

HOUSE BILL 1514

P4, E3

0lr2255

By: **Delegates Feldmark, Acevero, Barron, Cain, Carr, Ebersole, Guyton, Ivey, R. Lewis, Love, Moon, Palakovich Carr, Shetty, Stewart, Terrasa, Washington, Wilkins, and P. Young**

Introduced and read first time: February 7, 2020

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel and Pensions – Maryland Whistleblower Law – Department of**
3 **Juvenile Services Employees**

4 FOR the purpose of requiring the Secretary of Juvenile Services to take certain actions
5 related to certain protections and remedies for certain employees; prohibiting a
6 supervisor, appointing authority, or the head of a principal unit of State government
7 from taking or refusing to take any personnel action or reprisal against an employee
8 of the Department of Juvenile Services who discloses certain information to the
9 Director of Juvenile Justice Monitoring or staff of the Juvenile Justice Monitoring
10 Unit; making a certain prohibition against retaliation against certain employees who
11 seek certain remedies provided under certain provisions of law applicable to
12 employees of the Department who seek certain remedies following certain
13 disclosures under this Act; and generally relating to the Maryland Whistleblower
14 Law and employees of the Department of Juvenile Services.

15 BY repealing and reenacting, without amendments,
16 Article – State Government
17 Section 6–404(1)
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2019 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – State Personnel and Pensions
22 Section 5–304 and 5–305
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2019 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Government**

2 6–404.

3 The Unit shall:

4 (1) evaluate at each facility:

5 (i) the child advocacy grievance process;

6 (ii) the Department’s monitoring process;

7 (iii) the treatment of and services to youth;

8 (iv) the physical conditions of the facility; and

9 (v) the adequacy of staffing;

10 **Article – State Personnel and Pensions**

11 5–304.

12 (A) The head of each principal unit shall provide the employees of the unit with
13 written notice of the protections and remedies provided by this subtitle.

14 (B) **IN ADDITION TO THE REQUIREMENT SPECIFIED IN SUBSECTION (A) OF**
15 **THIS SECTION, THE SECRETARY OF JUVENILE SERVICES SHALL:**

16 (1) **PROVIDE ALL EMPLOYEES OF THE DEPARTMENT OF JUVENILE**
17 **SERVICES WITH WRITTEN NOTICE OF THE PROTECTIONS AND REMEDIES PROVIDED**
18 **BY § 5–305(2) AND (3) OF THIS SUBTITLE; AND**

19 (2) **INCLUDE INFORMATION ON THE PROTECTIONS AND REMEDIES**
20 **PROVIDED BY § 5–305(2) AND (3) OF THIS SUBTITLE IN THE DEPARTMENT’S**
21 **EMPLOYEE HANDBOOK AND IN ANY NEW EMPLOYEE ORIENTATION OR TRAINING.**

22 5–305.

23 Subject to the limitations of § 5–306 of this subtitle, a supervisor, appointing
24 authority, or the head of a principal unit may not take or refuse to take any personnel
25 action as a reprisal against [an employee who]:

26 (1) **AN EMPLOYEE WHO** discloses information that the employee
27 reasonably believes evidences:

1 (i) an abuse of authority, gross mismanagement, or gross waste of
2 money;

3 (ii) a substantial and specific danger to public health or safety; or

4 (iii) a violation of law; [or]

5 **(2) AN EMPLOYEE OF THE DEPARTMENT OF JUVENILE SERVICES**
6 **WHO DISCLOSES INFORMATION TO THE DIRECTOR OF JUVENILE JUSTICE**
7 **MONITORING OR STAFF OF THE JUVENILE JUSTICE MONITORING UNIT RELATING**
8 **TO THE UNIT'S DUTIES UNDER § 6-404(1) OF THE STATE GOVERNMENT ARTICLE;**
9 **OR**

10 **[(2)] (3) AN EMPLOYEE WHO,** following a disclosure under item (1) **OR**
11 **(2)** of this section, seeks a remedy provided under this subtitle or any other law or policy
12 governing the employee's unit.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2020.