

SENATE BILL 133

P4

(PRE-FILED)

4r1270
CF HB 62

By: **Senator Klausmeier**

Requested: October 30, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 8, 2024

CHAPTER _____

1 AN ACT concerning

2 **State Employee Rights and Protections – Personnel Actions and Harassment –**
3 **Investigation of Complaints**

4 FOR the purpose of increasing the time period during which an investigation must be
5 conducted and a written decision must be issued regarding a certain complaint filed
6 by a certain applicant or employee alleging discrimination or harassment by an
7 employer; authorizing certain applicants and employees to provide written
8 authorization to increase by an additional number of days the time period during
9 which an investigation of a complaint and a written decision must be completed;
10 specifying when an appointing authority is deemed to have acquired certain
11 knowledge relating to a time limit for certain disciplinary action; and generally
12 relating to State employee rights and protections.

13 BY repealing and reenacting, without amendments,
14 Article – State Personnel and Pensions
15 Section 5–211
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – State Personnel and Pensions
20 Section 5–212
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – State Personnel and Pensions**

4 5–211.

5 (a) An applicant or employee subject to this subtitle may file with the head of the
6 principal unit a written complaint:

7 (1) that alleges a violation of § 5–208 of this subtitle; or

8 (2) that alleges harassment in violation of § 20–606(a)(5) of the State
9 Government Article.

10 (b) A complaint under subsection (a)(1) of this section must be filed within 1 year
11 after the complainant first knew of or reasonably should have known of the alleged violation
12 that is the basis for the complaint.

13 (c) A complaint under subsection (a)(2) of this section must be filed within 2 years
14 after the alleged violation that is the basis for the complaint.

15 5–212.

16 **(A) [Within 30] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
17 **WITHIN 60** days after a complaint under § 5–211 of this subtitle is received:

18 (1) an equal employment officer, under the direction of the fair practices
19 officer, shall investigate the complaint and recommend a proposed decision to the head of
20 the principal unit; and

21 (2) the head of the principal unit shall issue a written decision to the
22 complainant and may grant any appropriate relief.

23 **(B) THE TIME PERIOD UNDER SUBSECTION (A) OF THIS SECTION MAY BE**
24 **EXTENDED UP TO AN ADDITIONAL 30 DAYS IF THE APPLICANT OR EMPLOYEE WHO**
25 **FILED THE COMPLAINT PROVIDES WRITTEN AUTHORIZATION TO THE EQUAL**
26 **EMPLOYMENT OFFICER INVESTIGATING THE COMPLAINT.**

27 **(C) FOR PURPOSES OF THIS SECTION, AN APPOINTING AUTHORITY SHALL**
28 **BE DEEMED TO HAVE ACQUIRED KNOWLEDGE TO BEGIN THE TIME LIMIT FOR THE**
29 **IMPOSITION OF DISCIPLINARY ACTION UNDER § 11–106(B) OF THIS ARTICLE ONLY**
30 **ON RECEIPT BY THE HEAD OF THE PRINCIPAL UNIT OF THE PROPOSED DECISION AS**
31 **PROVIDED IN SUBSECTION (A) OF THIS SECTION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.