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EMPLOYEES' RIGHTS UNDER THE TEXAS WHISTLEBLOWER ACT AND SIMILAR TEXAS LAWS

By

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I. **BACKGROUND AND HISTORY**

A. **Introduction**

Your boss had a rough weekend at home with his kids and his car broke down for the second week in a row. May he take it out on one of the employees he supervises and fire them to make himself feel better? A supervisor tells an employee "you're fired because I don't like your hairstyle." An owner fires an employee because he does not like the employee's morals. May an employer fire an employee is such situations without fear of legal liability?

For years, the answer in Texas was yes.[1] In the absence of a contract clearly specifying the length and other important terms and conditions of the employment, all employees were "at will" employees.

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[1] The very old rule in England provided that employees who were not hired pursuant to a specific contract could be fired at any time. The English Parliament changed that rule when it enacted the statute of laborers in the 15th Century. That statute provided that if an employer hired an employee for an unstated time, courts automatically held that the employee was hired for one year and prohibited an employer from firing an employee during that time unless the employer had reasonable cause for termination.

U.S. courts generally followed that rule until they encountered the demands of U.S. industry during our industrial revolution. A New York court was one of the first to reject the provisions of the statute of laborers and return to an at will standard. Hathaway v. Bennett, 10 N.Y. 108 (1854). The Texas Supreme Court followed New York's lead in 1888. In East Line & Red River R.R. Co. v. Scott, 72 Tex. 70, 10 S.W. 99 (Tex. 1888), the court held:

> When the term of service is left to the discretion of either party, or the term left indefinite, or determinable by either party, that either may put an end to it at will and so without cause.

Id. at 102.

An at will employee can be fired for any reason or no reason at all. Even if the reason is sadistic, capricious or absurd.

For example, a federal court applying Texas law took this concept to the extreme by holding that an employer can fire an employee who refuses to perjure himself when giving testimony involving a lawsuit.[2] In Phillips v. Goodyear, one of Goodyear's competitors sued Goodyear for violating antitrust laws. After the lawsuit began, the competitor noticed various Goodyear employees for depositions. At depositions attorneys ask witnesses questions under oath. The depositions are admissible evidence in the courtroom.

Mr. Phillips, a Goodyear employee who had recently been promoted, gave what he believed was truthful testimony at his deposition. His testimony was harmful to Goodyear. He was then fired by Goodyear.

Phillips claimed that he was fired because he gave truthful testimony and refused to perjure himself on behalf of Goodyear. Applying Texas law, the Fifth Circuit Court of Appeals held that the doctrine of at will employment applied to the case and the firing was legal. The Court rejected the plaintiff's argument that a public policy exception should be created to protect employees who are fired because they testify truthfully in the courtroom or a legal proceeding.

B. History

[2] Phillips v. Goodyear Tire and Rubber Co., 651 F.2d 1051 (5th Cir. 1981).

The industrial revolution in the United States spawned many abuses against employees. Young children worked 12 hours a day in unsanitary and unsafe conditions. Men and women slaved over machines without guards and were promptly fired and denied free medical care when they were disabled. Employers usually faced no liability for such injuries because courts automatically reasoned that employees assumed the risk of injury.

Safety was often ignored in the name of efficiency. One of the most horrifying examples was the Triangle Shirtwaist Company fire in New York City. Hundreds of women worked in cramped spaces in an old building. The owner wanted to prevent women from taking breaks, so he chained the exit doors shut.

A fire occurred and women rushed to the exit doors, which were all locked. Scores of women were trampled to death or died from smoke inhalation or burns. Dozens more chose their death by leaping from the 8th, 9th and 10th story windows where they crashed onto an iron picket fence or the stone sidewalk below. More than 100 women died that day. The two owners of the company were prosecuted for criminal negligence. They were acquitted.[3]

C. **Modern Developments**

Today, the pendulum is swinging back. Employers terminating employees now face potential lawsuits on a myriad of legal theories which often result in awards of substantial damages including

[3] An excellent Note concerning this event is: E. Behrens, The Triangle Shirtwaist Company Fire of 1911: A Lesson in Legislative Manipulation, 62 Texas L. Rev. 361 (1983).

punitive damages. Any one of a number of potential missteps by an employer's managers, supervisors or employees can provide the damaging evidence necessary to justify a former employee's sizable court victory.

There are numerous limitations on the right to hire the employee of the company's choice or fire an at will employee. These limits are recognized by courts in Texas and throughout the nation. Each one of these limitations involves a broad range of complex issues.

The goal of this paper is to identify two major limitations on at will employment: the Texas Whistleblower Act and refusing to perform an illegal act.

D. **Sources of Limitations on Employer's Rights**

Traditionally, limits on the right to hire and fire came from legislatures (both federal and state) and the courts. Limitations developed by the government now also include rules and regulations established by agencies, commissions and other regulatory bodies created by Congress or state legislatures. Even Texas cities have passed municipal ordinances governing the right to hire and fire.[4]

In addition to often having their own administrative rules and regulations, these commissions create substantive rights on the behalf of employees. For example, in the late 1980's, the State of Massachusetts passed a law that makes it illegal to discriminate

[4] For example, the City of Fort Worth, Texas has created the Fort Worth Human Relations Commission.

against a person on the basis of sexual preference.[5] The City of Santa Cruz, California recently passed a sweeping anti-discrimination ordinance that takes effect in August of 1992. The ordinance prohibits job discrimination based on height, weight, sexual preference and physical characteristics.[6] These laws go beyond those rights established by Congress in Title VII and other employment legislation.

II. TEXAS WHISTLEBLOWER ACT

A. The Texas Whistleblower Act

Texas has a Whistleblower Act that protects public employees from adverse employment action when they report illegal acts.[7] It does not apply to private employees or employers.

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[5] Mass. G.L. c. 151B.

[6] J. Adams, "For Appearance's Sake," The Dallas Morning News, May 23, 1992, p. 44A.

[7] Tex. Rev. Civ. Stat. Ann. art. 6252-16a (Vernon Supp. 1992).

1. **Which Employers are Covered**

The Texas Whistleblower statute applies to any "state or local governmental body." State governmental body has been defined as:

(A) A board, commission, department, office, or other agency in the executive branch of state government that was created under the Constitution or statute of a state, including an institution of higher education as defined by Section 61.003, Texas Education Code;

(B) The legislature or a legislative agency; or

(C) Supreme Court, the Court of Criminal Appeals, a court of appeals, a state judicial agency, or the State Bar of Texas.[8]

Local governmental body has been defined to mean:

(A) A county;

(B) An incorporated city or town;

(C) A public school district; or

(D) A special purpose district or authority.[9]

2. **Which Employees are Covered**

All "public employees" are protected by the Act. The Act defines a "public employee" as:

A person who performs services for compensation under a written or oral contract for a state or local governmental body. The term does not include an independent contractor.[10]

[8] Tex. Rev. Civ. Stat. Ann. art. 6252-16a, section 1(4) (Vernon Supp. 1992).

[9] Tex. Rev. Stat. Ann. art. 6252-16a, section 1(2) (Vernon Supp. 1992).

[10] Tex. Civ. Stat. Ann. art. 6252-16a, section 1(3) (Vernon Supp. 1992).

Although there are no cases interpreting the definition of public employee, it appears to cover all individuals who are typically thought of as employees of state or local governments.

Courts will consider many factors when determining whether a person is an employee or an independent contractor. Typically, if an employer has the right to control how an individual's work is done, that person is an employee. This is true even if the employer never exercises that right. It is also true even if the individual would typically be thought of as an independent contractor.

This control does not involve instructing an individual as to the final results of the work, but concerns the means and methods used to obtain that final result. For example, an employer who tells an individual that cargo needs to be picked up at a certain time and delivered to a certain address by a certain time would not necessarily create and employer/employee relationship. If, on the other hand, the employer had the right to tell the individual what type of truck to use, which highways to travel, what speed limit to drive, etc., then the individual would in essence become an employee.

Other things being equal, the following facts tend to indicate that an individual is an employee rather than an independent contractor:

(1) The employer pays part of the individual's social security taxes;

(2) The employer provides health, retirement, or insurance benefits to the individual;

(3) The employer provides the individual with the tools or equipment necessary to do the individual's job;

(4) The employer provides the individual with a uniform;

(5) The employer pays the individual by the hour;

(6) The employer requires the individual to work a regular schedule or hours.

Other things being equal, facts that tend to indicate that an individual is an independent contractor rather than an employee include:

(1) The employer pays the individual by the job or per task completed;

(2) The employer pays the individual on commission only;

(3) The employer provides no tools, equipment or offices for the individual;

(4) The employer does not deduct any type of taxes from payments made to the individual;

(5) The employer does not provide any type of health, retirement, or insurance benefits to the individual.

3. **<u>The Act's Prohibitions</u>**

The Texas Whistleblower Act forbids a state or governmental body from suspending or terminating the employment of a public employee who reports a violation of law to a law enforcement authority -- providing the employee made the report in good faith. The Act also prohibits the state or local governmental body from "otherwise discriminat[ing] against" a public employee who in good faith reports a violation of law to an appropriate law enforcement authority.

The statute does not define what an appropriate law enforcement authority is. Two recent cases have interpreted this term. The Dallas Court of Appeals has ruled that:

> In order to be 'appropriate,' the authority to whom the report is given must have the power and duty under the law to decide disputes concerning the lawfulness of the matter being reported, the power and the duty to order a halt or a change in the matter reported, the power to legislate or regulate with respect thereto, or the power to arrest, prosecute or otherwise discipline on account of an alleged violation being reported.[11]

In <u>Moreau</u>, a court bailiff believed that a judge committed a violation of law by ordering him to process warrants contrary to the requirements in the Texas Code of Criminal Procedure. The bailiff reported what he believed to be this illegal practice to "other judges of municipal courts, a criminal district judge, members of the city attorney's staff, successor chief bailiffs and numerous of his fellow bailiffs."[12] The court held that none of these people were an appropriate law enforcement authority because:

[11] <u>City of Dallas v. Moreau</u>, 697 S.W.2d 472, 474 (Tex. App. -- Dallas 1985, no writ).

[12] 697 S.W.2d at 475.

None of them had any supervisory powers over Judge Winn; none of them had authority or responsibility to order that Judge Winn alter or modify her conduct; and none of them had the authority to discipline Judge Winn for misconduct.[13]

The court reasoned that the Whistleblower Act was enacted to protect employees when they testify before legislative bodies and regulatory boards "with respect to questionable practices in their area of employment."[14] The court concluded that the Act was not designed to protect employees from "miscellaneous complaints and discussions with fellow workers."[15] The court reasoned that "complaints to those who have neither the power nor the responsibility to change the practice being reported contributes little besides disharmony."[16]

In a case decided by the Austin Court of Appeals, another Court of Appeals took a more expansive view of the term. In that case, the Court of Appeals upheld a jury award of $20,000.00 actual damages and $30,000.00 in punitive damages.[17]

In Travis County v. Colunga, a county park employee (Colunga) brought a whistleblower cause of action against the county. Colunga observed employees violating safety precautions when they used and stored pesticides and other chemicals. Colunga reported these observations to her immediate supervisor. She later made reports to a line supervisor and precinct manager. Eventually, Colunga reported

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[13] 697 S.W.2d at 475.
[14] 697 S.W.2d at 475.
[15] 697 S.W.2d at 475.

[16] 697 S.W.2d at 475.

[17] Travis County v. Colunga, 753 S.W.2d 716 (Tex. App. -- Austin 1988, writ denied).

what she knew to the road and bridge supervisor. After she made these reports, she was demoted, transferred twice and ordered to dig trenches using only a pick. She was not allowed to use a shovel when digging the trenches even though the county had a shovel available. Finally, she was forbidden to each lunch with other employees in the county office.

Nevertheless, Colunga did not give up. She requested a meeting with the county commissioner for her precinct. She asked a union staff member to attend the meeting with her. The union member arrived first. The county commissioner argued with the union member and cancelled the meeting as Colunga was arriving. Later that day, Colunga was fired.

The court found that Colunga had made a report to an appropriate law enforcement authority. The court held that it was "obvious" that the Texas legislature wanted the word "appropriate" to be:

> sufficiently elastic in its meaning to accommodate all [variety of public officers and bodies having the power and duty to enforce the civil and penal sanctions in the Texas Agricultural Code] as well as any other civil authorities having powers and duties sufficient to compel obedience to what the law requires in the particular case.[18]

The court went on to note that it disagreed with a restrictive reading of the Whistleblower Act that:

> allows for only one 'appropriate' authority in any particular report of a violation of law. The very word 'and,' as actually used in the statutory expression, contemplates in ordinary uses that there may be more than one such 'appropriate' authority.[19]

[18] 753 S.W.2d at 719.
[19] 753 S.W.2d at 719. (citing Doherty v. King, 183 S.W.2d 1004, 1007 (Tex. Civ. App. 1944, writ dismissed).

Importantly, the court went further and specifically held that:

> 'An appropriate law enforcement authority,' includes at a minimum <u>any</u> public authority having the power and duty of inquiring into the lawfulness of the questioned conduct and causing its cessation if the conduct appears to be in violation of the law.[20]

This broad language may or may not be followed by other Texas courts. Although a definition of "appropriate law enforcement authority" has not been finalized by the Texas Supreme Court, the <u>Colunga</u> and <u>Moreau</u> provide important guidance about how to report whistleblowing.

A report should go to an authority that deals with the subject about which the employee is complaining. Most importantly, that law enforcement authority should have the power and <u>duty</u> to decide disputes concerning what is being reported.

When an employee has a complaint, he should go directly to that authority, rather than a co-worker, a union or other grievance body that may not have the authority to pass on the lawfulness or unlawfulness of the actions or activities of which the individual complains. Failure to do so could have disastrous consequences for an employee if a court follows the standard used by the <u>Moreau</u> court.

An employee who confides in a fellow employee or some other person or entity that is not a law enforcement authority, may create significant problems for himself. Word may filter back through to the employee's superiors who may fire the employee in retaliation for

[20] 753 S.W.2d at 719, 720 (citing <u>City of Dallas v. Moreau</u>, 697 S.W.2d 472, 474 (Tex. Civ. App. -- Dallas 1985, no writ) (emphasis in original).

complaints or inquiries. The retaliation may occur before the employee has made a report to an appropriate law enforcement authority. If this happens, the employee may be fired because was about to make a report to an appropriate law enforcement authority. In such cases, arguably the Act would provide no protection to the employee.

While the decision to make a report is a difficult one for an employee and a battle of conscience, confiding in others may result in an employee being fired before the provisions of the Act are triggered. Therefore, an employee should gather the facts, consult with an attorney and then make a report to an appropriate law enforcement authority.

4. **Evidence and Burden of Proof**

The employee who sues under the Whistleblower Act has the burden of proof. It is worth noting, however, that if an employee is suspended or terminated within 90 days after making said report, the court will instruct the jury that there is a rebuttal presumption that the employee was suspended or terminated in retaliation for making a report.

5. **Deadline for Filing Suit**

An employee's right to sue for a violation of the Texas Whistleblower Act must be exercised PROMPTLY. An employee is barred from suing under the Texas Whistleblower Act unless he brings suit

"not later than the 90th day after the date the alleged violation occurred or was discovered by the employee through the use of reasonable diligence."[21]

Before an employee can bring a whistleblower cause of action, an employee of a local governmental body "must exhaust any applicable grievance or appeal procedures adopted by the employing local governmental body to resolve disputes concerning the suspension or termination of an employee's employment or an allegation of unlawful discrimination."[22]

The employee must begin the grievance or appeal procedure "not later than the 90th day after the date the alleged violation occurred or was discovered by the employee through the use of reasonable diligence."[23]

Although there is no case interpreting the time limit language, it appears that the time an employee spends filing grievance procedures is not included in the 90 day time limit the employee has to file suit. In other words, if an employee is fired on day 1 and institutes grievance procedures on day 10 and the grievance procedures take 200 days, when the grievance procedures are completed on the 200th day, the employee would have 80 days in which to file suit. The employee would not have 90 because the employee had

[21] Tex. Rev. Civ. Stat. Ann. art. 6252-16a, section 3(a) (Vernon Supp. 1992).
[22] Tex. Rev. Civ. Stat. Ann. art. 6252-16a, section 3(d) (Vernon Supp. 1992).
[23] Tex. Rev. Civ. Stat. Ann. art. 6252-16a, section 3(d) (Vernon Supp. 1992).

already spent 10 days prior to the time that he began grievance procedures.

6. **Remedies**

An employee who sues under the Whistleblower Act may recover four types of damages. These include:

(1) Actual damages;

(2) Exemplary damages;

(3) Cost of court; and

(4) Reasonable attorneys' fees.[24]

In addition to these four types of damages, an employee who is suspended or terminated is entitled to receive his job back, compensation for wages lost during his suspension or termination, and reinstatement of any fringe benefits or seniority rights that he lost.[25]

Finally, a supervisor who suspends or terminates a public employee in violation of the Whistleblower Act can receive a civil penalty not to exceed $1,000.00. The Act provides that the Attorney General or "the appropriate prosecuting attorney" may sue to collect this penalty.[26] Any amounts collected under this civil penalty go to the state treasury.

At least one court has held that the plaintiff must prove

[24] Tex. Rev. Civ. Stat. Ann. art. 6252-16a, section 4(a) (Vernon Supp. 1992).

[25] Tex. Rev. Civ. Stat. Ann. art. 6252-16a, section 4(b) (Vernon Supp. 1992).

[26] Tex. Rev. Civ. Stat. Ann. art. 6252-16a, section 5(a) (Vernon Supp. 1992).

malicious, willful and wanton conduct or gross negligence by the governmental unit before the employee can receive an award of punitive damages.[27]

III. **OTHER TEXAS LAWS THAT PROTECT EMPLOYEES**

A. **Specific Statutes Protecting Employees**

Finally, there are a number of other specific Texas statutes that protect public and private employees who report matters involving public safety or are fired for exercising important rights. For example, Texas laws protect employees who are fired or discriminated against in retaliation for instituting a worker's compensation claim.[28] It is beyond the scope of this paper to discuss all of them. The major laws governing these issues are listed in the outline that follows.

MISCELLANEOUS STATUTORY PROHIBITIONS IN TEXAS

1. Cannot fire because of **union activities**: Art. 5207a.

2. Cannot fire because of active **state military duty**: Tex. Gov't Code §431.006

3. Cannot fire because of **jury service**: Tex. Gov't Code §122.001.

4. Cannot fire because employee **asked for time off to vote a certain way**: Tex. Elec. Code §276.004.

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[27] City of Ingleside v. Kneuper, 768 S.W.2d 451 (Tex. App. -- Austin 1989, writ denied).

[28] Tex. Rev. Civ. Stat. Ann. art. 8307c (Vernon Supp. 1992).

5.Cannot fire for resisting **coercion to vote a certain way**: Tex. Elec. Code §276.001(a)(2).

6.Cannot fire for **attending political convention**: Tex. Elec. Code §161.007.

7.Cannot fire because **refused to buy certain merchandise**: VATS 5196g.

8.Cannot fire because **refused to take AIDS test**: Tex. Health & Safety Code §81.102.

9.Cannot fire because **reported Dr. who poses continuing threat to public**: VATS Art. 4495b §5.069(d).

10.Cannot fire **Nursing Home employee who reports patient abuse** or neglect: Tex. Health & Safety Code §502.013.

B. **Refusing to Commit an Illegal Act**

In 1985, the Texas Supreme Court recognized a very limited exception to the right to fire when the firing would offend public policy. The court held that it is illegal for a company to fire an employee for the sole reason that the employee refused to perform an illegal act. In that case, an employee refused to discharge the bilges of a boat into a water channel.

At the time, the employee was aware of Coast Guard regulations that made the discharging of a bilge a criminal violation. He contacted the Coast Guard, determined that the act was illegal and refused to perform the act and was fired for that reason.[29]

Firing someone because they refused to do an illegal act or "blew the whistle" on improper activities can result in large awards of punitive damages against a governmental entity or company. Jurors

[29] Sabine Pilot Service, Inc. v. Hauck, 687 S.W.2d 733 (Tex. 1985).

tend to sympathize with an employee who "did the right thing," and risked his job and his family's financial security in these situation. In comparison, the governmental entity or company, on the other hand, will look mean spirited and deserving of punishment.

If the jury believes that the employee was fired in retaliation for whistleblowing or refusing to do an illegal act, they will likely become inflamed. This occurs because if they believe that the firing was in retaliation, they will naturally assume evil motives. This feeling will be reinforced by the themes that the plaintiff's attorney will present in court.

The potential for substantial exposure for companies and governmental entities cannot be overestimated. In 1989, a Harris County jury awarded an oil and gas executive $31 million.[30] In that case, a former employee alleged that he was fired for refusing to sign company tax returns that he believed were fraudulent. In September of 1991, an Austin jury awarded a former Texas Department of Human Services welfare employee $13.6 million. In that case, the former employee alleged that the state agency retaliated against him because he attempted to report wrongdoing in the agency.[31]

Even conservative jurors in cities like Dallas can become inflamed. In May of 1992, a Dallas jury awarded a former executive $124 million in wrongful termination lawsuit. The plaintiff claimed that Triton Energy fired him because he insisted that documents the

[30] B. Sapino, "Verdict In Wrongful Termination Could Be Texas' Largest Ever," Texas Lawyer, December 4, 1989, page 12.

[31] "Jury Awards Ex-state Worker $13.6 Million." Austin American Statesman, September 25, 1991.

company was filing with the Securities and Exchange Commission notify stockholders that the chairman of the board partially owned a company that Triton Energy purchased.[32]

The Texas Supreme Court has also recognized that it is illegal for a company to fire an employee to deny the employee pension benefits.[33] Although the U.S. Supreme Court reversed this decision because Texas law was preempted by federal ERISA law, the McClendon case is still instructive. Firing an employee to avoid paying an employee other types of significant benefits or bonuses could result in a new public policy exception recognized by the Texas courts. The philosophy that led to that decision some day may provide the basis to expand the McClendon decision.

IV. **FEDERAL LAWS THAT PROTECT EMPLOYEES**

There is no federal equivalent of the Texas Whistleblower statute that provides coverage to all federal employees. Instead, Congress has passed piecemeal legislation covering various federal employees who report specific types of abuses. The Texas Whistleblower Act is much broader in its scope because it covers almost all state and local public employees who report any type of violation of law. The various federal whistleblower laws are much

[32] "Man Gets $124 Million In Wrongful Termination." Dallas Morning News, May 23, 1992. Plaintiff's Fifth Amended Petition, on file with the State District Court Clerk in Dallas, Texas.

[33] McClendon v. Ingersoll-Rand Co., 779 S.W.2d 69 (Tex. 1989), rev'd 111 S. Ct. 478 (1990).

more limited and generally only protect employees who report information affecting the health and safety of the general public or employees in the work place.

For example, Congress has passed laws protecting individuals in the military who blow the whistle. In 1989, Congress passed the Whistleblower Protection Act of 1989, which protects current and former federal civil service[34] employees who report "violations of law, gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety."[35] It also protects applicants for federal civil service jobs.

Many federal statutes protect employees who work in significant industries that are heavily regulated. These statutes make it illegal for an employer to fire an employee who makes a good faith report of safety violations or other abuses. These acts have similar goals, but some of them have different specific provisions. It is beyond the scope of this paper to discuss them in detail. The outline that follows lists some of these acts. If you are an employee who reported abuses or violations covered by one of these statutes, you should obtain the statute and review it closely with your counsel.

SIGNIFICANT FEDERAL ACTS PROTECTING WHISTLEBLOWERS

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[34] 5 U.S.C. § 2302(a)(1)(2)(B).
[35] 5 U.S.C. § 1213.

(a)OSHA: 29 U.S.C. §215(a)(3);
(b)Railroad Safety: 45 U.S.C. §441(a)
(c) Mining Safety: 30 U.S.C. §815(c)(1);
(d)Toxic Substances: 15 U.S.C. §2622(a);
(e)Energy Abuses: 42 U.S.C. §5851(a) (3);
(f)Cercla, Environmental Cleanup Superfund;
(g)Solid Waste Disposal: 42 U.S.C. §6971(a);
(h) Fair Labor Standards: 29 U.S.C. §157(a)(4);
(i)Air Pollution Violations: 42 U.S.C. §7622(a);
(j)Drinking Water Dangers: 42 U.S.C. §5851(a)(3);
(k) Water Pollution Violations: 33 U.S.C. §1367(a);
(l) Unsafe Drinking Water: 42 U.S.C. §300J-9(i)(1);
(m) "Qui Tam" False Claims Act: 31 U.S.C. §3730(h);
(n)Retirement/Pension Plans, ERISA: 29 U.S.C. §1140;
(o)Employees of Defense Contractor: 10 U.S.C. §2409;
(p) Federally Insured Credit Unions: 12 U.S.C. §1790b(a);
(q)Federally Insured Depository Institutions: 12 U.S.C. §1831(j);
(r) Long Shoreman and Harbor Workers Compensation: U.S.C. §948(a);
(s)General Environmental Protection Laws (seven of these enforced by Labor Dept.): 29 C.F.R. pt. 24;
(t)Nuclear Plant Employees, Energy Reorganization Act: 42 U.S.C. §5851;
(u)Union Activities, National Labor Relations Act: 29 U.S.C. §158(a)(4).