

HOUSE BILL 1423

P4, P1

8lr2604

By: **Delegates Hettleman, Barron, Morales, Carozza, Cullison, Fennell, Hill, Kelly, Lierman, McComas, A. Miller, Pena–Melnik, Platt, Simonaire, Valderrama, and Valentino–Smith**

Introduced and read first time: February 9, 2018

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Sexual Harassment Prevention Training – Required**

3 FOR the purpose of requiring each State employee to complete a certain amount of sexual
4 harassment prevention training at certain times; requiring that the training include
5 certain information; requiring each unit to designate a representative to coordinate
6 with the Maryland Commission on Civil Rights to implement the training;
7 authorizing an entity to incorporate the training into existing employment training;
8 requiring the Commission to train certain representatives in the prevention of sexual
9 harassment, discrimination and retaliation, and best practices in sexual harassment
10 prevention; providing that certain representatives are encouraged to use certain
11 materials to prevent sexual harassment in the workplace; authorizing a unit to
12 require an employee to retake any part or all of the training or to participate in
13 certain additional training or classes; requiring each unit to report certain
14 information to the Commission on or before a certain date each year; requiring the
15 Commission to report certain information to the Department of Budget and
16 Management and the General Assembly on or before a certain date each year;
17 authorizing the Commission to recommend that a certain performance review be
18 performed under certain circumstances; prohibiting a person from bringing a certain
19 action against the State except under certain circumstances; providing that certain
20 training is a minimum requirement; requiring the Commission to adopt regulations
21 to implement this section; providing for the application and construction of this Act;
22 defining certain terms; and generally relating to sexual harassment prevention
23 training.

24 BY adding to
25 Article – State Personnel and Pensions
26 Section 2–203.1
27 Annotated Code of Maryland
28 (2015 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 **2-203.1.**

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

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

8 (3) “SEXUAL HARASSMENT” INCLUDES UNWELCOME SEXUAL
9 ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL, NONVERBAL, OR
10 PHYSICAL CONTACT OF A SEXUAL NATURE WHEN:

11 (I) SUBMISSION TO THE CONDUCT IS MADE EITHER EXPLICITLY
12 OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL’S EMPLOYMENT;

13 (II) SUBMISSION TO OR REJECTION OF THE CONDUCT BY AN
14 INDIVIDUAL IS USED AS A BASIS FOR EMPLOYMENT DECISIONS AFFECTING THE
15 INDIVIDUAL; OR

16 (III) THE CONDUCT HAS THE PURPOSE OR EFFECT OF
17 UNREASONABLY INTERFERING WITH AN INDIVIDUAL’S WORK PERFORMANCE OR
18 CREATING AN INTIMIDATING OR OFFENSIVE WORKING ENVIRONMENT THAT IS
19 PERCEIVED BY THE VICTIM TO BE ABUSIVE OR HOSTILE.

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

23 (C) (1) EACH STATE EMPLOYEE SHALL COMPLETE AT LEAST 2 HOURS OF
24 CLASSROOM OR OTHER INTERACTIVE TRAINING ON SEXUAL HARASSMENT
25 PREVENTION WITHIN 6 MONTHS AFTER THE EMPLOYEE’S INITIAL APPOINTMENT
26 AND ONCE EVERY 2 YEARS THEREAFTER.

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

29 (I) INFORMATION ON THE FEDERAL AND STATE STATUTORY
30 PROVISIONS CONCERNING THE PROHIBITION OF SEXUAL HARASSMENT;

1 (II) BEST PRACTICES IN PREVENTION AND CORRECTION OF
2 SEXUAL HARASSMENT, ABUSIVE CONDUCT, AND RETALIATION;

3 (III) REMEDIES AND PROCEDURES AVAILABLE TO VICTIMS OF
4 SEXUAL HARASSMENT IN EMPLOYMENT; AND

5 (IV) ADDITIONAL TRAINING FOR SUPERVISORS REGARDING
6 INFORMATION ON:

7 1. PROPERLY RESPONDING TO COMPLAINTS OF SEXUAL
8 HARASSMENT AND PREVENTING FURTHER ABUSE AND RETALIATION; AND

9 2. CREATING AND MAINTAINING A WORKPLACE
10 CULTURE IN WHICH SEXUAL HARASSMENT IS NOT TOLERATED.

11 (D) (1) (I) EACH UNIT SHALL DESIGNATE A REPRESENTATIVE TO
12 COORDINATE WITH THE COMMISSION TO IMPLEMENT THE TRAINING STATE
13 EMPLOYEES ARE REQUIRED TO COMPLETE UNDER SUBSECTION (C) OF THIS
14 SECTION.

15 (II) AN ENTITY MAY INCORPORATE THE TRAINING INTO
16 EXISTING EMPLOYMENT TRAINING FOR NEW EMPLOYEES AND SUPERVISORS.

17 (2) THE COMMISSION SHALL TRAIN EACH REPRESENTATIVE
18 DESIGNATED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN THE PREVENTION OF
19 SEXUAL HARASSMENT, DISCRIMINATION AND RETALIATION, AND BEST PRACTICES
20 IN SEXUAL HARASSMENT PREVENTION.

21 (3) IN ADDITION TO THE TRAINING REQUIRED UNDER PARAGRAPH (2)
22 OF THIS SUBSECTION, THE REPRESENTATIVES DESIGNATED UNDER PARAGRAPH (1)
23 OF THIS SUBSECTION ARE ENCOURAGED TO USE EQUAL EMPLOYMENT
24 OPPORTUNITY COMMISSION MATERIALS TO PREVENT SEXUAL HARASSMENT IN THE
25 WORKPLACE.

26 (E) A UNIT MAY REQUIRE AN EMPLOYEE TO RETAKE ANY PART OR ALL OF
27 THE TRAINING OR TO PARTICIPATE IN ADDITIONAL CLASSES OR TRAINING
28 DETERMINED TO BE NECESSARY BY THE APPOINTING AUTHORITY.

29 (F) (1) ON OR BEFORE SEPTEMBER 1 EACH YEAR, EACH UNIT SHALL
30 REPORT TO THE COMMISSION REGARDING THE UNIT'S COMPLIANCE WITH THIS
31 SECTION, INCLUDING HOW MANY EMPLOYEES HAVE BEEN TRAINED AND THE
32 CONTENT OF THE UNIT'S TRAINING PROGRAM.

1 **(2) ON OR BEFORE DECEMBER 1 EACH YEAR, THE COMMISSION**
2 **SHALL REPORT TO THE DEPARTMENT OF BUDGET AND MANAGEMENT AND, IN**
3 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
4 **ASSEMBLY THE INFORMATION SUBMITTED TO THE COMMISSION UNDER**
5 **PARAGRAPH (1) OF THIS SUBSECTION.**

6 **(G) THE COMMISSION MAY RECOMMEND THAT A PERFORMANCE REVIEW BE**
7 **PERFORMED BY THE OFFICE OF LEGISLATIVE AUDITS IF A UNIT DOES NOT COMPLY**
8 **WITH THIS SECTION.**

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

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

14 **(2) THE IMPLEMENTATION OF THE TRAINING REQUIRED UNDER**
15 **SUBSECTION (C) OF THIS SECTION.**

16 **(I) THE TRAINING REQUIRED IN THIS SECTION IS A MINIMUM**
17 **REQUIREMENT AND MAY NOT BE CONSTRUED TO DISCOURAGE OR RELIEVE ANY**
18 **UNIT FROM PROVIDING A LONGER, MORE FREQUENT, OR MORE INFORMATIVE**
19 **TRAINING ON WORKPLACE SEXUAL HARASSMENT PREVENTION.**

20 **(J) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
21 **SECTION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2018.