

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1133

(Montgomery County Delegation and Prince George's
County Delegation)

Appropriations

Finance

**Washington Suburban Sanitary Commission - Comprehensive Whistleblower
Protections
MC/PG 120-09**

This bill requires the Washington Suburban Sanitary Commission (WSSC) to implement whistleblower protection regulations by October 1, 2010.

Fiscal Summary

State Effect: None.

Local Effect: None. Regulations granting whistleblower protections can be implemented with existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: Prior to October 1, 2010, WSSC must establish comprehensive whistleblower protections. The regulations must be similar to existing protections for Executive Branch State employees, as provided in State law. The regulations must prohibit a manager or supervisor from taking or refusing to take a personnel action as a reprisal against an employee who discloses information that the employee reasonably believes evidences:

- an abuse of authority, gross mismanagement, or gross waste of money;
- a substantial and specific danger to public health or safety; or
- a violation of law.

WSSC must provide employees with written notice of the protections and remedies provided by the whistleblower regulations and must establish a system in which complaints or grievances may be filed and investigated. The regulations must also set forth remedial actions that may be taken by the WSSC if a violation is found to have occurred.

Current Law: The Maryland Whistleblower Law protects State Executive Branch employees who “blow the whistle” by disclosing information believed to evidence abuse of authority, gross mismanagement or waste of money, a substantial and specific danger to public health or safety, and/or a violation of the law.

The Whistleblower Law prohibits reprisal against an employee who, after making a disclosure, seeks a remedy provided by any law or policy. A complaint under this statute must be brought within six months after the complainant first knew of, or reasonably should have known of, the violation of the whistleblower protection. The Secretary of Budget and Management, or a designee thereof, is required to conduct an investigation and determine whether a violation occurred within 60 days. After reviewing a final decision under the Whistleblower Law, the court may award costs of litigation and reasonable attorney’s fees to a prevailing complainant.

An employee is entitled to remedial action if a violation occurred; such action may include:

- mandating the removal of any related detrimental information from the complainant’s State personnel records;
- requiring the supervisor to reinstate the complainant in his/her prior position of employment;
- awarding back pay lost by the employee due to the violation;
- granting leave or seniority; and
- requiring that disciplinary action be taken against the person responsible for the violation.

Background: WSSC is the eighth largest water and wastewater utilities in the country, providing water and sewer services to 1.8 million residents in Montgomery and Prince George’s counties. It has over 460,000 customer accounts, serves an area of around 1,000 square miles, and currently employs more than 1,500 people. The agency operates four reservoirs, two water filtration plants, and six wastewater treatment plants. Additionally, the Blue Plains Water Pollution Control Plant handles as much as 169 million gallons per day under a cost sharing agreement with WSSC. The agency maintains nearly 5,500 miles of water main lines and over 5,300 miles of sewer main lines.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Budget and Management, Washington Suburban Sanitary Commission, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2009

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