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Council Vice President Ervin Introduce Bill to Encourage Montgomery Contract Workers to Report Fraud, Waste and Abuse

Bill Would Prevent Retaliation Against Contract Employees Who Provide Information About Mismanagement



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ROCKVILLE, Md., January 15, 2010—Montgomery County Council Vice President Valerie Ervin, who represents Kensington, Takoma Park, Silver Spring and Wheaton, will introduce a bill on Tuesday, Jan. 19, to protect employees working for County contractors who report fraud, waste and abuse to County government officials. Co-sponsors of Bill 2-10 include Council President Nancy Floreen and Councilmembers Phil Andrews, Marc Elrich, Nancy Navarro and Duchy Trachtenberg.

Current County law protects County employees who report fraud, waste and abuse. However, the same protection is not provided to employees working under County contracts. The bill would help create an environment where a contract employee is more likely to report an employer who may be wasting government funding or creating a public health or safety danger.

Bill 2-10 states “that an employee of County government or any outside agency of the County and an employee of any contractor or subcontractor with the County must not be retaliated against or penalized, or threatened with retaliation or penalty, for providing information to, cooperating with, or in any way assisting the inspector general in connection with any activity of that office.”

“We have a finite amount of County dollars and we have to make sure that they are being used for their intended purpose,” said Councilmember Ervin, who is a member of the Council’s Management and Fiscal Policy Committee. “It makes no difference if these dollars are being spent by County government or by County contractors.”

The bill also provides that a contract employee must not be subjected to a personnel action for disclosing information to the County that a contractor has engaged in gross mismanagement, wasted County funds or has acted to create a substantial and specific danger to public health or safety. In addition, each County contract would prohibit retaliation against an employee who discloses any illegal or improper action. An aggrieved employee may, by civil action, recover compensatory damages including interest and a reasonable attorney’s fee against the employer for retaliation.

“Once the County Council appropriates funding for County contracts, it is up to the executive branch to make sure that these contracts are being administered properly,” said Councilmember Ervin. “Employees are often the best sources of information in cases of fraud, waste and abuse, and they should be protected if they come forward with information, instead of fearing termination for doing the right thing.”

In 1997, the County Council passed legislation to create an Inspector General’s Office to serve as a watchdog to detect and prevent fraud, waste and abuse. The County also established a fraud hotline (800-971-6059), which is available for residents and employees.

“I believe that we must do all we can to ensure that we are spending taxpayer funds efficiently and wisely,” said Councilmember Ervin. “The two main goals of this bill are to protect employees who expose fraud, waste and abuse from retaliation and to provide government officials with information that we may not otherwise have in situations where there may be mismanagement of government funds.”

A copy of Bill 2-10 can be found on the Montgomery County Web site at <http://www.montgomery-countymd.gov/cshtml.asp?url=/content/council/leg/bill/2009.asp>

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