

SB574_AFSCME3_FAV.pdf

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Patrick Moran - President

SB 574 - State Employee Rights and Protections - Personnel Actions and Harassment - Complaints

POSITION: FAVORABLE

AFSCME Council 3 represents nearly 30,000 state employees. We support SB 574. This legislation increases the amount of time a state employee can file a complaint alleging harassment against their employer. For alleged violations of § 20-606(A)(5) of the State Government article, this complaint timeline extends from 30 days to 2 years. For alleged violations of § 5-208 of the State Personnel and Pensions article the complaint time extends from 30 days to 1 year.

This important legislation extends the rights and protections of state employees and applicants. A complaint process already exists if state employees and applicants feel they have been a victim of an unfair personnel action related to unlawful employment practices or the protections guaranteed under the Equal Employee Opportunity Program. Increasing the amount of time that state employees can file complaints offers more time for consideration. It is also not uncommon for employees to learn of their rights to complain after the timeline that is currently in place expires.

HB 574 is a good bill. We urge the committee to provide a favorable report.

Every AFSCME Maryland State and University contract guarantees a right to union representation.
An employee has the right to a union representative if requested by the employee.
800.492.1996

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SB 574 - State Employee Rights and Protections - P

Uploaded by: Donna Edwards

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MARYLAND STATE & D.C. AFL-CIO

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**SB 574 - State Employee Rights and Protections - Personnel Actions and Harassment -
Complaints
Senate Finance Committee
March 3, 2023**

SUPPORT

Donna S. Edwards

President

Maryland State and DC AFL-CIO

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of SB 574. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 300,000 union members, I offer the following comments.

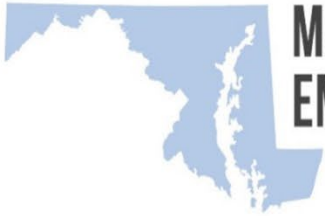
SB 574 expands the period that an employee can file complaints alleging harassment up to one year following knowledge of the incident. Workplaces should have zero tolerance for harassment. Workers deserve to feel safe when they are at work. The current 30 day requirement for filing complaints cuts off workers ability to seek justice. The Maryland State and DC AFL-CIO maintains our own Code of Conduct that gets read before all meetings. We have attached that Code of Conduct to our testimony.

We encourage the committee to issue a favorable report.

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**Written Testimony Submitted to the
Maryland Senate Finance Committee
SB 574 – State Employee Rights and Protections– Personnel Actions and Harassment –
Complaints
March 3, 2023**

FAVORABLE

Good afternoon Chair Griffith, Vice Chair Klausmeier, and members of the Senate Finance Committee. My name is Felicia Hawkins, Director of Operations for the Maryland Professional Employees Council, AFT Local 6197, the certified collective bargaining agent for professional state employees classified in unit G. MPEC calls for a favorable report to SB 574, the bill that would grant state employees more time to file claims that non merit factors have lead to discrimination at the workplace, as well as allowing for state employees no more than 2 years to be able to file harassment claims against managers in our state's agencies.

This bill will expand the timeframe by which an employee can file a complaint regarding specific employment decisions. More broadly, this bill moves the limit that such complaints can be filed from 30 days to one year. The bill also allows state employees to file complaints of harassment against employers in our state agencies and allows for these complaints to be filed within two years of the occurrence of the harassment.

How someone reacts to a traumatic experience is complicated and sometimes require time that they should be allowed. We saw this when the stories came to light regarding the culture of harassment at DNR- Park Service. Fear, intimidation, and lack of knowledge of the person's rights can prevent victims from reporting incidents within the current 30 day time limit, this bill will increase the time allowed

For these reasons, MPEC again calls for a favorable report to SB 494. Thank you.



SB0574 _MCCR_Hughes_FAV.pdf

Uploaded by: Gerald Ford

Position: FAV



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

March 3, 2023

SB 0574-State Employee Rights and Protections – Personnel Actions and Harassment – Complaints

POSITION: Support

Dear Chairperson Griffith, Vice Chairperson Klausmeier and Members of the Senate Finance 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.

SB 0574 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.”

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For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on SB 0574. 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.

013 SB574 State Employee Filing Complaint - Health

Uploaded by: Karen Lewis Young

Position: FAV

KAREN LEWIS YOUNG
Legislative District 3
Frederick County

Committee on Education, Energy,
and the Environment



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 2nd, 2023

Support of SB 574 – State Employee Rights and Protections - Personnel Actions and Harassment

The Honorable Melony Griffith

Finance Committee

Maryland Senate

11 Bladen Street, Room 302

Annapolis, MD 21401

Chair Griffith, Vice-Chair Klausmeier, and Esteemed Members of the Finance Committee:

The purpose for SB 574 - State Employee Rights and Protections - Personnel Actions and Harassment- Complaints is to encourage a healthy workplace environment by providing employees more time to file their complaints.

Most victims do not report harassment until they are safe or confident they feel their own experience may prevent someone else from experiencing harm.

SB574, authorizes an applicant for State employment or a State employee to file a complaint alleging harassment by an employer within two years after the alleged violation that is the basis of the complaint.

Workplace harassment is a serious and pervasive problem that affects millions of people across the United States. It can cause long-term physical, emotional, and mental health issues, and it often leads to decreased productivity and high turnover rates. This is why it is essential for the State of Maryland to take proactive steps to address harassment and ensure that all employees are protected.

By authorizing this measure, the State of Maryland is sending a clear message that it takes harassment and discrimination seriously and will not tolerate any form of mistreatment or harassment in the workplace.

Sincerely,

A handwritten signature in blue ink that reads "Karen Lewis Young".

Senator Karen Lewis Young

SB574_USM_INFO.pdf

Uploaded by: Andy Clark

Position: INFO



SENATE FINANCE COMMITTEE

Senate Bill 574

**State Employee Rights and Protections – Personnel Actions and Harassment –
Complaints
March 3, 2023
Information**

Chair Griffith, Vice-Chair Klausmeier, and Members of the Committee, thank you for the opportunity to testify on Senate Bill 574. The bill authorizes an applicant for state employment or a state employee to file a complaint alleging harassment by an employer within 2 years after the alleged violation that is the basis of the complaint. The bill also increases, from 30 days to 1 year, the period of time for an applicant or employee to file a complaint on the basis of political affiliation. Senate Bill 574 would significantly extend the deadlines for filing harassment and other complaints, making it more difficult for the universities to conduct timely investigations while pertinent facts are still fresh.

The University System of Maryland (USM) policies prohibit discrimination against applicants and employees on the basis of any legally-protected characteristic. The policies prohibit harassment, including acts of violence, on the basis of any legally-protected characteristic, at USM institutions and in connection with USM programs and activities. They also prohibit retaliation against any student, faculty, staff, or applicant for admission or employment who asserts a claim of discrimination under the USM's policies, or someone who participates in an investigation of a complaint of discrimination.

USM employees have several avenues for filing written complaints, including the USM's statutory grievance procedure and institution-based complaint procedures available under federal Title IX protections. The USM's complaint procedures are designed to ensure a thorough investigation can be conducted in a timely manner and resolved, in compliance with all federal and state anti-discrimination laws and regulations.

The USM deeply values its employees and demonstrates its commitment through the promulgation of policies and procedures intended to ensure equal employment opportunities across all aspects of the employment relationship. The USM's policies foster the ideal that the USM's workplace environments are places where all employees feel valued and respected and are places where they can do their best work.

Thank you for allowing the USM to share these comments regarding Senate Bill 574.



About the University System of Maryland

The University System of Maryland (USM)—one system made up of 12 institutions, three regional centers, and a central office—awards 8 out of every 10 bachelor’s degrees in the State of Maryland. The USM is governed by a Board of Regents, comprised of 21 members from diverse professional and personal backgrounds. The chancellor, Dr. Jay Perman, oversees and manages the operations of USM. However, each constituent institution is run by its own president who has authority over that university. Each of USM’s 12 institutions has a distinct and unique approach to the mission of educating students and promoting the economic, intellectual, and cultural growth of its surrounding community. These institutions are located throughout the state, from western Maryland to the Eastern Shore, with the flagship campus in the Washington suburbs. The USM includes Historically Black Colleges and Universities, comprehensive institutions, research universities, and the country’s largest public online institution.

USM Office of Government Relations - Patrick Hogan: phogan@usmd.edu