

## **SUBTITLE 2. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT**

### § 5-201. Definitions.

- (a) In general. – In this subtitle the following words have the meanings indicated.
- (b) Coordinator. – “Coordinator” means the Equal Employment Opportunity Coordinator.
- (c) Program. – “Program” means the Equal Employment Opportunity Program established under this subtitle.
- (d) Unit. – “Unit” means a unit of the Executive Branch of State government. (1993, ch. 10, § 2; 1996, ch. 347, § 1.)

### § 5-202. Program established; purpose; eligibility.

- (a) Program established. – There is an Equal Employment Opportunity Program, which is under the authority of the Secretary.
- (b) Purpose. – The purpose of the Program is to ensure a system based on merit that provides equal opportunity in employment on the basis of merit and fitness.
- (c) Eligibility. – The following employees and applicants for employment are included in the Program:
  - (1) an employee in any unit of the Executive Branch of State government, including a unit with an independent personnel system; and
  - (2) an applicant for a position in the skilled service, professional service, or management service, of the State Personnel Management System or a comparable position in an independent personnel system in the Executive Branch of State government. (An. Code 1957, art. 64A, § 12A; 1993, ch. 10, § 2; 1996, ch. 347, § 1.)

### § 5-203. Election to pursue allegation under complaint resolution procedures.

Except as provided in § 5-209 of this subtitle, in addition to any right to file an employment discrimination complaint with the Maryland Commission on Civil Rights, with the Equal Employment Opportunity Commission, or in court, an employee may elect to pursue an allegation of employment discrimination under the complaint resolution procedures of this subtitle. (1996, ch. 347, § 1; 2011, ch. 580.)

### § 5-204. Duties of Secretary.

The Secretary shall:

- (1) administer the Program in compliance with all applicable State and federal laws governing equal employment opportunity;
- (2) adopt regulations, policies, and directives to implement the Program;
- (3) evaluate the equal employment efforts in each unit in the Program;

- (4) take any action necessary and permitted by law to enforce this subtitle; and
- (5) at least annually report on the Program to the Governor. (1996, ch. 347, § 1.)

§ 5-205. Duties of units.

(a) In general. – In accordance with the provisions and intent of the Maryland Constitution and other laws of the State, each unit shall:

(1) comply with all applicable regulations, policies, guidelines, and directives of the Secretary to carry out this section;

(2) cooperate fully with the Coordinator in the investigation of complaints of discrimination in violation of § 5-208 of this subtitle;

(3)

(i) in accordance with the regulations, policies, guidelines, and directives of the Secretary, annually prepare a plan that includes the development and implementation of policies and programs to ensure that protected group members are appropriately represented and that the personnel practices in the unit are not discriminatory; and

(ii) submit to the Secretary the progress reports about the plan that the Secretary requires;

(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; and

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

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

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

(5) provide a copy of the annual report to the Commission on Civil Rights.

(b) University System of Maryland. – Notwithstanding any other provision of this subtitle, the University System of Maryland may satisfy any reporting requirement required by this subtitle or by regulations adopted under this subtitle by submitting to the Secretary an annual report on the System's equal employment opportunity policies and programs in such format as is determined by the System's Board of Regents.

(c) Notices to employees. – An appointing authority shall provide each employee subject to this subtitle with a notice of:

(1) the protections and remedies against employment discrimination available to the employee under:

(i) this subtitle;

(ii) the laws governing the Commission on Civil Rights; and

(iii) the laws governing the Equal Employment Opportunity Commission; and

(2) the applicable time limitations for filing complaints under those laws. (1996, ch. 347, § 1; 1997, ch. 114, § 1.)







(b) Time requirements. – A complaint under this subtitle must be filed within 30 days after the complainant first knew of or reasonably should have known of the alleged violation that is the basis for the complaint. (1996, ch. 347, § 1.)

§ 5-212. Actions on complaint.

Within 30 days after a complaint under § 5-211 of this subtitle is received:

(1) an equal employment officer, under the direction of the fair practices officer, shall investigate the complaint and recommend a proposed decision to the head of the principal unit; and

(2) the head of the principal unit shall issue a written decision to the complainant and may grant any appropriate relief. (1996, ch. 347, § 1.)

§ 5-213. Appeals.

(a) Time of filing.

(1)

(1) order the removal of detrimental information from the complainant's State personnel records;

(2) require the head of the principal unit to:

(i) hire, promote, or reinstate the complainant or end the complainant's suspension from employment;

(ii) award the complainant back pay up to the day of the violation;

(iii) grant the complainant leave or seniority;

(iv) take appropriate disciplinary action against any individual who caused the violation; or

(v) take any other remedial action that the Secretary or designee considers