

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 999

(Senator Muse)

Finance

Appropriations

**Labor and Employment - Abusive Work Environments in State Agencies -
Workgroup Study**

This bill requires the Joint Committee on Fair Practices and State Personnel Oversight to convene a workgroup to determine the extent to which (1) abusive work environments exist in State agencies; and (2) existing remedies address abuse suffered by State employees due to abusive work environments. The workgroup must make recommendations, including draft legislation, regarding methods to strengthen existing remedies and institute new remedies that are needed to address abuse suffered by State employees due to abusive work environments. Members of the workgroup (including State employees and supervisors) may not receive compensation or reimbursement for expenses. The Department of Budget and Management (DBM) must provide staff for the workgroup. By December 31, 2012, the joint committee must report the workgroup's findings and recommendations to designated committees of the General Assembly.

The bill takes effect July 1, 2012, and terminates June 30, 2013.

Fiscal Summary

State Effect: DBM advises that it is unable to absorb the costs of staffing the workgroup and that contractual services are needed. Accordingly, general fund expenditures increase in FY 2013 for contractual services associated with staffing the workgroup. The exact amount of this increase cannot be reliably estimated at this time, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background:

Discrimination in Employment

Employers, employment agencies, and labor organizations are prohibited from discrimination in various aspects of public- and private-sector employment because of an individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, genetic information, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment.

Individuals alleging employment discrimination may file a complaint with the Maryland Commission on Civil Rights (MCCR). A complaint must be filed within six months from the date the alleged violation occurred. On a finding of an unlawful employment practice, administrative remedies may include enjoining the respondent from engaging in the discriminatory act, the reinstatement or hiring of employees with or without back pay, compensatory damages, and any other appropriate equitable relief. Any back pay awarded is offset by any earnings or amounts that may be earned with reasonable diligence by the aggrieved party.

Equal Employment Opportunity Program

The purpose of the State's Equal Employment Opportunity (EEO) program is to promote a work environment free of any unlawful discrimination, harassment, and retaliation and to ensure a system that provides equal opportunity in employment on the basis of merit and fitness. It covers all employees in any Executive Branch agency (including those with an independent personnel system) and applicants for a position in the skilled, professional, and management services (or comparable positions) in those agencies.

The State's EEO program (1) reviews discrimination complaints; (2) investigates whistleblower complaints; (3) monitors agencies' fair practices and EEO programs and policies; (4) provides training and technical assistance to managers and supervisors; (5) ensures compliance with federal, State, and local laws prohibiting discrimination; (6) evaluates State agencies' EEO efforts; and (7) reports annually to the Governor. It also manages the Employee Assistance Program, which provides confidential and professional referral and assessment services to State employees who are experiencing personal difficulties that are adversely affecting their work performance. An employee must file a complaint that alleges an EEO violation within 30 days after the complainant first knew of or reasonably should have known of the alleged violation.

An employee found to have violated EEO provisions is subject to disciplinary action, including termination. An employee who files an EEO complaint may receive various remedies if a complaint is found to be valid. The Secretary of Budget and Management may (1) order the removal of detrimental information from the complainant's State personnel records; (2) require that the complainant be reinstated to a previously held position of employment; (3) award back pay; (4) grant the complainant leave or seniority; and (5) take appropriate disciplinary action against any individual who caused the violation.

State Fiscal Effect: DBM advises (and Legislative Services concurs) that it is unable to absorb the costs of staffing the workgroup required under the bill and that contractual services are, therefore, needed. Accordingly, Legislative Services anticipates an increase in general fund expenditures in fiscal 2013 to reflect the cost of contractual services associated with staffing the workgroup. The exact amount of this increase will depend on the methods adopted by the workgroup. Staff may, for example, be tasked to examine complaints already on file and/or to independently survey State employees regarding their work environments. Thus, Legislative Services advises that the cost of staffing cannot be reliably estimated at this time.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Budget and Management, Department of Legislative Services

Fiscal Note History: First Reader - March 20, 2012
mc/ljm Revised - Senate Third Reader - April 9, 2012

Analysis by: Jennifer A. Ellick

Direct Inquiries to:
(410) 946-5510
(301) 970-5510