

HOUSE BILL 964

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By: **Delegate Wilson**

Introduced and read first time: February 5, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Employment Discrimination – Definitions of “Employee” and “Harassment”**
3 **(Workplace Civility Act)**

4 FOR the purpose of altering the definition of “employee” for the purposes of certain
5 provisions of law governing employment discrimination to include an individual
6 elected to public office and an appointee at the policy making level; altering the
7 definition of “harassment” for the purposes of certain provisions of law governing
8 employment discrimination to include certain acts or omissions; and generally
9 relating to employment discrimination.

10 BY repealing and reenacting, without amendments,
11 Article – State Government
12 Section 20–601(a)
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – State Government
17 Section 20–601(c) and (h)
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2019 Supplement)

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

22 **Article – State Government**

23 20–601.

24 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) “Employee” means:

2 (i) an individual employed by an employer; or

3 (ii) an individual working as an independent contractor for an
4 employer.

5 **(2) “EMPLOYEE” INCLUDES:**

6 **(I) AN INDIVIDUAL ELECTED TO PUBLIC OFFICE; AND**

7 **(II) AN APPOINTEE ON THE POLICY MAKING LEVEL.**

8 **[(2)] (3)** Unless the individual is subject to the State or local civil service
9 laws, “employee” does not include[:

10 (i) an individual elected to public office;

11 (ii) an appointee on the policy making level; or

12 (iii)] an immediate adviser with respect to the exercise of the
13 constitutional or legal powers of an elected office.

14 (h) “Harassment” **RETAINS ITS JUDICIALLY DETERMINED MEANING, EXCEPT**
15 **TO THE EXTENT IT IS EXPRESSLY OR IMPLIEDLY CHANGED IN THIS SUBTITLE AND**
16 includes:

17 **(1)** harassment based on race, color, religion, ancestry or national origin,
18 sex, age, marital status, sexual orientation, gender identity, or disability[, retains its
19 judicially determined meaning, except to the extent it is expressly or impliedly changed in
20 this subtitle]; **AND**

21 **(2)** **ACTS OR OMISSIONS THAT A REASONABLE PERSON WOULD FIND**
22 **ABUSIVE, BASED ON THE SEVERITY, NATURE, AND FREQUENCY OF THE CONDUCT,**
23 **INCLUDING:**

24 **(I)** **REPEATED VERBAL ABUSE SUCH AS THE USE OF**
25 **DEROGATORY REMARKS, INSULTS, AND EPITHETS;**

26 **(II)** **VERBAL, NONVERBAL, OR PHYSICAL CONDUCT OF A**
27 **THREATENING, INTIMIDATING, OR HUMILIATING NATURE; AND**

28 **(III)** **THE SABOTAGE OR UNDERMINING OF AN EMPLOYEE’S WORK**
29 **PERFORMANCE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.