

SENATE BILL 1034

D5, P4

2lr3089

By: **Senator Muse**

Introduced and read first time: February 23, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Rights – Fair Practices and Equal Employment Opportunity Officers –**
3 **Supervision by the Attorney General**

4 FOR the purpose of requiring the Attorney General of Maryland, rather than the head
5 of each principal unit of State government, to assign to each unit a fair practices
6 officer and an appropriate number of equal employment opportunity officers
7 who report directly to the Director of Civil Rights in the Office of the Attorney
8 General and are entitled to salaries from the funds of the principal unit;
9 authorizing a certain applicant or employee to file a certain complaint with the
10 director as well as with the head of the unit; requiring an equal employment
11 opportunity officer to recommend a decision on a complaint to the Attorney
12 General as well as to the head of the unit; requiring the Attorney General,
13 rather than the head of a unit, to issue a certain decision to a complainant;
14 authorizing the Attorney General to seek appropriate relief; and generally
15 relating to the supervision of fair practices officers and equal employment
16 opportunity officers by the Attorney General.

17 BY repealing and reenacting, without amendments,
18 Article – State Personnel and Pensions
19 Section 1–101(a), (f), (k), and (m) and 5–201
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2011 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – State Personnel and Pensions
24 Section 5–207, 5–211, and 5–212
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2011 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Personnel and Pensions**

2 1–101.

3 (a) In this Division I of this article the following words have the meanings
4 indicated.5 (f) Unless expressly provided otherwise, “Department” means the
6 Department of Budget and Management.

7 (k) “Principal unit” means:

8 (1) a principal department or other principal independent unit of State
9 government; or10 (2) for an employee of a county board of elections whose employees are
11 covered by this article, the county board of elections.

12 (m) “Secretary” means the Secretary of Budget and Management.

13 5–201.

14 (a) In this subtitle the following words have the meanings indicated.

15 (b) “Coordinator” means the Equal Employment Opportunity Coordinator.

16 (c) “Program” means the Equal Employment Opportunity Program
17 established under this subtitle.

18 (d) “Unit” means a unit of the Executive Branch of State government.

19 5–207.

20 (a) (1) The [head of each principal unit] **ATTORNEY GENERAL** shall
21 [appoint] **ASSIGN TO EACH PRINCIPAL UNIT:**

22 (i) a fair practices officer who:

23 1. reports directly to the [head of the unit] **DIRECTOR**
24 **OF CIVIL RIGHTS IN THE OFFICE OF THE ATTORNEY GENERAL; [and]**25 2. [is an assistant secretary or an employee of the unit
26 with] **HAS** stature similar to that of an assistant secretary; **AND**

1 **3. IS ENTITLED TO A SALARY FROM THE FUNDS OF**
2 **THE PRINCIPAL UNIT; and**

3 (ii) an appropriate number of equal employment opportunity
4 officers for the unit **WHO:**

5 **1. REPORT TO THE FAIR PRACTICES OFFICER AND**
6 **THE DIRECTOR OF CIVIL RIGHTS IN THE OFFICE OF THE ATTORNEY GENERAL;**
7 **AND**

8 **2. ARE ENTITLED TO SALARIES FROM THE FUNDS OF**
9 **THE PRINCIPAL UNIT.**

10 (2) If necessary, the fair practices officer of a unit may also be the
11 unit's equal employment opportunity officer.

12 (3) All appointments under this subsection shall be made in
13 accordance with position descriptions approved by the Secretary.

14 (b) The Department shall provide training, assistance, and advice for equal
15 employment opportunity officers and fair practices officers.

16 (c) Each fair practices officer shall:

17 (1) implement the Program within the unit;

18 (2) investigate and, as appropriate, resolve complaints filed under §
19 5-211 of this subtitle; and

20 (3) coordinate activities of equal employment opportunity officers in
21 the unit.

22 (d) An equal employment opportunity officer shall:

23 (1) monitor all personnel actions adopted by the unit;

24 (2) attest that procedures consistent with this article, the Governor's
25 Code on Fair Practices, and other State and federal equal employment opportunity
26 laws were followed by the unit in taking a personnel action; and

27 (3) perform the duties assigned by the fair practices officer and any
28 other duty required by this article.

29 (e) An appointing authority shall delay the effective date of any adverse
30 personnel action that directly affects an equal employment opportunity officer for up
31 to 45 days, pending review and resolution by the Coordinator.

1 5-211.

2 (a) An applicant or employee subject to this subtitle may file with the head of
3 the principal unit **OR THE DIRECTOR OF CIVIL RIGHTS IN THE OFFICE OF THE**
4 **ATTORNEY GENERAL** a written complaint that alleges a violation of § 5-208 of this
5 subtitle.

6 (b) A complaint under this subtitle must be filed within 30 days after the
7 complainant first knew of or reasonably should have known of the alleged violation
8 that is the basis for the complaint.

9 5-212.

10 Within 30 days after a complaint under § 5-211 of this subtitle is received:

11 (1) an equal employment **OPPORTUNITY** officer, under the direction of
12 the fair practices officer, shall investigate the complaint and recommend a proposed
13 decision to the head of the principal unit **AND THE ATTORNEY GENERAL**; and

14 (2) the [head of the principal unit] **ATTORNEY GENERAL** shall issue
15 a written decision to the complainant and may [grant] **SEEK** any appropriate relief.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2012.