

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1514
Appropriations

(Delegate Feldmark, *et al.*)

Finance

State Personnel and Pensions - Maryland Whistleblower Law - Department of
Juvenile Services Employees

This bill prohibits a supervisor, appointing authority, or head of a principal unit from taking or refusing to take any personnel action as a reprisal against an employee of the Department of Juvenile Services (DJS) who discloses information to the Director of Juvenile Justice Monitoring or the unit's staff relating to the unit's duties. An employee who discloses information may seek a remedy as provided under current law. The Secretary of Juvenile Services must provide all DJS employees with written notice of these protections and remedies, and information on the whistleblower protections and remedies must be included in the department's employee handbook and in any new employee orientation or training.

Fiscal Summary

State Effect: The bill's requirements can be absorbed within existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Maryland Whistleblower Law protects State Executive Branch employees who disclose 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.

The Juvenile Justice Monitoring Unit within the Office of the Attorney General investigates the needs of children under the jurisdiction of DJS and determines whether their needs are being met in compliance with State law. This includes reporting on allegations of abuse and on treatment of and services for youth held in facilities.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Budget and Management; Department of Juvenile Services; Office of the Attorney General; Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2020
mr/mcr Third Reader - March 16, 2020

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