

BILL: House Bill 1145
TITLE: Public School Employee Whistleblower Protection Act
DATE: March 7, 2017
POSITION: OPPOSE
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 1145, which would establish a stand-alone Whistleblower Protection Act for public school employees.

MABE's opposition to this legislation is grounded in the belief that public school employees already enjoy a high standard of due process protections under Maryland law; and that these protections afford many assurances of transparent complaint and dispute resolution processes for employees who believe they have been retaliated against. At the same time, MABE has reviewed the State Employee Whistleblower Protection Act, and believes that it provides a more narrowly defined and established set of parameters for employee disclosures, among many other provisions. Lastly, MABE requests that if the State's approach to whistleblower protection is to be reformed, the effort should not single out the category of the employees of local school systems as a unique stand-alone section of the statute. Other State's laws, if they have enacted any whistleblower protection, range from covering all public and private sector employees, to all public sector employees, to the approach Maryland takes today by covering only State employees.

The State Employee Whistleblower Protection Act, Title 5 of the State Personnel and Pensions Article, §§ 5-301 – 314, prohibits an employer from retaliating against an employee with respect to the employee's compensation and terms, conditions or privileges of employment, on the basis of the employee's protected disclosure. This law prohibits an employer from retaliating against an employee with respect to the employee's compensation and terms, conditions or privileges of employment, on the basis of the employee's protected disclosure. Importantly, the employee's protected disclosures are defined under § 5-305 as disclosures of information that the employee reasonably believes evidences: (i) an abuse of authority, gross mismanagement, or gross waste of money; (ii) a substantial and specific danger to public health or safety; or (iii) a violation of law. MABE believes that these and other provisions of the State law already provide legally established definitions and procedures which could be broadened in scope if and when deemed warranted by the General Assembly.

For these reasons, MABE opposes House Bill 1145 and requests an unfavorable report.