

(PRE-FILED)

By: **Chairman, Finance Committee (Departmental - University System of Maryland)**

Requested: October 19, 2001

Introduced and read first time: January 9, 2002

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Equal Employment Opportunity Program - University System of Maryland**
3 **and Morgan State University**

4 FOR the purpose of authorizing certain employees of the University System of
5 Maryland and Morgan State University who pursue an allegation of
6 employment discrimination under the Equal Employment Opportunity Program
7 to file a complaint either under the provisions of the Equal Employment
8 Opportunity Program or under certain grievance procedures; and generally
9 relating to the Equal Employment Opportunity Program.

10 BY repealing and reenacting, without amendments,
11 Article - State Personnel and Pensions
12 Section 5-208
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - State Personnel and Pensions
17 Section 5-209
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 2001 Supplement)

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

22 **Article - State Personnel and Pensions**

23 5-208.

24 (a) All personnel actions concerning an employee in the Executive Branch of
25 State government shall be made in accordance with § 2-302 of this article.

1 (b) Except for special appointments or applicants for special appointment,
2 personnel actions concerning an employee or applicant for employment in the skilled
3 service or professional service of the State Personnel Management System or
4 comparable position in an independent personnel system in the Executive Branch of
5 State government shall also be made without regard to:

6 (1) political affiliation, belief, or opinion; or

7 (2) any other nonmerit factor.

8 (c) All personnel actions concerning an employee or applicant in the
9 management service shall also be made without regard to the employee's political
10 affiliation, belief, or opinion.

11 (d) The protections of this section are in addition to whatever legal or
12 constitutional protections an employee or applicant has.

13 5-209.

14 (A) An employee in the skilled service, professional service, or management
15 service of the State Personnel Management System may elect to pursue an allegation
16 of employment discrimination under:

17 (1) the complaint procedures in this subtitle; or

18 (2) the grievance procedures in Title 12 of this article.

19 (B) AN EMPLOYEE OF THE UNIVERSITY SYSTEM OF MARYLAND WHO IS
20 ELIGIBLE TO FILE A GRIEVANCE UNDER TITLE 13 OF THE EDUCATION ARTICLE MAY
21 ELECT TO PURSUE AN ALLEGATION OF EMPLOYMENT DISCRIMINATION UNDER:

22 (1) THE COMPLAINT PROCEDURES IN THIS SUBTITLE; OR

23 (2) A GRIEVANCE UNDER TITLE 13 OF THE EDUCATION ARTICLE.

24 (C) AN EMPLOYEE OF MORGAN STATE UNIVERSITY WHO IS ELIGIBLE TO FILE
25 A GRIEVANCE UNDER TITLE 14 OF THE EDUCATION ARTICLE MAY ELECT TO PURSUE
26 AN ALLEGATION OF EMPLOYMENT DISCRIMINATION UNDER:

27 (1) THE COMPLAINT PROCEDURES IN THIS SUBTITLE; OR

28 (2) A GRIEVANCE UNDER TITLE 14 OF THE EDUCATION ARTICLE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2002.