimination regarding union activities in railway and airline industries
Uniform Service Employment and Reemployment Rights Act (USERRA)	38 U.S.C. §4311 et. seq. See also Texas Government Code §431.006 and 431.017	Exercising a right provided in statute, testifying in proceeding under the statute, assisting or participating in investigation under statute
Armed Forces Miscellaneous Procurement Provisions	10 U.S.C. §2409	Discrimination against employees of contractors with certain federal agencies from retaliation for disclosing violations of law relating to a contract
National Defense Authorization Act	10 U.S.C. §1034 and §1587	Individuals communicating with members of Congress

Employee Retirement Income Security Act (ERISA)	20 U.S.C. §3170; 29 U.S.C. §1140	Exercising rights protected by the Act or from obtaining benefits covered by the Act
False Claims Act (also referred to as Qui Tam act)	31 U.S.C. §3729; (3730(h))	Retaliation for proceedings under the False Claims Act
Major Fraud Act of 1981	18 U.S.C. 1031(h) See also Texas Human Resources Code §36.115	Retaliation for lawful acts in furtherance of prosecution regarding fraud in transactions with government including Troubled Asset Relief Act
Tax Relief and Health Care Act of 2006	26 U.S.C. §7623 et. seq.	Awards to whistleblowers regarding internal revenue laws or underpayment of taxes (but no retaliation provision)
Employee Polygraph Protection Act of 1988	29 U.S.C. §2001-2009, 2002	Discrimination for refusal to take polygraph examination with exceptions
Consumer Credit Protection Act	15 U.S.C. § 1671-77	Discrimination based on garnishment of an employee's wages
Consumer Product Safety Reform Act	15 U.S.C. §§2051-2089	Retaliation for providing information believed to be a violation of a consumer protection act, order, rule, regulation, standard, or ban.
Vietnam Era Veteran's Readjustment Assistance Act	38 U.S.C. §§4301-07	Requires affirmative action by government contractors regarding Vietnam veterans
Immigration Reform and Control Act (IRCA)	8 U.S.C. §1324b	Discrimination based on national origin or citizenship status (unless individual is unauthorized)
Bankruptcy Reform Act of 1978	11 U.S.C. §525(b)	Discrimination based on status as debtor or bankrupt individual
Civil Service Reform Act of 1978	5 U.S.C. §7513(a)	Limits actions against employee only for cause as will promote the efficiency of the government
Federal Labor Standards Act (FLSA)	29 U.S.C. §215 and §216	Minimum wage and overtime standards, discrimination for claiming rights under the Act
Judiciary and Judicial Procedure Act	28 U.S.C. §1875(a) See also Texas Civil Practice and Remedies Code §122.001	Discrimination for federal jury service
Workers Adjustment and Retraining Notification Act (WARN)	29 U.S.C. §2104	Notice requirements prior to effecting a plant closing, partial closing, or mass layoff
Job Training and Partnership Act	29 U.S.C. §1574(g)	Retaliation for alleging JPTA grants violate the statute
Whistleblower Protection Act of 1989	5 U.S.C. §§1201 et. seq.	Federal employees who expose violations of law, gross mismanagement or waste of funds, abuse of authority, or substantial and specific danger to public health or safety in government agencies

Family and Medical Leave Act of 1993	29 U.S.C. §2601 et. seq.	Allows 12 weeks unpaid leave in 12 month period for care of employee or family member serious illness and prohibits discrimination for asserting rights under the Act.
Armed Forces Miscellaneous Procurement	10 U.S.C. §2409	Retaliation for disclosing violations of law relating to a contract
Federal Reserve System Depository Institution Employees Protection	12 U.S.C. §1831j	Discrimination against employees of federally insured depository institutions for providing information to federal banking regulators regarding violations of law or malfeasance
Money Transactions Whistleblower Protection Provision	31 U.S.C. §5328	Retaliation against employees of defined businesses because the employee provides information regarding certain transactions
Public Contracts Procurement	41 U.S.C. §265	Discrimination against employees of contracts with executive agencies from retaliation for disclosing violations of law relating to a contract
FBI employees whistleblowing protection	5 U.S.C. §2303(a)	Retaliation against FBI employees for disclosure of evidence believed to be a violation of law or mismanagement
Lloyd -LaFollette Act	5 U.S.C. §7211	Protects federal employees right to furnish information to Congress without interference
Foreign Service Act of 1980	22 U.S.C. §3905(b)	Protects foreign service employees from retaliation for reporting violation of law or mismanagement
Federal Energy Law	50 U.S.C. §2702	Protects individuals regarding reporting violations of federal energy law or Department of Energy procedures
Title IX of Civil Rights Act (1972 amendments)	20 U.S.C. § 1681-1688	Discrimination in educational program receiving federal financial assistance
Dodd-Frank Wall Street Reform and Consumer Protection Act Section	Public Law 111-203 Section 922	Section 922 of the Dodd Frank Act specifies that a person who provides "original information" to the SEC of fraud within the company that leads to an enforcement penalty of \$1 million or more may be entitled to collect between 10 and 30 percent of the penalties of \$1 million or more. The provision also provides substantial retaliation protections for whistleblowers.

Taxpayer First Act of 2019	Public Law 116-25	Anti-retaliation provisions for tax whistleblowers.
Public Contracts (USC Title 41)	41 USC 4712	Anti-retaliation for reporting gross mismanagement of a Federal contract or grant, gross waste of Federal Funds, danger to public health or safety or violation of law, regular or regulation regulating to a Federal contract.

TEXAS STATUTES AFFECTING EMPLOYEES

Agriculture Code	Agriculture Code §502.017(c) and §125.013(b)	Discrimination against an employee for reporting violations of the Hazard Communication Act
Election Code	Elections Code §161.007, §276.001(a)(2), §276.004	Discrimination for attending a political convention or refusing to vote in a certain way
Election Code	Election Code §276.004	Criminal liability for not allowing employees time off to vote
Election Code	Election Code 276.001(a)(2)	Criminal liability for coercing employees to vote in a certain way
Family Code	Family Code §14.43(m) and §158.029; 15 U.S.C. §1140	Discrimination against an employee due to a withholding order for child support
Family Code	Family Code §8.208	Retaliation against an employee because of an order or writing of withholding for spousal support payments
Family Code	Family Code §261.110	Suspension or termination of a professional who in good faith reports child abuse or neglect
Government Code	Government Code §431.005 and §431.006	Discharge for active-duty service or training in state military forces
Government Code	Government Code §613.03	Requires public employees who return from military service with a disability which prohibits him from performing the duties of his old position to be given a similar position for which the employee is qualified
Hazard Communication Act	Hazard Communication Act §502.017	Discrimination or retaliation against employee who reports violations of Act or exercises rights under Act
Health & Safety Code	Health & Safety Code §242.133(b)	Discrimination against nursing home employees for reporting patient abuse or neglect
Health & Safety Code	Health & Safety Code §242.1335	Retaliation against a volunteer, resident or family members or guardian of a resident because of a complaint, grievance, reporting a violation of law or initiating or cooperating in an investigation or proceeding.

Health & Safety Code	Health & Safety Code §161.134 and §161.135	Retaliation against an employee of a health care facility who reports illegal activity
Health & Safety Code	Health & Safety Code §152.0093	Retaliation against a person for filing complaint, presenting a grievance or providing good faith information relating to home health, hospice, or personal assistance services provided by a license holder under the statute.
Health & Safety Code	Health & Safety Code §592.015	Mandates mentally retarded individuals receive equal employment opportunities
Health & Safety Code	Health & Safety Code 322.054	Discrimination against employee for providing information relating to misuse of restraints or seclusion at a facility
Health & Safety Code	Health & Safety Code §252.132	Grants cause of action against intermediate care facility for mentally retarded for reporting a violation of law or initiating or cooperating in an investigation.
Health & Safety Code	Health & Safety §247.068	Discrimination by a person licensed under the assisted living statute against a person filing a complaint, presenting a grievance or providing good faith information relating to personal care services by the license holder
Health & Safety Code	Health & Safety §81.102	Prohibits testing by an employer for the AIDS virus.
Health & Safety Code	Health & Safety §258.0051	Hospital discrimination against nurse who refuses to work mandatory overtime
Health & Safety Code	Health & Safety Code 322.054	Discrimination against employee for providing information relating to misuse of restraints or seclusion at a facility
Human Resources Code	Human Resources Code §36.115	Grants cause of action to any person retaliated for lawful actions regarding Medicaid fraud.
Juror Reemployment Act	Civil Practice & Remedies Code §122.001	Discharge for serving on a jury and grand jury.
Labor Arbitration Act	Labor Code §102.031	Discrimination against employee while arbitration pending under Act
Labor Code	Labor Code Chapter 21 especially 21 §210.051 et. seq.	Discrimination based on race, color, national origin, age, sex, religion, or disability and retaliation for pursuing rights. Discrimination based on membership, affiliation, contribution, or activities with a religious organization.
Labor Code	Labor Code §22.002	Discrimination against employee who leaves employment to participate in a general public

		evacuation ordered under an emergency evacuation order
Labor Code	Labor Code 52.031	Blacklisting employees with intent to prevent employee from engaging in or securing employment
Labor Code	Labor Code §52.041	Discrimination for refusal to use a company store
Labor Code	Labor Code §52.051	Discrimination for complying with a subpoena
Labor Code	Labor Code §52.061	Illegal to prohibit an employee who lawfully possesses a firearm or ammunition from transporting or storing it in a locked, privately owned motor vehicle in an employer-provided parking area. There are several exceptions
Labor Code	Labor Code §101.052 But see <u>National Labor Relations Board v. Laidlaw Waste Systems</u> , 977 S.W.2d 434 (Tex.App. Dallas 1998), pet. den. The National Labor Relations Act may preempt this statute	Discrimination because of union membership
Labor Code	Labor Code §411.082	Discrimination for using the telephone service to report a violation of an occupational health or safety law.
Local Government Code	Local Government Code 160.006	Prevents county employees from being subject to retaliation for exercising a right to participating in a grievance procedure established under Chapter 160 of the Local Government Code.
Occupation Code	Occupation Code §160.012	Discharging a physician for reporting the acts of another physician to the State Board of Medical Examiners
Occupation Code	Occupation Code §301.352 and §301.413	Discrimination against a person who reports a nurse who refuses to engage in an act or omission relating to patient care
Occupation Code	Occupation Code §303.009	Discrimination or retaliation against any person participating in a nurse peer review
Occupation Code	Occupation Code §103.001	Discrimination against an employee for refusing to participate in an abortion
Payday Act	Labor Code Chapter 61	Requires non-exempt employees be paid twice per month, prohibits deductions/offsets from wages without written authorization, and penalties for failure to timely pay wages.

Penal Code	Penal Code 31.04	Crime to secure performance of services with intent to avoid payment for services
Whistleblower Act	Government Code §554.002 But see <i>Austin v. Healthtrust, Inc.</i> , 967 S.W.2d 400, 403 (Tex. 1998) and <i>Winters v. Houston Chronicle Publishing Co.</i> , 795 S.W.2d 723 (Tex. 1990). No protection for private sector whistleblowers.	Discrimination against public employees for good faith reporting violations of law to appropriate law enforcement authorities
Workers Compensation Act	Labor Code Sec. 451.001	Discharge employee because employee in good faith filed claim for benefits, hired a lawyer, instituted a proceeding under the Act or has testified in a proceeding.

The Texas Supreme Court has ruled that it is illegal for an employer to terminate an employee for the sole reason that the employee refused to perform an illegal act. *Sabine Pilot Serv., Inc. v. Hauck*, 687 S.W.2d 733, 735 (Tex. 1985). This does not apply where there are multiple reasons for the termination, does not extend to governmental employees and does not extend to employees who are terminated for reporting illegal activities.