

# HOUSE BILL 455

P4, P1

2lr2325

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By: **Delegate Wells**

Introduced and read first time: January 20, 2022

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Implicit Bias Awareness Training – Required**

3 FOR the purpose of requiring each State employee to complete a certain amount of implicit  
4 bias awareness training at certain times; requiring that the training include certain  
5 information; requiring each unit to designate a representative to coordinate with the  
6 Maryland Commission on Civil Rights to implement the training; authorizing a unit  
7 to incorporate the training into existing employment training; requiring the  
8 Commission to train certain representatives in the prevention of implicit bias;  
9 providing that certain representatives are encouraged to use certain materials to  
10 prevent implicit bias in the workplace; authorizing a unit to require an employee to  
11 retake any part or all of the training or to participate in certain additional training  
12 or classes; requiring the Equal Employment Opportunity Coordinator to enforce  
13 certain requirements for certain units in the Executive Branch of State government;  
14 authorizing the Equal Employment Opportunity Coordinator to recommend that a  
15 certain performance audit or review be conducted under certain circumstances;  
16 prohibiting a person from bringing a certain action against the State except under  
17 certain circumstances; providing that certain training is a minimum requirement;  
18 requiring certain Equal Employment Opportunity Program reports to include  
19 certain information about implicit bias awareness training; and generally relating to  
20 implicit bias awareness training.

21 BY adding to

22 Article – State Personnel and Pensions  
23 Section 2–203.2  
24 Annotated Code of Maryland  
25 (2015 Replacement Volume and 2021 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article – State Personnel and Pensions  
28 Section 5–205(a)(4)  
29 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2015 Replacement Volume and 2021 Supplement)

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

**Article – State Personnel and Pensions**

**2–203.2.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
INDICATED.

(2) “COMMISSION” MEANS THE COMMISSION ON CIVIL RIGHTS.

(3) “CULTURAL COMPETENCY” MEANS A SET OF INTEGRATED  
ATTITUDES, KNOWLEDGE, AND SKILLS THAT ENABLE A STATE EMPLOYEE TO  
EFFECTIVELY PERFORM THE EMPLOYEE’S JOB WITH, AND ON BEHALF OF, PERSONS  
FROM DIVERSE CULTURES, GROUPS, AND COMMUNITIES.

(4) “IMPLICIT BIAS” MEANS THE ATTITUDES OR INTERNALIZED  
STEREOTYPES THAT AFFECT PERCEPTIONS, ACTIONS, AND DECISIONS IN AN  
UNCONSCIOUS MANNER.

(B) THE GENERAL ASSEMBLY FINDS THAT IMPLICIT BIAS EXISTS AND  
OFTEN CONTRIBUTES TO UNEQUAL TREATMENT OF PEOPLE BASED ON RACE,  
ETHNICITY, GENDER IDENTITY, SEXUAL ORIENTATION, AGE, DISABILITY, AND  
OTHER CHARACTERISTICS.

(C) (1) THIS SECTION APPLIES TO ALL UNITS IN THE EXECUTIVE,  
JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT, INCLUDING ALL  
UNITS WITH INDEPENDENT PERSONNEL SYSTEMS.

(2) FOR THE UNIVERSITY SYSTEM OF MARYLAND, THIS SECTION  
APPLIES TO EACH CONSTITUENT INSTITUTION.

(D) (1) EACH STATE EMPLOYEE SHALL COMPLETE AT LEAST A  
CUMULATIVE 2 HOURS OF IN–PERSON OR VIRTUAL, INTERACTIVE TRAINING ON  
IMPLICIT BIAS AWARENESS:

(I) WITHIN 6 MONTHS AFTER THE EMPLOYEE’S INITIAL  
APPOINTMENT; AND

(II) ANNUALLY THEREAFTER.

1           **(2) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS**  
2 **SUBSECTION SHALL INCLUDE:**

3                   **(I) UNDERSTANDING THE DEFINITION OF IMPLICIT BIAS;**

4                   **(II) A REQUIREMENT THAT EACH EMPLOYEE TAKE A**  
5 **SELF-EVALUATION THAT MEASURES THE EMPLOYEE’S POSITIVE OR NEGATIVE**  
6 **ATTITUDE TOWARDS A PARTICULAR CONCEPT OR SOCIAL GROUP;**

7                   **(III) INFORMATION ON THE IMPACT OF IMPLICIT BIAS ON**  
8 **INTERPERSONAL RELATIONSHIPS AND ENCOUNTERS IN THE WORKPLACE;**

9                   **(IV) INFORMATION ON STRATEGIES TO ADDRESS THE NEGATIVE**  
10 **EFFECTS OF IMPLICIT BIAS IN THE WORKPLACE AND THE PERFORMANCE OF THE**  
11 **EMPLOYEE’S JOB; AND**

12                   **(V) ENCOURAGING CULTURAL COMPETENCY IN THE**  
13 **WORKPLACE.**

14           **(3) THE SELF-EVALUATION REQUIRED UNDER PARAGRAPH (2)(II) OF**  
15 **THIS SUBSECTION:**

16                   **(I) SHALL BE A BEHAVIORAL MEASUREMENT TOOL;**

17                   **(II) MAY BE MODELED AFTER THE HARVARD IMPLICIT**  
18 **ASSOCIATION TEST; AND**

19                   **(III) SHALL REQUIRE THE EMPLOYEE TO DESCRIBE THEIR OWN**  
20 **SELF-UNDERSTANDING OF ANY UNCONSCIOUS ATTITUDES, IMPLICIT BIASES, OR**  
21 **STEREOTYPES FOLLOWING THE EVALUATION.**

22           **(E) (1) (I) EACH UNIT SHALL DESIGNATE A REPRESENTATIVE TO**  
23 **COORDINATE WITH THE COMMISSION TO IMPLEMENT THE TRAINING THAT STATE**  
24 **EMPLOYEES ARE REQUIRED TO COMPLETE UNDER SUBSECTION (D) OF THIS**  
25 **SECTION.**

26                   **(II) A UNIT MAY INCORPORATE THE TRAINING INTO EXISTING**  
27 **EMPLOYMENT TRAINING FOR NEW EMPLOYEES AND SUPERVISORS.**

28           **(2) THE COMMISSION SHALL TRAIN EACH REPRESENTATIVE**  
29 **DESIGNATED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN THE PREVENTION OF**  
30 **IMPLICIT BIAS.**

1           **(3) THE REPRESENTATIVES DESIGNATED UNDER PARAGRAPH (1) OF**  
2 **THIS SUBSECTION ARE ENCOURAGED TO USE EQUAL EMPLOYMENT OPPORTUNITY**  
3 **COMMISSION MATERIALS TO PREVENT IMPLICIT BIAS IN THE WORKPLACE.**

4           **(F) IF IT IS DETERMINED TO BE NECESSARY BY THE APPOINTING**  
5 **AUTHORITY, A UNIT MAY REQUIRE AN EMPLOYEE TO RETAKE ANY PART OR ALL OF**  
6 **THE TRAINING OR TO PARTICIPATE IN ADDITIONAL CLASSES OR TRAINING.**

7           **(G) FOR A UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, THE**  
8 **EQUAL EMPLOYMENT OPPORTUNITY COORDINATOR ESTABLISHED UNDER § 5-206**  
9 **OF THIS ARTICLE:**

10           **(1) SHALL ENFORCE THE REQUIREMENTS OF THIS SECTION; AND**

11           **(2) MAY RECOMMEND TO THE LEGISLATIVE AUDITOR, THE JOINT**  
12 **AUDIT AND EVALUATION COMMITTEE, OR THE EXECUTIVE DIRECTOR OF THE**  
13 **DEPARTMENT OF LEGISLATIVE SERVICES THAT THE OFFICE OF LEGISLATIVE**  
14 **AUDITS CONDUCT A PERFORMANCE AUDIT OR REVIEW OF A UNIT IF THE EQUAL**  
15 **EMPLOYMENT OPPORTUNITY COORDINATOR DETERMINES THAT THE UNIT HAS NOT**  
16 **COMPLIED WITH THIS SECTION.**

17           **(H) UNLESS THE ACTS OR OMISSIONS OF AN EMPLOYEE WHO COMPLETED**  
18 **THE TRAINING REQUIRED UNDER SUBSECTION (D) OF THIS SECTION ARE WILLFUL,**  
19 **WANTON, OR GROSSLY NEGLIGENT, A PERSON MAY NOT BRING AN ACTION AGAINST**  
20 **THE STATE FOR ANY ACT OR OMISSION RESULTING FROM:**

21           **(1) ANY TRAINING OR LACK OF TRAINING OF A STATE EMPLOYEE; OR**

22           **(2) THE IMPLEMENTATION OF THE TRAINING REQUIRED UNDER**  
23 **SUBSECTION (D) OF THIS SECTION.**

24           **(I) THE TRAINING REQUIRED IN THIS SECTION IS A MINIMUM**  
25 **REQUIREMENT AND MAY NOT BE CONSTRUED TO DISCOURAGE OR RELIEVE ANY**  
26 **UNIT FROM PROVIDING A LONGER, MORE FREQUENT, OR MORE INFORMATIVE**  
27 **TRAINING ON WORKPLACE IMPLICIT BIAS.**

28           **(J) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**  
29 **SECTION.**

30 5-205.

31           **(a) In accordance with the provisions and intent of the Maryland Constitution**  
32 **and other laws of the State, each unit shall:**

1 (4) for each fiscal year, submit to the Coordinator by the following October  
2 15 an annual report about the activities that the unit undertook in that fiscal year to  
3 implement the Program, including:

4 (i) information about personnel practices within the unit;

5 (ii) a summary of complaints filed, investigated, resolved, and  
6 pending;

7 (iii) information about relations with other units of State  
8 government;

9 (IV) INFORMATION ABOUT IMPLICIT BIAS AWARENESS  
10 TRAINING;

11 [(iv)] (V) information about sexual harassment policies and  
12 prevention training; and

13 [(v)] (VI) a summary of sexual harassment complaints filed,  
14 investigated, resolved, and pending; and

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2022.