

EQUAL EMPLOYMENT OPPORTUNITY

FREQUENTLY ASKED QUESTIONS FOR WHISTLEBLOWING

Question: What is a Whistleblower complaint?

Answer: 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.

Question: Who is covered by the Law?

Answer: 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.

Question: How are disclosures of information protected?

Answer: 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 employees unit.

Question: How long does an employee have to file a complaint?

Answer: A complaint must be filed within 6 months after the complainant first knew of or reasonably should have known of the violation.

Question: How long will it be until an employee receives a decision?

Answer: Within 60 days after a complaint is received the complaint shall be investigated to determine whether a violation has occurred. The head of the principal unit or designee in this case the Statewide Equal Employment Opportunity Coordinator shall issue a written decision to the parties.

Question: Can an employee appeal the decision?

Answer: Yes, within 10 days after receiving a decision a complainant may appeal the decision to the Office of Administrative Hearings. The decision of the Office of Administrative Hearings is final.

Question: Will my Whistleblower complaint be held confidential?

Answer: State Personnel and Pensions Article § 5-314 state 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.