

WHAT IS A WHISTLEBLOWER COMPLAINT?

Pursuant to the **Annotated Code of Maryland State Personnel and Pensions (SP&P) Article**, a whistleblower complaint is a complaint from an employee *alleging that a personnel action was taken* in retaliation against the employee for the employee's disclosure of impropriety in government.

According to the SP&P, the Law applies to all employees and State employees who are applicants for positions in the Executive Branch of the State government, including a unit with an independent personnel system.

The SP&P §5-305, "Disclosure of Information – Reprisal prohibited" provides that *a supervisor, appointing authority or head of the principal unit may not take or refuse to take any personnel action as a reprisal against an employee who:*

- (1) *Discloses information that the employee reasonably believes evidences:*
 - (I) *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 the law, or*
- (2) *Following a disclosure under item (1) of this section seeks a remedy, provided under this or any other law or policy governing the employee's unit.*

The qualifying disclosure must happen first, and then as a result of that disclosure you must experience an *adverse personnel action*.

Be advised that Whistleblower complaints must be filed with the Department of Budget and Management's (DBM) Office of the Statewide Equal Employment Opportunity Coordinator (OSEEOC). A whistleblower complaint **must be filed within six months** after the complainant first knew of, or reasonably should have known of the violation. Within 60 days after a complaint is received, the complaint shall be investigated to determine whether a violation has occurred. At

the conclusion of the investigation a written decision shall be issued to the parties. Within ten days after receiving a decision, a complainant may appeal the decision to the Office of Administrative Hearings (OAH). The decision of the OAH is final.

Additionally, pursuant to the State Personnel and Pensions Article §5-214, the information obtained as part of an investigation conducted under this subtitle is confidential within the meaning of Title 10, Subtitle 6 of the State Government Article.

If you wish to file a whistleblower complaint, click on the link below for “Whistleblower Complaint”, which will take you to the DBM website to do so. That is where whistleblower complaints are required to be filed.

If you should have questions concerning the filing of your whistleblower complaint with DBM’s Office of the Statewide EEO Coordinator (OSEEOC), that office may be contacted at 410-767-3800

Whistleblower Complaint

<http://www.dbm.maryland.gov/eo/Pages/EEOFileComplaint.aspx>