

WHISTLEBLOWER PROTECTION for Public Employees



FREEDOM FROM REPRISAL FOR DISCLOSURE OF IMPROPER ACTS – LSA-R.S. 42:1169

Louisiana law protects public employees who report information which they reasonably believe is a violation of any provision of law, or any other acts of impropriety related to the scope or duties of public employment, to their agency heads, the Louisiana Board of Ethics, or any person or entity of competent authority or jurisdiction. Any public employee who reports a potential violation shall be free from discipline or reprisal from his employer. This law (R.S. 42:1169) is enforced by the Louisiana Board of Ethics. A public employee who is wrongfully suspended, demoted, or dismissed due to the reporting of any act of wrongdoing shall be entitled to reinstatement of his employment, as well as the receipt of any lost income or benefits. A person who is a public employee because of a contractual arrangement with a governmental entity or agency, whose contract is wrongfully suspended, reduced, or terminated as an act of reprisal for reporting an alleged act of impropriety, shall be entitled to reinstatement of his contract and receipt of any lost compensation under the terms of the contract.

Who is a public employee?

A "public employee" means anyone, whether compensated or not, who is:

- (a) an administrative officer or official of a governmental entity who is not filling an elective office;
- (b) appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof;
- (c) engaged in the performance of a governmental function; or,
- (d) under the supervision or authority of an elected official or another employee of the governmental entity. R.S. 42:1102(18).

Pursuant to LSA-R.S. 42:1169F, this notice must be posted in a conspicuous place in each building where more than ten public employees are employed.

Penalties

Any person who violates this provision may be censured, removed, suspended, demoted, or ordered a reduction in pay, or fined up to \$10,000, or both. R.S. 42:1153.

Complaints and Inquiries

This information sheet is a summary of the law and does not fully reflect the law. In order to receive additional information as to the protections contained in R.S. 42:1169, please contact the staff of the Louisiana Board of Ethics at (225) 219-5600 or 1-800-842-6630. The complete text of R.S. 42:1169 may be viewed at <http://www.legis.la.gov/Legis/Law.aspx?d=99263>. Complaints must be in writing, signed, and filed with the Louisiana Board of Ethics at P.O. Box 4368, Baton Rouge, LA 70821.