

Bond Case Briefs

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WHISTLEBLOWER STATUTE - GEORGIA

Colon v. Fulton County

Supreme Court of Georgia - November 18, 2013 - S.E.2d - 2013 WL 6050390

County employees brought separate actions against county under whistleblower statute, alleging that they suffered adverse employment actions after they reported to county supervisors the manner in which various county personnel were violating laws, rules, and regulations, and were fraudulently wasting and abusing county funds and public money, and that employees refused to participate in cover-up of fraud.

The Supreme Court of Georgia held that:

- Whistleblower statute set forth a specific waiver of the County's sovereign immunity and the extent of such waiver, even though the statute did not expressly state that sovereign immunity was waived, and
- Reach of whistleblower statute was not limited to causes of action for alleged retaliation only inasmuch as the employee's complaints were related to state programs.

Reach of whistleblower statute was not limited to causes of action for alleged retaliation when the employee's complaints were related to state programs or operations under the public employer's jurisdiction. There was nothing in the plain language of statute to suggest that retaliation claims were somehow limited by a public employer's ability to receive and investigate complaints or information relating to possible fraud, waste, and abuse in state programs.