

SENATE BILL 556

P4, P1, P5

9lr1148
CF HB 57

By: Senators Miller, Augustine, Bailey, Beidle, Benson, Carozza, Carter, Cassilly, Eckardt, Edwards, Elfreth, Ellis, Feldman, Ferguson, Gallion, Griffith, Guzzone, Hayes, Hershey, Hester, Hough, Jennings, Kagan, Kelley, King, Klausmeier, Kramer, Lam, Lee, McCray, Nathan-Pulliam, Patterson, Peters, Pinsky, Ready, Reilly, Rosapepe, Salling, Serafini, Simonaire, Smith, Waldstreicher, Washington, West, Young, Zirkin, and Zucker

Introduced and read first time: February 4, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Legislative and Executive Branches – Workplace Bullying**

3 FOR the purpose of requiring each manager and supervisor in the Legislative and
4 Executive branches of State government to immediately report to the appointing
5 authority or head of the principal unit, as appropriate, certain incidents of workplace
6 bullying; requiring that a report made under a certain provision of this Act be
7 investigated in a certain manner; requiring that training protocols for employees in
8 the Legislative and Executive branches of State government include the definition
9 of workplace bullying and certain procedures and resources; requiring that certain
10 employees take refresher workplace bullying prevention and response training at
11 certain intervals for a certain purpose; requiring that certain managers and
12 supervisors be trained in certain skills; requiring that certain training address
13 certain issues; authorizing certain employees to file a complaint regarding workplace
14 bullying with the appointing authority or head of the principal unit as appropriate;
15 requiring the appointing authority, head of the principal unit, or designee of the
16 appointing authority or head of the principal unit to investigate a certain complaint
17 in accordance with certain provisions of this Act; providing for the duties of the
18 appointing authority, head of the principal unit, or designee of the appointing
19 authority or head of the principal unit when investigating certain complaints;
20 requiring that a certain complainant be allowed to have representation at a certain
21 meeting if requested; requiring the appointing authority or head of the principal
22 unit, as appropriate, to take certain action regarding a certain complaint under
23 certain circumstances; requiring the appointing authority or head of the principal
24 unit, as appropriate, to take certain disciplinary action within a certain time period,
25 subject to a certain exception; authorizing the appointing authority or head of the
26 principal unit, as appropriate, to reassign certain employees; providing that

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 reassignment of certain employees is not disciplinary action for the purposes of
2 certain provisions of law; requiring certain employees to participate in certain
3 retraining except under certain circumstances; requiring the appointing authority,
4 head of the principal unit, or designee of the appointing authority or head of the
5 principal unit to take certain action if a certain employee was found not to have
6 engaged in workplace bullying; requiring the appointing authority, head of the
7 principal unit, or designee of the appointing authority or head of the principal unit
8 to document certain actions; requiring the appointing authority, head of the principal
9 unit, or designee of the appointing authority or head of the principal unit to send to
10 a certain complainant certain information in writing; authorizing a complainant to
11 file a certain grievance within a certain time period under certain circumstances;
12 authorizing certain employees to file a complaint regarding workplace bullying with
13 the head of the principal unit or the equal employment opportunity officer for the
14 principal unit; requiring that a certain complaint be in writing and filed within a
15 certain time period; requiring the equal employment opportunity officer for the
16 principal unit to take certain action regarding a certain complaint within a certain
17 time period; requiring the head of the principal unit or designee of the head of the
18 principal unit to issue to a certain complainant a certain written decision;
19 authorizing the head of the principal unit or designee of the head of the principal
20 unit to grant appropriate relief to a certain complainant; authorizing a certain
21 complainant to appeal a certain decision to the Office of the Statewide Equal
22 Employment Opportunity Coordinator in writing within a certain time period;
23 requiring the Statewide Equal Employment Opportunity Coordinator to take certain
24 action within a certain time period; authorizing the Secretary of Budget and
25 Management to take certain action after receiving a certain recommendation;
26 authorizing certain employees who witness workplace bullying to report the
27 information to the appointing authority or head of the principal unit, as appropriate;
28 authorizing certain employees to make a certain report anonymously; requiring the
29 appointing authority or head of the principal unit, as appropriate, to investigate a
30 certain report to the extent practicable; requiring certain human resources
31 departments to collect and share with the Department of Budget and Management
32 certain data regarding workplace bullying; requiring that certain data be tabulated
33 in a certain manner for a certain purpose; providing for the intent of the State;
34 providing for the application of certain provisions of this Act; defining certain terms;
35 and generally relating to workplace bullying in the Legislative and Executive
36 branches of State government.

37 BY repealing and reenacting, without amendments,
38 Article – State Personnel and Pensions
39 Section 1–101(a), (b), (f), (k), and (m)
40 Annotated Code of Maryland
41 (2015 Replacement Volume and 2018 Supplement)

42 BY adding to
43 Article – State Personnel and Pensions
44 Section 2–901 through 2–909 to be under the new subtitle “Subtitle 9. Workplace
45 Bullying”

1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2018 Supplement)

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

5 **Article – State Personnel and Pensions**

6 1–101.

7 (a) In this Division I of this article the following words have the meanings
8 indicated.

9 (b) “Appointing authority” means an individual or a unit of government that has
10 the power to make appointments and terminate employment.

11 (f) Unless expressly provided otherwise, “Department” means the Department of
12 Budget and Management.

13 (k) “Principal unit” means:

14 (1) a principal department or other principal independent unit of State
15 government; or

16 (2) for an employee of a county board of elections whose employees are
17 covered by this article, the county board of elections.

18 (m) “Secretary” means the Secretary of Budget and Management.

19 **SUBTITLE 9. WORKPLACE BULLYING.**

20 **2–901.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 **(B) “STATEWIDE EQUAL EMPLOYMENT OPPORTUNITY COORDINATOR”**
24 **MEANS THE EQUAL EMPLOYMENT OPPORTUNITY COORDINATOR APPOINTED**
25 **UNDER § 5–206 OF THIS ARTICLE.**

26 **(C) (1) “WORKPLACE BULLYING” MEANS:**

27 **(I) INTENTIONAL, PERSISTENT, MALICIOUS, UNWELCOME,**
28 **SEVERE, OR PERVASIVE CONDUCT, WHETHER VERBAL OR PHYSICAL, THAT HARMS,**
29 **INTIMIDATES, OFFENDS, DEGRADES, OR HUMILIATES AN EMPLOYEE AT THE PLACE**
30 **OF WORK OR IN THE COURSE OF EMPLOYMENT; OR**

1 (II) BEHAVIOR THAT A REASONABLE PERSON WOULD FIND TO
2 BE HOSTILE, OFFENSIVE, AND NOT RELATED TO AN EMPLOYER'S LEGITIMATE
3 BUSINESS INTERESTS.

4 (2) "WORKPLACE BULLYING" INCLUDES:

5 (I) ENGAGING IN PERSONAL ATTACKS, INCLUDING ANGRY
6 OUTBURSTS, EXCESSIVE PROFANITY, AND NAME-CALLING;

7 (II) ENGAGING IN PERSONAL INSULTS AND USE OF OFFENSIVE
8 NICKNAMES;

9 (III) ENGAGING IN PUBLIC HUMILIATION;

10 (IV) ENCOURAGING OTHERS TO TURN AGAINST THE TARGETED
11 EMPLOYEE;

12 (V) SPREADING RUMORS AND GOSSIP ABOUT THE TARGETED
13 EMPLOYEE;

14 (VI) SABOTAGING A COWORKER'S WORK PRODUCT;

15 (VII) UNDERMINING AN EMPLOYEE'S WORK PERFORMANCE;

16 (VIII) THREATENING ABUSE TO AN INDIVIDUAL OR AN
17 INDIVIDUAL'S PROPERTY;

18 (IX) BEING UNJUSTIFIABLY OFFENSIVE TOWARD FELLOW
19 EMPLOYEES, WARDS OF THE STATE, OR THE PUBLIC;

20 (X) MAKING THREATS ABOUT JOB SECURITY WITHOUT
21 FOUNDATION; AND

22 (XI) REPEATEDLY INFLECTING VERBAL ABUSE, INCLUDING THE
23 USE OF DEROGATORY REMARKS, INSULTS, AND EPITHETS.

24 (3) "WORKPLACE BULLYING" DOES NOT INCLUDE:

25 (I) A SINGLE INCIDENT OF UNREASONABLE BEHAVIOR;

26 (II) TAKING DISCIPLINARY ACTION IN ACCORDANCE WITH
27 APPLICABLE LAW, REGULATION, OR POLICY;

1 (III) ROUTINE COACHING AND COUNSELING, INCLUDING
2 FEEDBACK ABOUT AND CORRECTION OF WORK PERFORMANCE OR CONDUCT;

3 (IV) EXERCISING MANAGEMENT'S PREROGATIVE TO:

4 1. APPOINT, PROMOTE, TRANSFER, OR REASSIGN AN
5 EMPLOYEE;

6 2. DIRECT OR ASSIGN WORK; OR

7 3. DETERMINE AND REDETERMINE THE METHODS AND
8 MEANS BY WHICH FUNCTIONS OF THE PRINCIPAL UNIT WILL BE CARRIED OUT;

9 (V) HAVING INDIVIDUAL DIFFERENCES IN STYLES OF
10 PERSONAL EXPRESSION THAT MAY LEAD TO CONFLICT, IF THE EXPRESSION IS NOT
11 MEANT TO INTIMIDATE; OR

12 (VI) HAVING DIFFERENCES OF OPINION ON WORK-RELATED
13 CONCERNS.

14 **2-902.**

15 THIS SUBTITLE APPLIES TO ALL EMPLOYEES IN THE LEGISLATIVE AND
16 EXECUTIVE BRANCHES OF STATE GOVERNMENT, INCLUDING EMPLOYEES IN ANY
17 UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM.

18 **2-903.**

19 IT IS THE INTENT OF THE STATE:

20 (1) TO EDUCATE ALL EMPLOYEES IN THE LEGISLATIVE AND
21 EXECUTIVE BRANCHES OF STATE GOVERNMENT ABOUT BULLYING IN THE
22 WORKPLACE;

23 (2) TO ENSURE THAT BULLYING IN THE WORKPLACE IS NOT
24 TOLERATED; AND

25 (3) THAT BULLYING IN THE WORKPLACE BE DEALT WITH IN AN
26 APPROPRIATE MANNER, WHICH MAY INCLUDE THE IMPOSITION OF DISCIPLINARY
27 ACTION, UP TO AND INCLUDING TERMINATION FROM STATE SERVICE.

28 **2-904.**

1 (A) EACH MANAGER AND SUPERVISOR IMMEDIATELY SHALL REPORT TO
2 THE APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL UNIT, AS APPROPRIATE,
3 ANY INCIDENT OF WORKPLACE BULLYING THAT IS WITNESSED BY THE MANAGER OR
4 SUPERVISOR OR IS BROUGHT TO THE ATTENTION OF THE MANAGER OR SUPERVISOR
5 BY ANOTHER EMPLOYEE.

6 (B) A REPORT MADE UNDER THIS SECTION SHALL BE INVESTIGATED IN THE
7 SAME MANNER AS A COMPLAINT FILED UNDER § 2-906 OR § 2-907 OF THIS
8 SUBTITLE.

9 2-905.

10 (A) TRAINING PROTOCOLS FOR EMPLOYEES, INCLUDING MANAGERS AND
11 SUPERVISORS, SHALL INCLUDE:

12 (1) THE DEFINITION OF WORKPLACE BULLYING; AND

13 (2) REPORTING AND INVESTIGATION PROCEDURES AND AVAILABLE
14 RESOURCES FOR THOSE WHO HAVE BEEN AFFECTED BY WORKPLACE BULLYING.

15 (B) EACH EMPLOYEE SHALL TAKE REFRESHER WORKPLACE BULLYING
16 PREVENTION AND RESPONSE TRAINING EVERY 2 YEARS TO ENSURE THAT THE
17 EMPLOYEE:

18 (1) IS AWARE OF THE EMPLOYEE'S ROLE IN RELATION TO
19 PREVENTING AND RESPONDING TO WORKPLACE BULLYING; AND

20 (2) HAS APPROPRIATE SKILLS TO TAKE ACTION REGARDING
21 WORKPLACE BULLYING WHEN NECESSARY.

22 (C) (1) IN ADDITION TO THE TRAINING REQUIRED UNDER SUBSECTION
23 (B) OF THIS SECTION, EACH MANAGER AND SUPERVISOR SHALL BE TRAINED IN
24 SKILLS THAT WILL HELP DEVELOP PRODUCTIVE AND RESPECTFUL WORKPLACE
25 RELATIONSHIPS.

26 (2) THE TRAINING PROVIDED UNDER PARAGRAPH (1) OF THIS
27 SUBSECTION SHALL ADDRESS:

28 (I) HOW TO COMMUNICATE EFFECTIVELY AND ENGAGE
29 EMPLOYEES IN DECISION MAKING;

30 (II) HOW TO MANAGE DIFFICULT CONVERSATIONS AND

1 PROVIDE CONSTRUCTIVE FEEDBACK BOTH FORMALLY AND INFORMALLY;

2 (III) CONFLICT MANAGEMENT;

3 (IV) HOW TO EFFECTIVELY MANAGE WORKLOADS AND
4 PERFORMANCE; AND

5 (V) DIVERSITY AND TOLERANCE.

6 2-906.

7 (A) THIS SECTION DOES NOT APPLY IF THE EMPLOYEE ALLEGES THAT THE
8 WORKPLACE BULLYING WAS BASED ON A PROTECTED STATUS LISTED UNDER §
9 2-907(A) OF THIS SUBTITLE.

10 (B) AN EMPLOYEE WHO BELIEVES THAT THE EMPLOYEE IS A VICTIM OF
11 WORKPLACE BULLYING MAY FILE A COMPLAINT WITH THE APPOINTING AUTHORITY
12 OR HEAD OF THE PRINCIPAL UNIT, AS APPROPRIATE.

13 (C) ON RECEIPT OF A COMPLAINT FILED UNDER SUBSECTION (B) OF THIS
14 SECTION, THE APPOINTING AUTHORITY, HEAD OF THE PRINCIPAL UNIT, OR
15 DESIGNEE OF THE APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL UNIT
16 SHALL INVESTIGATE THE COMPLAINT IN ACCORDANCE WITH SUBSECTION (D) OF
17 THIS SECTION.

18 (D) (1) THE APPOINTING AUTHORITY, HEAD OF THE PRINCIPAL UNIT, OR
19 DESIGNEE OF THE APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL UNIT
20 SHALL:

21 (I) MEET WITH:

22 1. THE COMPLAINANT IN A CONFIDENTIAL SETTING TO
23 COLLECT INFORMATION THAT THE COMPLAINANT BELIEVES IS PERTINENT TO THE
24 ALLEGATION OF WORKPLACE BULLYING;

25 2. ANY WITNESSES TO THE ALLEGED WORKPLACE
26 BULLYING; AND

27 3. THE EMPLOYEE AGAINST WHOM THE COMPLAINT WAS
28 FILED; AND

29 (II) PROVIDE THE EMPLOYEE AGAINST WHOM THE COMPLAINT
30 WAS FILED WITH A SUMMARY OF THE ALLEGATION.

1 **(2) IF REQUESTED, THE COMPLAINANT SHALL BE ALLOWED TO HAVE**
2 **REPRESENTATION AT THE MEETING HELD UNDER PARAGRAPH (1)(I) OF THIS**
3 **SUBSECTION.**

4 **(3) DURING A MEETING HELD UNDER PARAGRAPH (1)(I)1 OF THIS**
5 **SUBSECTION, THE APPOINTING AUTHORITY, HEAD OF THE PRINCIPAL UNIT, OR**
6 **DESIGNEE OF THE APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL UNIT**
7 **SHALL:**

8 **(I) LISTEN TO THE CONCERNS BEING EXPRESSED BY THE**
9 **COMPLAINANT WITH AN OPEN MIND;**

10 **(II) ASK OPEN-ENDED QUESTIONS TO SOLICIT AS MUCH**
11 **INFORMATION AS POSSIBLE;**

12 **(III) ASK WHETHER THERE WERE ANY WITNESSES TO THE**
13 **ALLEGED WORKPLACE BULLYING;**

14 **(IV) CONSIDER ANY DOCUMENTARY EVIDENCE THE**
15 **COMPLAINANT MAY PROVIDE; AND**

16 **(V) EXPLAIN THE NEXT STEPS TO THE COMPLAINANT.**

17 **(E) IF THE INVESTIGATION RESULTS IN A FINDING THAT WORKPLACE**
18 **BULLYING OCCURRED, THE APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL**
19 **UNIT, AS APPROPRIATE, SHALL:**

20 **(1) CONSIDER ANY MITIGATING CIRCUMSTANCES;**

21 **(2) DETERMINE THE APPROPRIATE DISCIPLINARY ACTION, IF ANY, TO**
22 **BE IMPOSED; AND**

23 **(3) GIVE THE EMPLOYEE WHO WAS DETERMINED TO HAVE ENGAGED**
24 **IN WORKPLACE BULLYING A WRITTEN NOTICE OF THE DISCIPLINARY ACTION TO BE**
25 **TAKEN, IF ANY, AND THE EMPLOYEE'S APPEAL RIGHTS.**

26 **(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
27 **APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL UNIT, AS APPROPRIATE,**
28 **SHALL TAKE APPROPRIATE DISCIPLINARY ACTION, IF ANY, WITHIN 30 DAYS AFTER**
29 **ACQUIRING KNOWLEDGE OF THE ALLEGED WORKPLACE BULLYING.**

30 **(2) IF A SUSPENSION WITHOUT PAY WILL BE IMPOSED, THE**

1 APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL UNIT, AS APPROPRIATE,
2 SHALL IMPOSE THE SUSPENSION NOT LATER THAN 5 WORKDAYS FOLLOWING THE
3 CLOSE OF THE EMPLOYEE'S NEXT SHIFT AFTER THE APPOINTING AUTHORITY OR
4 HEAD OF THE PRINCIPAL UNIT ACQUIRES KNOWLEDGE OF THE WORKPLACE
5 BULLYING FOR WHICH THE SUSPENSION IS IMPOSED.

6 (G) (1) IN ADDITION TO, OR IN LIEU OF, DISCIPLINE, THE APPOINTING
7 AUTHORITY OR HEAD OF THE PRINCIPAL UNIT, AS APPROPRIATE, MAY REASSIGN:

8 (I) THE COMPLAINANT, ON REQUEST OF THE COMPLAINANT;
9 OR

10 (II) THE EMPLOYEE WHO ALLEGEDLY ENGAGED IN OR WAS
11 FOUND TO HAVE ENGAGED IN WORKPLACE BULLYING.

12 (2) REASSIGNMENT OF AN EXECUTIVE BRANCH EMPLOYEE UNDER
13 PARAGRAPH (1) OF THIS SUBSECTION IS NOT A DISCIPLINARY ACTION FOR THE
14 PURPOSES OF TITLE 11 OF THIS ARTICLE.

15 (H) UNLESS THE EMPLOYEE HAS BEEN TERMINATED FROM STATE SERVICE,
16 AN EMPLOYEE WHO HAS BEEN FOUND TO HAVE ENGAGED IN WORKPLACE BULLYING
17 SHALL PARTICIPATE IN RETRAINING RELATING TO THE PROVISIONS OF THIS
18 SUBTITLE AND THE PROHIBITION AGAINST WORKPLACE BULLYING.

19 (I) IF THE EMPLOYEE WAS FOUND NOT TO HAVE ENGAGED IN WORKPLACE
20 BULLYING, THE APPOINTING AUTHORITY, HEAD OF THE PRINCIPAL UNIT, OR
21 DESIGNEE OF THE APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL UNIT
22 SHALL:

23 (1) DETERMINE WHETHER THERE ARE WORKPLACE ISSUES THAT
24 SHOULD BE ADDRESSED; AND

25 (2) IF SO, TAKE APPROPRIATE ACTION TO ADDRESS THE WORKPLACE
26 ISSUES.

27 (J) THE APPOINTING AUTHORITY, HEAD OF THE PRINCIPAL UNIT, OR
28 DESIGNEE OF THE APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL UNIT
29 SHALL DOCUMENT EACH ACTION TAKEN UNDER THIS SECTION.

30 (K) (1) THE APPOINTING AUTHORITY, HEAD OF THE PRINCIPAL UNIT, OR
31 DESIGNEE OF THE APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL UNIT
32 SHALL SEND TO THE COMPLAINANT IN WRITING THE OUTCOME OF THE
33 INVESTIGATION, THE STEPS THAT WERE TAKEN TO ADDRESS THE COMPLAINT, AND

1 SUFFICIENT INFORMATION TO SUPPORT THE OUTCOME.

2 (2) WITHIN 20 DAYS AFTER RECEIVING THE INFORMATION SENT
3 UNDER PARAGRAPH (1) OF THIS SUBSECTION, A COMPLAINANT MAY FILE A
4 GRIEVANCE IN ACCORDANCE WITH TITLE 12 OF THIS ARTICLE IF:

5 (I) THE COMPLAINANT BELIEVES THAT THE APPOINTING
6 AUTHORITY, HEAD OF THE PRINCIPAL UNIT, OR DESIGNEE OF THE APPOINTING
7 AUTHORITY OR HEAD OF THE PRINCIPAL UNIT MISINTERPRETED OR MISAPPLIED
8 THIS SUBTITLE IN RESOLVING THE COMPLAINT; AND

9 (II) TITLE 12 OF THIS ARTICLE APPLIES TO THE COMPLAINANT.

10 2-907.

11 (A) THIS SECTION APPLIES ONLY IF THE EMPLOYEE ALLEGES THAT THE
12 WORKPLACE BULLYING WAS BASED ON THE EMPLOYEE'S:

13 (1) AGE;

14 (2) ANCESTRY;

15 (3) COLOR;

16 (4) CREED;

17 (5) GENDER IDENTITY OR EXPRESSION;

18 (6) GENETIC INFORMATION;

19 (7) MARITAL STATUS;

20 (8) MENTAL OR PHYSICAL DISABILITY;

21 (9) NATIONAL ORIGIN;

22 (10) RACE;

23 (11) RELIGIOUS AFFILIATION, BELIEF, OR OPINION;

24 (12) SEX;

25 (13) SEXUAL ORIENTATION; OR

1 **(14) ANY OTHER PROTECTED STATUS.**

2 **(B) (1) AN EMPLOYEE WHO BELIEVES THAT THE EMPLOYEE IS A VICTIM**
3 **OF WORKPLACE BULLYING MAY FILE A COMPLAINT WITH THE HEAD OF THE**
4 **PRINCIPAL UNIT OR THE EQUAL EMPLOYMENT OPPORTUNITY OFFICER FOR THE**
5 **PRINCIPAL UNIT.**

6 **(2) A COMPLAINT FILED UNDER PARAGRAPH (1) OF THIS**
7 **SUBSECTION MUST BE:**

8 **(I) IN WRITING; AND**

9 **(II) FILED WITHIN 30 DAYS AFTER THE EMPLOYEE KNEW OR**
10 **REASONABLY SHOULD HAVE KNOWN OF THE ALLEGED WORKPLACE BULLYING.**

11 **(C) WITHIN 30 DAYS AFTER A COMPLAINT IS FILED UNDER SUBSECTION (B)**
12 **OF THIS SECTION, THE EQUAL EMPLOYMENT OPPORTUNITY OFFICER FOR THE**
13 **PRINCIPAL UNIT SHALL:**

14 **(1) MEET WITH THE COMPLAINANT;**

15 **(2) INVESTIGATE THE COMPLAINT; AND**

16 **(3) MAKE A RECOMMENDATION TO THE HEAD OF THE PRINCIPAL**
17 **UNIT.**

18 **(D) THE HEAD OF THE PRINCIPAL UNIT OR DESIGNEE OF THE HEAD OF THE**
19 **PRINCIPAL UNIT:**

20 **(1) SHALL ISSUE TO THE COMPLAINANT A WRITTEN DECISION**
21 **DISMISSING THE COMPLAINT OR FINDING THAT WORKPLACE BULLYING HAS**
22 **OCCURRED; AND**

23 **(2) MAY GRANT ANY APPROPRIATE RELIEF.**

24 **(E) (1) WITHIN 10 DAYS AFTER RECEIVING THE WRITTEN DECISION**
25 **ISSUED UNDER SUBSECTION (D) OF THIS SECTION, THE COMPLAINANT MAY APPEAL**
26 **THE DECISION TO THE OFFICE OF THE STATEWIDE EQUAL EMPLOYMENT**
27 **OPPORTUNITY COORDINATOR IN WRITING.**

28 **(2) WITHIN 30 DAYS AFTER RECEIVING AN APPEAL UNDER**
29 **PARAGRAPH (1) OF THIS SUBSECTION, THE STATEWIDE EQUAL EMPLOYMENT**

1 **OPPORTUNITY COORDINATOR SHALL:**

2 (I) REVIEW THE COMPLAINT AND THE DECISION;

3 (II) CONDUCT ANY NECESSARY INVESTIGATION; AND

4 (III) RECOMMEND TO THE SECRETARY OR THE SECRETARY'S
5 DESIGNEE WHETHER A VIOLATION OCCURRED.

6 (3) AFTER RECEIVING THE RECOMMENDATION OF THE STATEWIDE
7 EQUAL EMPLOYMENT OPPORTUNITY COORDINATOR, THE SECRETARY MAY:

8 (I) DISMISS THE COMPLAINT; OR

9 (II) GRANT APPROPRIATE RELIEF TO THE COMPLAINANT.

10 **2-908.**

11 (A) AN EMPLOYEE WHO WITNESSES WORKPLACE BULLYING MAY REPORT
12 THE INFORMATION TO THE APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL
13 UNIT, AS APPROPRIATE.

14 (B) AN EMPLOYEE MAY MAKE A REPORT UNDER SUBSECTION (A) OF THIS
15 SECTION ANONYMOUSLY.

16 (C) THE APPOINTING AUTHORITY OR HEAD OF THE PRINCIPAL UNIT, AS
17 APPROPRIATE, SHALL INVESTIGATE A REPORT MADE ANONYMOUSLY UNDER
18 SUBSECTION (B) OF THIS SECTION TO THE EXTENT PRACTICABLE.

19 **2-909.**

20 (A) EACH HUMAN RESOURCES DEPARTMENT IN A PRINCIPAL UNIT SHALL
21 COLLECT AND SHARE WITH THE DEPARTMENT DATA REGARDING COMPLAINTS AND
22 REPORTS FILED UNDER THIS SUBTITLE AND THE OUTCOME OF ANY RELATED
23 INVESTIGATIONS.

24 (B) THE DATA COLLECTED AND SHARED UNDER SUBSECTION (A) OF THIS
25 SECTION SHALL BE TABULATED BY WORK SITE AND PRINCIPAL UNIT FOR THE
26 PURPOSE OF DETERMINING SPECIFIC PROBLEM LOCATIONS.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2019.