

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 494
Finance

(Senator Hafer)

Economic Matters

Whistleblower Protection for Employees of State Grant Recipients

This bill provides whistleblower protections for employees of State grant recipients.

Fiscal Summary

State Effect: The bill would not affect State finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: A recipient of a State grant may not take or refuse to take any personnel action as a reprisal against an employee because the employee:

- discloses information that evidences an abuse of authority, gross mismanagement, or gross waste of money; substantial and specific danger to public health or safety; or a violation of law;
- objects or refuses to participate in any activity, policy, or practice in violation of law; and
- following a disclosure of evidence mentioned above, seeks a remedy provided in this bill.

An employee subject to a personnel action in violation of the bill can institute a civil action in the county where: (1) the alleged violation occurred; (2) the employee resides; or (3) the employer maintains its principal offices in Maryland.

Employees may bring a civil action within one year after the alleged violation occurred or within one year after the employee first became aware of the alleged violation. A court may: (1) issue an injunction to restrain continued violation; (2) reinstate the employee to the same or equivalent position held before the violation; (3) remove any adverse personnel record entries based on or related to the violation; (4) reinstate full fringe benefits and seniority rights; (5) require compensation for lost wages, benefits, and other remuneration; and (6) assess reasonable attorney's fees and other litigation expenses against the employer if the employee prevails.

It is a defense under an action brought under this bill that the personnel action was based on grounds other than the employee's exercise of any protected rights.

The bill does not apply to a local government unit or bicounty agency.

Current Law: The Maryland Whistleblower Act of 1980 protects Executive Branch employees from retaliation for reporting violations of State law. The law applies only to an employee in the Executive Branch, including units with independent personnel systems. Whistleblower Protection statutes are also in place for employees of non-State agency health care professionals and employees of State contractors.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Department of Budget and Management; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2005
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