

Maryland Whistleblower Law

How to file a Complaint

Steps in Procedure

- An employee subject to this subtitle may file with the Secretary of Department of Budget and Management or the Office of the Statewide EEO Coordinator a complaint that alleges a violation of § 5-305 of this subtitle. A complaint under this subtitle must be filed within **6 months** after the complainant first knew of or reasonably should have known of the violation.
- When a complaint is received, the OSEEOC promptly shall: (1) send a copy of the complaint to the head of the principal unit named in the complaint; and (2) advise the head of the principal unit to respond in writing to the complaint within **20 days** after receiving the copy of the complaint.
- Within **60 days** after a complaint is received: (1) the complaint shall be investigated to determine whether a violation of 5-305 of this subtitle has occurred: (i) by the Secretary or designee of the Secretary (Office of the Statewide EEO Coordinator); or (ii) if the Department is charged in the complaint, by a designee of the Governor; and (2) the Secretary or designee or the Governor's designee shall: (i) take the action described in subsection (d)(1) or (2) of this section; and (ii) issue to the complainant and head of the principal unit a written decision that includes any remedial action taken.
- If the OSEEOC determines that a violation has not occurred, the Secretary or Governor's designee shall dismiss the complaint. (2) If the OSEEOC determines that a violation has occurred, the Secretary or designee shall take appropriate remedial action.
- A complainant may appeal to the Office of Administrative Hearings: (1) within **10 days** after receiving a decision under § 5-309 of this subtitle; or (2) when a decision is not issued within **60 days** after the complaint is filed and the complainant requests a hearing.
- The Office of Administrative Hearings shall conduct a hearing on each appeal in accordance with Title 10, Subtitle 2 of the State Government Article. The Office is bound by any regulation, declaratory ruling, prior adjudication, or other settled, preexisting policy, to the same extent as the Department is or would have been bound if it were hearing the case.