

Standing alongside the right of free speech is the equally important right to privacy and confidentiality. The protection of one must not overshadow the other as long as accommodation of both is possible.

The purpose of this subtitle is to prohibit any State appointing authority from using a personnel action as a retaliatory measure against an employee or applicant for State employment who has made a disclosure of illegality or impropriety. In recognition of the need to keep some types of information confidential, this subtitle provides that certain information may be freely provided to the office of the Attorney General by classified employees under the same protection from employment retaliation; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 64A - Merit System

EMPLOYEE DISCLOSURE AND CONFIDENTIALITY PROTECTION

12F.

NOTHING IN THIS SUBTITLE SHALL ABRIDGE ANY ACTION FOR DEFAMATION OR INVASION OF PRIVACY.

12G.

(A) (1) UNLESS A DISCLOSURE IS SPECIFICALLY PROHIBITED BY LAW, AN APPOINTING AUTHORITY MAY NOT TAKE OR REFUSE TO TAKE A PERSONNEL ACTION WITH RESPECT TO AN EMPLOYEE OR APPLICANT FOR EMPLOYMENT AS A REPRISAL FOR, ~~OR BECAUSE OF,~~ ANY DISCLOSURE OF INFORMATION BY THE EMPLOYEE OR APPLICANT FOR CLASSIFIED EMPLOYMENT WHICH THE EMPLOYEE OR APPLICANT REASONABLY BELIEVES EVIDENCES:

(I) A VIOLATION OF ANY LAW, RULE, OR REGULATION;

(II) GROSS MISMANAGEMENT, GROSS WASTE OF FUNDS, OR ABUSE OF AUTHORITY; OR

(III) A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY.

(2) THIS SUBTITLE PROVIDES REMEDIES WHICH ARE SUPPLEMENTAL TO ORDINARY STATE EMPLOYEE GRIEVANCE PROCEDURES PRESCRIBED BY THIS ARTICLE AND RULES AND REGULATIONS PROMULGATED THERETO.

(3) THIS SECTION DOES NOT PROHIBIT ANY PERSONNEL ACTION WHICH OTHERWISE WOULD HAVE BEEN TAKEN REGARDLESS OF ANY DISCLOSURE OF INFORMATION.

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