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March 15, 2022

To: The Honorable Maggie McIntosh  
Chair, Appropriations Committee

From: Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

Re: HB1099 – State Personnel – Whistleblower Law – Procedures and Remedies (First  
Amendment and Public Employee Protection Act) – **Support in Concept**

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Chair McIntosh, Vice Chair Chang, and distinguished Members of the Appropriations Committee, I write on behalf of the Office of Attorney General to urge a favorable report on House Bill 1099. This legislation, introduced by Delegate Bagnall, will improve State employee whistleblower protections by creating statutory damages of \$5,000 for sustained allegations of reprisal, extending the time for filing a whistleblower complaint from 6 months to 2 years, reducing the time for management to investigate and respond from 20 days to 15 days, and redefining what constitutes a “retaliatory action” for purposes of our Whistleblower Law.

House Bill 1099 places additional responsibilities upon the Office of Attorney General to investigate and produce findings of fact and conclusions of law in all complaints where the matter is not resolved within fifteen days. We believe that, as an initial matter, we can perform these functions with an additional assistant attorney general (AAG) and an additional administrative staffer who would make up a whistleblower investigations unit within the Office. This will take the burden of investigating such claims off of agency AAGs within the various executive branch agencies.

For all the foregoing reasons, I urge a favorable report on HB 1099.

cc: Appropriations Committee Members