

SB 133 - State Employee Rights and Protections - P

Uploaded by: Donna Edwards

Position: FAV



MARYLAND STATE & D.C. AFL-CIO

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**SB 133 - State Employee Rights and Protections - Personnel Actions and Harassment -
Investigation of Complaints
Senate Finance Committee
January 31, 2024**

SUPPORT

Donna S. Edwards

President

Maryland State and DC AFL-CIO

Madame Chair and members of the Committee, thank you for the opportunity to submit testimony in support of SB 133. 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.

State employees deserve thorough investigations of their harassment complaints. SB 133 expands the period of time that the state can use to conduct its investigations and issue its findings in writing from 30 days to 60 days. SB 133 even provides the opportunity for a further extension with the permission of the employee or applicant. This additional time will hopefully provide investigators with the time they need to conduct full investigations.

Workplaces should have zero tolerance for harassment. Workers deserve to feel safe when they are at work. The current 30 day requirement for completing investigations may limit the investigations. The Maryland State and DC AFL-CIO maintains our own Code of Conduct that gets read before all meetings.

We encourage the committee to issue a favorable report.

SB 133 - FIN - MDH - LOSWA (2).pdf

Uploaded by: Jason Caplan

Position: FWA



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 1, 2024

The Honorable Pamela Beidle
Chair, Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill 133 – State Employee Rights and Protections - Personnel Actions and Harassment - Investigation of Complaints – Letter of Support with Amendment

Dear Chair Beidle:

The Maryland Department of Health (MDH) respectfully submits this letter of support with amendment for Senate Bill (SB) 133 – State Employee Rights and Protections - Personnel Actions and Harassment - Investigation of Complaints.

SB 133 increases the time period in which the State’s equal opportunity officers (EEO) must conduct investigations and issue a written decision issued for complaints alleging discrimination or harassment by an employer from 30 days to 60 days. Furthermore, EEO officers can receive an additional 30 days to conclude the investigation upon written authorization by the complainant.

This extension of the current investigation period offers necessary additional time for EEO personnel to sufficiently investigate potentially challenging and complicated complaints. The written decisions and recommendations resulting from EEO investigations inform the disciplinary actions warranted by violations of State law against discrimination or harassment by an employer.

MDH is also supportive of the clarifying amendment proposed by the Department of Budget and Management to SB 133. The amendment adds language to note that the 30-day time limit for disciplinary actions required by the State Personnel and Pensions Article §11-106 does not begin until the appointing authority receives the recommended decision by EEO. As disciplinary action is contingent on the report produced by the EEO report — and the findings therein — the amendment to SB 133 ensures any subsequent disciplinary action is imposed by appointing authorities in accordance with current law.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

Laura Herrera Scott, MD, MPH
Secretary

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Uploaded by: Katherine Klausmeier

Position: FWA



SB0133/353226/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

31 JAN 24
16:05:26

BY: Senator Klausmeier
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 133
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “completed;” insert “specifying when an appointing authority is deemed to have acquired certain knowledge relating to a time limit for certain disciplinary action;”.

AMENDMENT NO. 2

On page 2, after line 22, insert:

“(C) FOR PURPOSES OF THIS SECTION, AN APPOINTING AUTHORITY SHALL BE DEEMED TO HAVE ACQUIRED KNOWLEDGE TO BEGIN THE TIME LIMIT FOR THE IMPOSITION OF DISCIPLINARY ACTION UNDER § 11-106(B) OF THIS ARTICLE ONLY ON RECEIPT BY THE HEAD OF THE PRINCIPAL UNIT OF THE PROPOSED DECISION AS PROVIDED IN SUBSECTION (A) OF THIS SECTION.”

SB133 Letter of Support With Amendment - State Emp

Uploaded by: Laura Vykol-Gray

Position: FWA



Maryland

DEPARTMENT OF BUDGET
AND MANAGEMENT

WES MOORE
Governor

HELENE GRADY
Secretary

ARUNA MILLER
Lieutenant Governor

MARC L. NICOLE
Deputy Secretary

**SENATE BILL 133 State Employee Rights and Protections - Personnel Actions
and Harassment - Investigation of Complaints**

LETTER OF SUPPORT WITH AMENDMENT

DATE: January 30, 2024

COMMITTEE: Senate Finance

SUMMARY OF BILL: Senate Bill 133 increases the time period during which an investigation by a State equal employment opportunity (EEO) officer must be conducted and a written decision must be issued for complaints alleging discrimination or harassment by an employer from 30 days to 60 days. Upon written authorization from the complainant, the investigation time period may be extended an additional 30 days (up to 90 days total) to allow more time for the EEO officer to complete the investigation of the complaint.

EXPLANATION: Senate Bill 133 will give EEO officers more time to investigate and respond to EEO complaints. Many EEO officers currently request an extension beyond the 30 calendar days in statute due to challenges to conclude an investigation in such a short period of time. Federal government EEO investigations allow 180 days to investigate EEO complaints.

PROPOSED AMENDMENT: The State Personnel and Pension (SPP) Article §11-106 states that an appointing authority must impose a disciplinary action no later than 30 days after the appointing authority acquires knowledge of the misconduct, except that suspensions without pay have a much shorter time frame for imposition. In the case of an EEO complaint, the appointing authority will not know the outcome until after the investigation is complete. If the investigation takes longer than 30 days, the appointing authority will not be able to take appropriate disciplinary action pertaining to the EEO complaint. The Department of Budget and Management (DBM) is requesting an amendment to Senate Bill 133/House Bill 62 indicating that the time limits imposed by SPP §11-106 do not begin until the appointing authority receives the recommended decision by EEO. This will ensure appointing authorities are able to impose disciplinary actions, as appropriate, in response to EEO complaint findings.

POSITION: SUPPORT WITH AMENDMENT

**For additional information, contact Laura Vykol-Gray at
(410) 260-6371 or laura.vykol@maryland.gov**

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<http://dbm.maryland.gov>

SB0133 - TSO - Extended Deadline for EEO Investiga

Uploaded by: Patricia Westervelt

Position: FWA

February 1, 2024

The Honorable Pamela Beidle
Chair, Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis MD 21401

RE: Letter of Support with Amendment – Senate Bill 133 – State Employee Rights and Protections – Personnel Actions and Harassment – Investigation of Complaints

Dear Chair Beidle and Committee Members:

The Maryland Department of Transportation (MDOT) supports Senate Bill 133 as it mandates extra time for the Department to complete Equal Employment Opportunity (EEO) investigations, rendering a more thorough and complete investigative product.

Senate Bill 133 extends the time to perform EEO investigations from 30 to 60 days and allows for an additional 30 days if agreed to in writing by the complainant. This additional time to conduct investigations is critical to the MDOT EEO and Fair Practices offices. The current limit of 30 days to conduct an investigation has led to many serious disciplinary actions not being taken or lost on appeal when the investigation has taken more than 30 days to complete. It has also led to imposing discipline with less than all of the necessary facts, which has caused unnecessary and costly litigation. MDOT supports this provision in law as it provides a much more reasonable period of time to conduct thorough investigations.

MDOT also supports the amendment proposed by the Department of Budget and Management indicating that the time limits imposed by SPP §11-106 do not begin until the appointing authority receives the recommended decision by EEO. This will ensure appointing authorities are able to impose disciplinary actions, as appropriate, in response to EEO complaint findings.

For these reasons, the Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 133 a favorable report with the amendment described herein.

Respectfully submitted,

Pilar Helm
Director of Government Affairs
Maryland Department of Transportation
410-865-1090