



HB 1099

State Personnel - Whistleblower Law - Procedures and Remedies (First Amendment and Public Employee Protection Act)

FAVORABLE

HB1099 makes several critical improvements to the State Personnel – Whistleblower Law.

First, the Bill expands the scope of protection from unlawful retaliation for a protected disclosure. Nothing, in the current law, prohibits or protects against the **threat** of retaliation, which, of course, can be a powerful weapon to force silence onto someone what wants to do the right thing and “blow the whistle. A boss can say, if you tell, I will file you – there is nothing unlawful about that. However, by making the threat itself unlawful, the Bill provides the necessary protection for a whistleblower to come forward.

Second, the Bill calls for the Office of the Attorney General to conduct an investigation into the claimed retaliation if the complaint cannot be resolved at the first stage by the Principal Unit. This allows for an unbiased investigation. Others the Executive Branch is investigating itself and there are inherent problems with that. The Bill also

Third, the Bill reasonably expands the definition of a protected disclosure to include:

INFORMATION RELATING TO BUSINESS OR OTHER ACTIVITIES OF THE STATE, INCLUDING INFORMATION RELATING TO ISSUES OF PUBLIC HEALTH OR SAFETY, DATA PRESERVATION; CYBERSECURITY, CRIMES AND THE INVESTIGATION OF CRIMES, AND OTHER MATTERS REQUIRING PROACTIVE ACTION, THAT THE EMPLOYEE REASONABLY BELIEVES, IF DISCLOSED, IS IN THE PUBLIC INTEREST;

Currently, these all could be unprotected disclosures.

Fourth, and finally, the Bill actually appropriately protects and rewards State Executive employees to report wrongdoing by allowing them to recover statutory damages of at least \$5,000 and compensatory damages, in addition to what is allowed in the current law.

This Bill also will not open the “floodgates” to anything. The private sector is not affected by this Bill. The Bill will serve to only foster better and more transparent government, and to protect the brave whistleblowers that come forward.

The Maryland Association for Justice urges a Favorable Report

