



Texas State Law Update

C.B. Burns

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Whistleblower



Scott & White v. Thompson, 681 S.W.3d 758 (Tex. 2023), p. 1

- Whistleblower under Texas Family Code
- Requires “but for” causation
- But for employee’s conduct, employer would not have taken adverse action when it did



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Whistleblower

City of Denton v. Grim, Texas Supreme Court (May 3, 2024)

- City employees reported violation of law by elected council member
- Whistleblower Act: prohibits adverse action against a public employee who “reports a violation of law by the employing governmental entity or another public employee”
- Court: Single council member cannot bind the City nor did the City authorize member to act on its behalf so report was not a violation of law by the City



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Chapter 21/TCHRA

Texas Tech University HSC-El Paso v. Niehay, 671 S.W.3d 929 (Tex. 2023), pp. 2-3

- Morbid obesity, without evidence that it is caused by an underlying physiologic condition or disorder is not a disability



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Chapter 21/TCHRA

City of Brownsville v. Gomez, 2024 WL 48185 (Corpus Christi-Edinburg 2024), pp. 8-9

- Gomez, a 30-year employee, was terminated while in remission for cancer
- Testified his cancer did not impair him
- Court: that without evidence of impairment, his cancer was not a disability



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Chapter 21/TCHRA

City of Pharr v. De Leon, 2023 WL 8642683 (Corpus Christi-Edinburg), pp. 9-10

- De Leon had hypertension, depression and anxiety
- Requested accommodation of 1) communicating with supervisor by email or 2) be assigned a different supervisor or 3) be permitted more leave
- City said no and terminated him based on inability to work
- Court: City failed to engage in interactive process to determine if there could be a reasonable accommodation



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