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BILL: House Bill 1145  
TITLE: Public School Employee Whistleblower Protection Act  
DATE: March 7, 2017  
POSITION: OPPOSE  
COMMITTEE: Ways and Means  
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House Bill 1145 prohibits a public school employer from taking or refusing to take specified personnel actions as a reprisal against public school employees who disclose specified behavior or refuse to participate in specified behavior; providing that specified protections under the Act apply only if specified employees have a good faith belief that the employer is engaged or has engaged in unlawful activity and that the unlawful activity poses a substantial and specific danger to public health or safety.

PSSAM understand the intent of this proposed legislation. However, we **oppose** House Bill 1145.

Maryland already has a Whistleblower Law. State Personnel and Pensions Article Title 5, subtitle 3, prohibits an employer from retaliating against an employee with respect to the employee's compensation and terms, conditions or privileges of employment, on the basis of the employee's protected disclosure. This law prohibits an employer from retaliating against an employee with respect to the employee's compensation and terms, conditions or privileges of employment, on the basis of the employee's protected disclosure.

Under Maryland's Whistleblower Law, disclosure of information is protected. A supervisor, appointing authority, or the head of a 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 an abuse of authority, gross mismanagement, or gross waste of money; a substantial and specific danger to public health or safety; or a violation of law; or (2) following a disclosure under item (1) seeks a remedy provided under the Whistleblower Law or any other law or policy governing the employee's unit. This law applies to all employees and State employees who are applicants for positions in the Executive Branch of State Government, including a unit with an independent personnel system.

PSSAM supports the concept of providing whistleblower coverage for public school employees. We believe that the practice of whistleblowing is increasingly becoming an appropriate action that is valued by the public. As local superintendents, we want our employees to raise concerns in a reasonable and responsible way.

However, we do not believe that it is necessary to pass legislation for a specific category of employees, in this case public school staff. We believe that a more effective strategy would be to update the current Maryland Whistleblower Law to include public school employees and any other group of workers not provided protection under the current Maryland Whistleblower Act.

For the reasons stated above, PSSAM opposes House Bill 1145.