



# State of Maryland Commission on Civil Rights

*Respect...Integrity...Effective Communication*

February 21, 2023

## **HB 309 -State Employee Rights and Protections – Personnel Actions and Harassment – Complaints**

### **POSITION: Support**

Dear Chairperson Barnes, Vice Chairperson Chang, and Members of the House Appropriations Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, state contracts and health services based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

HB 309 authorizes an applicant for State employment or a state employee to file an internal complaint with an agency’s EEO or Fair Practice Office alleging harassment by the employer within 2 years after the alleged violation that is the basis of the complaint and increasing, from 30 days to 1 year, the period an applicant or employee has to file a complaint alleging prohibited personnel actions.

Providing additional time for an applicant or state employee to file an internal complaint of harassment will provide alleged victims with additional time to weigh reporting a violating act. Alleged victims of harassment often fear not being believed by the employer or being retaliated against by the perpetrator if they file a complaint. Thus, persons may wait until they feel safe by, for example, transferring to another agency/department or the perpetrator is no longer employed by the agency before reporting a violation in a complaint.

This fear is validated by MCCR data that reveal since 2017 retaliation is the number one employment-related complaint received by the agency. In FY 2021, MCCR received 915 retaliation complaints and 908 in FY 2022. The fear of retaliation has a chilling effect on victims of discrimination which delay filing or not filing at all complaints of employment discrimination. Many times, the underlining complaint may not have been substantiated; however, the allegation of retaliation for complaining has been easily proven.

*“Our vision is to have a State that is free from any trace of unlawful discrimination.”*

William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, Maryland 21202-1631  
Phone: 410-767-8600 · Toll Free: 1-800-637-6247 · Maryland Relay: 711 · Fax: 410-333-1841  
Website: [mccr.maryland.gov](http://mccr.maryland.gov) · E-Mail: [mccr@maryland.gov](mailto:mccr@maryland.gov)

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For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on HB 309. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.