



HB468 PUBLIC SCHOOL EMPLOYEES – WHISTLEBLOWER PROTECTIONS – CIVIL ACTIONS

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EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

OPPOSE

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

Anne Arundel County Public Schools (AACPS) opposes **HB468 Public School Employees – Whistleblower Protections – Civil Actions**. This bill repeals the prerequisite that a public school employee who is engaging in whistleblowing, as specified, exhaust any administrative remedies before instituting a civil action. However, under the bill, a public school employee who is subject to a personnel action due to whistleblowing must notify the local superintendent of schools in writing of the employee's intention to institute a civil action. In addition, the bill establishes an administrative complaint and remediation process for public school employees engaged in whistleblowing who have been subject to personnel action.

AACPS supports the rights of employees to take actions to report unlawful behavior. AACPS takes allegations of fraud seriously and has made efforts to provide employees with the support they need to report unlawful behavior. AACPS employees currently have the option of reporting issues such as those covered in this bill to their supervisors or to a hotline. If an employee does not feel comfortable reporting such information to a supervisor or member of management, the employee has the option to directly and anonymously report such information to the AACPS Financial Fraud, Waste, or Abuse Hotline. The hotline is available 24 hours a day, 7 days a week. However, we have concerns that this legislation would fully repeal the requirement that an employee exhaust administrative remedies before seeking civil action.

This repeal will result in increased litigation, and AACPS would likely be required to hire additional staff to take on the increased workload that is inevitable under this bill. In addition, AACPS would be required to hire counsel to pay additional legal fees for counsel to handle the increased litigation which is also inevitable under this bill. Accordingly, this legislation would result in an unfunded mandate, which AACPS opposes.

When the Whistleblower Protection Act was introduced in 2017, AACPS supported this provision which reasonably requires employees to utilize the available administrative procedures before filing a complaint in court. This provision helps ensure a balanced approach to facilitating employee disclosures and prompt school system responses to any alleged unlawful activities. Removing this provision from the existing law to exhaust administrative avenues would, unfortunately, lead to a much more adversarial process and more litigation.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on HB468.