


F R O M	Name & Title	Quinton Herbert, Director and Chief Human Capital Officer	CITY OF BALTIMORE MEMO	
	Agency Name & Address	Department of Human Resources 7 East Redwood St., Baltimore, MD 21202		
	Subject	CITY COUNCIL BILL #19-0377 / Whistle Blower Law Procedures		

TO: The Honorable Bernard “Jack” Young and
Members of the Baltimore City Council
City Hall, 100 N. Holliday Street, Room 409

DATE: September 13, 2019

Summary of the Bill

Council Bill 19-0377 proposes to create a Whistleblower Board; authorizes that board to create local City-of Baltimore rules, regulations and procedures guiding Whistleblower complaints; authorizes and/or commands a use of Inspector General office to investigate complaints; mandates Citywide training by the IG; and requires the IG to create an administrative manual detailing these new whistleblower complaint procedural requirements.

DHR’s Recommendation

The Department of Human Resources **supports** City Council Bill 19-0377 with the following proposed amendments:

- Bill §8-1 proposes to include whom are affiliated with the City of Baltimore. §8-1(B) lists a number of agencies that are state or federal entities that may not be subject to the bill including the Baltimore Police Department and the Housing Authority of Baltimore City. Bill §8-1 (G)- Strike and replace with “‘Supervisor’ means any individual who directly or indirectly oversees the work of an employee who files a complaint under this subtitle.”
- Bill § 8-3 (A) add the words “for making a covered disclosure”. STRIKE § 8-3(B)(2) in its entirety. An unlawful disclosure to the agencies identified in § 8-3(B)(2) does not make the disclosure legal or protect the employee from making the otherwise illegal disclosure from adverse action. For example, a disclosure that violates the Maryland Public Information Act (“MPIA”) would not shield the City or the disclosing employee from a claim from an aggrieved employee. The current language also seemingly conflicts with the language in § 8-3(A).
- Bill § 8-5 (C)(2)- STRIKE “as prima facie evidence of a violation of “the intent and spirit” of this Charter within the meaning of City Charter Article VII, §95(F) and § 100(A)(5)” and REPLACE with “in disposing of the matter before it.”
- Bill § 8-7(B) STRIKE “150 days” and REPLACE with “60 days” to provide consistency with the amount of time prescribed for conducting whistleblower investigations within the agencies.
- Bill § 8-12 The Department of Human Resources (“DHR”) Office of Learning and Development is tasked with providing training on City of Baltimore Policies and Procedures on an citywide basis. Consequently, DHR with assistance from the OIG and the Law Department, should conduct trainings regarding this subtitle.

Council Bill 19-0377 appears to codify a local set of rules and regulations for the City of Baltimore that would prescribe a more particular process for handling Whistleblower complaints within the City's local government. Again DHR supports the bill with the aforementioned modifications.