

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 2

### Bill No. 7 -2020

Introduced by: Christiana Rigby  
Co-sponsored by: Opel Jones, Deb Jung, and Liz Walsh

AN ACT allowing employees of Howard County to make specified disclosures to specified officials; prohibiting a person from retaliating for or limiting certain disclosures; authorizing certain complaints relating to disclosures; providing for confidentiality of certain disclosures; setting certain penalties; providing for the application of this act to certain other measures; and generally relating to whistleblower protection.

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Introduced and read first time \_\_\_\_\_, 2020. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2020.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

This Bill was read the third time on \_\_\_\_\_, 2020 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2020

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard County  
2 Code is hereby amended as follows:

3 By adding:

4 Title 1. Human Resources

5 Subtitle 7. Disclosure protection.

6

7 **Title 1. Human Resources.**

8 **SUBTITLE 7. DISCLOSURE PROTECTION.**

9

10 **1.700. WHISTLEBLOWER PROTECTION.**

11 (A) *AUTHORITY TO REPORT.*

12 UNLESS THE DISCLOSURE IS SPECIFICALLY PROHIBITED BY LAW, AN EMPLOYEE OF HOWARD  
13 COUNTY, ACTING IN GOOD FAITH AND ON REASONABLE BELIEF, MAY DISCLOSE TO THE COUNTY  
14 AUDITOR:

15 (1) A VIOLATION OF A LAW, RULE, OR REGULATION BY A COUNTY OFFICER, EMPLOYEE, OR  
16 CONTRACTOR WHILE CONDUCTING COUNTY BUSINESS OR USING COUNTY PROPERTY;

17 (2) A GROSS WASTE OF COUNTY FUNDS;

18 (3) A GROSS ABUSE OF AUTHORITY BY A COUNTY OFFICIAL OR EMPLOYEE; OR

19 (4) A SPECIFIC AND SUBSTANTIAL DANGER TO PUBLIC HEALTH OR SAFETY DUE TO AN ACT OR  
20 OMISSION OF A COUNTY OFFICIAL, EMPLOYEE, OR CONTRACTOR.

21 (B) *PROHIBITED ACTS.*

22 (1) A SUPERVISOR, APPOINTING AUTHORITY, OR HEAD OF AN OFFICE OR DEPARTMENT MAY NOT  
23 THREATEN OR IN FACT TAKE OR REFUSE TO TAKE ANY PERSONNEL ACTION AS A REPRISAL AGAINST AN  
24 EMPLOYEE TO RESTRAIN, INFLUENCE, OR PREVENT AN EMPLOYEE FROM MAKING A DISCLOSURE UNDER  
25 SUBSECTION (A) OF THIS SECTION.

26 (2) (I) FOR PURPOSES OF THIS PARAGRAPH, “RETALIATE” MEANS TO TAKE AN ADVERSE  
27 EMPLOYMENT ACTION AGAINST AN EMPLOYEE OF THE COUNTY INCLUDING, BUT NOT LIMITED TO,  
28 THREATS OF RETALIATION, DISCHARGE, DISCRIMINATION IN COMPENSATION, OR DISCRIMINATION IN  
29 CONDITIONS OF EMPLOYMENT.

1 (II) A SUPERVISOR, APPOINTING AUTHORITY, OR HEAD OF AN OFFICE OR DEPARTMENT  
2 MAY NOT RETALIATE AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE MAKES A DISCLOSURE UNDER  
3 SUBSECTION (A) OF THIS SECTION.

4 (C) *COMPLAINTS.*

5 (1) AN EMPLOYEE WHO SEEKS RELIEF FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION  
6 MAY FILE A COMPLAINT WITH THE HUMAN RESOURCES ADMINISTRATOR OR, IF THE SUBJECT OF THE  
7 COMPLAINT IS THE ADMINISTRATOR, THE CHIEF ADMINISTRATIVE OFFICER.

8 (2) THE HUMAN RESOURCES ADMINISTRATOR OR THE CHIEF ADMINISTRATIVE OFFICER SHALL  
9 INVESTIGATE THE COMPLAINT AND THE CHIEF ADMINISTRATIVE OFFICER SHALL REPORT THE FINDINGS  
10 TO THE HOWARD COUNTY COUNCIL, THE COUNTY AUDITOR, AND THE COUNTY EXECUTIVE.

11 (D) *CONFIDENTIALITY.*

12 TO THE EXTENT ALLOWED BY LAW, THE IDENTITY OF A PERSON WHO MAKES A DISCLOSURE  
13 UNDER THIS SECTION SHALL BE KEPT CONFIDENTIAL.

14 (E) *PENALTIES.*

15 VIOLATION OF SUBSECTION (B) OF THIS SECTION IS GROUNDS FOR DISMISSAL UNDER THE  
16 PERSONNEL RULES OF HOWARD COUNTY.

17 **1.701. OTHER REMEDIES NOT AFFECTED.**

18 NOTHING IN THIS SUBTITLE ABRIDGES OR PRECLUDES:

19 (1) AN ACTION FOR DEFAMATION OR INVASION OF PRIVACY;

20 (2) EMPLOYEE PROTECTIONS OR EMPLOYEE GRIEVANCE PROCEDURES;

21 (3) ANY OTHER LAWFUL REMEDY; OR

22 (4) A PERSONNEL ACTION THAT WOULD HAVE BEEN TAKEN REGARDLESS OF A DISCLOSURE OF  
23 INFORMATION.

24  
25 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall*  
26 *become effective 61 days after its enactment.*