A BILL ENTITLED

AN ACT concerning

State Personnel – Implicit Bias Awareness Training – Required

FOR the purpose of requiring each State employee to complete a certain amount of implicit bias awareness training at certain times; requiring that the training include certain information; requiring each unit to designate a representative to coordinate with the Maryland Commission on Civil Rights to implement the training; authorizing a unit to incorporate the training into existing employment training; requiring the Commission to train certain representatives in the prevention of implicit bias; providing that certain representatives are encouraged to use certain materials to prevent implicit bias in the workplace; authorizing a unit to require an employee to retake any part or all of the training or to participate in certain additional training or classes; requiring the Equal Employment Opportunity Coordinator to enforce certain requirements for certain units in the Executive Branch of State government; authorizing the Equal Employment Opportunity Coordinator to recommend that a certain performance audit or review be conducted under certain circumstances; prohibiting a person from bringing a certain action against the State except under certain circumstances; providing that certain training is a minimum requirement; requiring certain Equal Employment Opportunity Program reports to include certain information about implicit bias awareness training; and generally relating to implicit bias awareness training.

BY adding to
Article – State Personnel and Pensions
Section 2–203.2
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 5–205(a)(4)
Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

2–203.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDElicated.

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

(3) “CULTURAL COMPETENCY” MEANS A SET OF INTEGRATED
ATTITUDES, KNOWLEDGE, AND SKILLS THAT ENABLE A STATE EMPLOYEE TO
EFFECTIVELY PERFORM THE EMPLOYEE’S JOB WITH, AND ON BEHALF OF, PERSONS
FROM DIVERSE CULTURES, GROUPS, AND COMMUNITIES.

(4) “IMPLICIT BIAS” MEANS THE ATTITUDES OR INTERNALIZED
STEREOTYPES THAT AFFECT PERCEPTIONS, ACTIONS, AND DECISIONS IN AN
UNCONSCIOUS MANNER.

(B) THE GENERAL ASSEMBLY FINDS THAT IMPLICIT BIAS EXISTS AND
OFTEN CONTRIBUTES TO UNEQUAL TREATMENT OF PEOPLE BASED ON RACE,
 ETHNICITY, GENDER IDENTITY, SEXUAL ORIENTATION, AGE, DISABILITY, AND
OTHER CHARACTERISTICS.

(C) (1) THIS SECTION APPLIES TO ALL UNITS IN THE EXECUTIVE,
JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT, INCLUDING ALL
UNITS WITH INDEPENDENT PERSONNEL SYSTEMS.

(2) FOR THE UNIVERSITY SYSTEM OF MARYLAND, THIS SECTION
APPLIES TO EACH CONSTITUENT INSTITUTION.

(D) (1) EACH STATE EMPLOYEE SHALL COMPLETE AT LEAST A
CUMULATIVE 2 HOURS OF IN–PERSON OR VIRTUAL, INTERACTIVE TRAINING ON
IMPLICIT BIAS AWARENESS:

(I) WITHIN 6 MONTHS AFTER THE EMPLOYEE’S INITIAL
APPOINTMENT; AND

(II) ANNUALLY THEREAFTER.
(2) The training required under paragraph (1) of this subsection shall include:

   (I) understanding the definition of implicit bias;

   (II) a requirement that each employee take a self-evaluation that measures the employee’s positive or negative attitude towards a particular concept or social group;

   (III) information on the impact of implicit bias on interpersonal relationships and encounters in the workplace;

   (IV) information on strategies to address the negative effects of implicit bias in the workplace and the performance of the employee’s job; and

   (V) encouraging cultural competency in the workplace.

(3) The self-evaluation required under paragraph (2)(II) of this subsection:

   (I) shall be a behavioral measurement tool;

   (II) may be modeled after the Harvard Implicit Association Test; and

   (III) shall require the employee to describe their own self-understanding of any unconscious attitudes, implicit biases, or stereotypes following the evaluation.

(E) (1) (I) Each unit shall designate a representative to coordinate with the Commission to implement the training that State employees are required to complete under subsection (d) of this section.

   (II) A unit may incorporate the training into existing employment training for new employees and supervisors.

(2) The Commission shall train each representative designated under paragraph (1) of this subsection in the prevention of implicit bias.
(3) The representatives designated under paragraph (1) of this subsection are encouraged to use Equal Employment Opportunity Commission materials to prevent implicit bias in the workplace.

(F) If it is determined to be necessary by the appointing authority, a unit may require an employee to retake any part or all of the training or to participate in additional classes or training.

(G) For a unit in the Executive Branch of State government, the Equal Employment Opportunity Coordinator established under § 5–206 of this article:

(1) shall enforce the requirements of this section; and

(2) may recommend to the Legislative Auditor, the Joint Audit and Evaluation Committee, or the Executive Director of the Department of Legislative Services that the Office of Legislative Audits conduct a performance audit or review of a unit if the Equal Employment Opportunity Coordinator determines that the unit has not complied with this section.

(H) Unless the acts or omissions of an employee who completed the training required under subsection (d) of this section are willful, wanton, or grossly negligent, a person may not bring an action against the State for any act or omission resulting from:

(1) any training or lack of training of a State employee; or

(2) the implementation of the training required under subsection (d) of this section.

(I) The training required in this section is a minimum requirement and may not be construed to discourage or relieve any unit from providing a longer, more frequent, or more informative training on workplace implicit bias.

(J) The Commission shall adopt regulations to implement this section.

5–205.

(a) In accordance with the provisions and intent of the Maryland Constitution and other laws of the State, each unit shall:
(4) for each fiscal year, submit to the Coordinator by the following October 15 an annual report about the activities that the unit undertook in that fiscal year to implement the Program, including:

(i) information about personnel practices within the unit;

(ii) a summary of complaints filed, investigated, resolved, and pending;

(iii) information about relations with other units of State government;

(IV) INFORMATION ABOUT IMPLICIT BIAS AWARENESS TRAINING;

[(iv)] (V) information about sexual harassment policies and prevention training; and

[(v)] (VI) a summary of sexual harassment complaints filed, investigated, resolved, and pending; and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.