

CHAPTER 431

(House Bill 221)

AN ACT concerning

State Employee Disclosure and Confidentiality Protection -
Department of Personnel

FOR the purpose of requiring that certain investigations and procedures be performed by a designee of the Governor when a complaint under the State employee disclosure and confidentiality protection law is filed against the Department of Personnel.

BY repealing and reenacting, with amendments,

Article 64A - Merit System
Section 12H and 12-I
Annotated Code of Maryland
(1983 Replacement Volume and 1985 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 64A - Merit System

12H.

(a) The Secretary of Personnel shall develop rules and procedures for the handling and resolution of allegations of violations of this subtitle.

(b) An employee or applicant for employment may charge an appointing authority with a violation of § 12G of this subtitle in a complaint filed with the Secretary of Personnel. The Secretary shall notify the appointing authority of the complaint and shall provide an opportunity for the authority to respond to the complaint in writing.

(c) (1) [The] EXCEPT WHEN THE COMPLAINT IS FILED AGAINST THE DEPARTMENT OF PERSONNEL, THE Secretary shall investigate all complaints filed pursuant to subsection (b) of this section. WHEN THE COMPLAINT IS FILED AGAINST THE DEPARTMENT OF PERSONNEL, A DESIGNEE APPOINTED BY THE GOVERNOR SHALL INVESTIGATE COMPLAINTS FILED UNDER SUBSECTION (B) OF THIS SECTION. The Secretary shall promptly send a copy of a complaint to any person named in the complaint as having violated this subtitle.

(2) If the Secretary, OR GOVERNOR'S DESIGNEE, in the course of investigating a complaint, finds that there are reasonable grounds to believe that a criminal offense has been committed, the matter shall be referred promptly to an appropriate prosecuting authority. The Secretary, OR GOVERNOR'S