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**SB 133 - State Employee Rights and Protections – Personnel Actions and Harassment -  
Investigation of Complaint  
Appropriations Committee  
March 26, 2024**

**Letter of Information**

AFSCME Council 3 takes no position on SB 133 as introduced. We appreciate the opportunity to present this letter of information to the committee regarding the amendments to SB 133. As introduced, this legislation extends the timeframe for an investigation to be conducted after a complaint alleging harassment or discrimination is received by the head of the principal unit (Agency Head). Currently, agencies have 30 days to investigate and issue a written decision for these types of complaints. This legislation seeks to increase this timeframe up to 60 days, with an optional additional 30 days that can be added with the approval of the complainant.

Typically, these types of complaints do not initially go directly to the head of the principal unit. Employees often first file these complaints with their HR departments under their appointing authorities (Facility Head). Both the appointing authority and the head of the principal unit have an obligation to investigate complaints alleging harassment and discrimination and the complainant gets to choose where they want to initiate the complaint first. When employees file these complaints with the appointing authority first, the appointing authority has up to 30 days to investigate and issue discipline if they find an alleged infraction did occur. In instances where a complainant bypasses their appointing authority and goes directly to the head of the principal unit, and the principal unit finds that an employee is guilty of harassment, the appointing authority has 30 days to issue an appropriate disciplinary action at this point since the issuance of the decision would be the first time they become aware of the alleged infraction.

**SB 133 was amended to state that the appointing authority can only impose discipline once the head of the principal unit has investigated the complaint. This represents a significant departure from current law and essentially removes the appointing authority's responsibility to investigate these types of complaints.** Consequently, it could result in situations where an employee is forced to work alongside a coworker who is clearly harassing them for up to 120 days, considering the timeframe extensions outlined in SB 133 and the amendment. This extended period is now 90 days longer than what occurs under current law if the employee chooses to pursue the complaint with their appointing authority first, since under the amendment the appointing authority can now waive their right to investigate the complaint for this other process that can take much longer. Alternatively, the state could also hire more staff to meet the investigation timeframes outlined in current law.