

# 2018 Maryland Code

## State Personnel and Pensions

### Division I - State Personnel

#### Title 2 - State Employment Generally

#### Subtitle 2 - Personnel Systems in State Government

### § 2-203.1. Sexual harassment prevention training

Universal Citation: [MD State Pers & Pens Code § 2-203.1 \(2018\)](#)

- (a) Definitions. --
  - (1) In this section the following words have the meanings indicated.
  - (2) "Commission" means the Commission on Civil Rights.
  - (3) "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical contact of a sexual nature when:
    - (i) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
    - (ii) submission to or rejection of the conduct by an individual is used as a basis for employment decisions affecting the individual; or
    - (iii) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or offensive working environment that is perceived by the victim to be abusive or hostile.
- (b) Applicability of section. -- This section applies to all units in the Executive, Judicial, and Legislative branches of State government, including all units with independent personnel systems.
- (c) In general. --
  - (1) Each State employee shall complete at least a cumulative 2 hours of in-person or virtual, interactive training on sexual harassment prevention within:
    - (i) 6 months after the employee's initial appointment; and
    - (ii) every 2-year period thereafter.
  - (2) The training required under paragraph (1) of this subsection shall include:

- (i) information on the federal and State laws concerning the prohibition of sexual harassment;
    - (ii) best practices in prevention and correction of sexual harassment, abusive conduct, and retaliation;
    - (iii) remedies and procedures available to victims of sexual harassment in employment; and
    - (iv) additional training for supervisors regarding information on:
      - 1. properly responding to complaints of sexual harassment and preventing further abuse and retaliation; and
      - 2. creating and maintaining a workplace culture in which sexual harassment is not tolerated.
- (d) Designated representative. --
  - (1)
    - (i) Each unit shall designate a representative to coordinate with the Commission to implement the training State employees are required to complete under subsection (c) of this section.
    - (ii) A unit may incorporate the training into existing employment training for new employees and supervisors.
  - (2) The Commission shall train each representative designated under paragraph (1) of this subsection in:
    - (i) the prevention of sexual harassment, discrimination, and retaliation; and
    - (ii) best practices in sexual harassment prevention.
  - (3) The representatives designated under paragraph (1) of this subsection are encouraged to use Equal Employment Opportunity Commission materials to prevent sexual harassment in the workplace.
- (e) Retake parts of training or participate in additional training. -- If determined to be necessary by the appointing authority, a unit may require an employee to retake any part or all of the training, or to participate in additional classes or training.
- (f) Enforcement and audits. -- For a unit in the Executive Branch of State government, the Equal Employment Opportunity Coordinator established under § 5-206 of this article:
  - (1) shall enforce the requirements of this section; and
  - (2) may recommend to the Legislative Auditor, the Joint Audit Committee, or the Executive Director of the Department of Legislative Services that the Office of Legislative Audits conduct a performance audit or review of a unit if the Equal Employment Opportunity Coordinator determines that the unit has not complied with this section.
- (g) Immunity from liability. -- Unless the acts or omissions of an employee who completed the training required under subsection (c) of this section are willful,

wanton, or grossly negligent, a person may not bring an action against the State for any act or omission resulting from:

- (1) any training or lack of training of a State employee; or
  - (2) the implementation of the training required under subsection (c) of this section.
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- (h) Unit may provide longer and more frequent training. -- The training required in this section is a minimum requirement and may not be construed to discourage or relieve any unit from providing a longer, more frequent, or more informative training on workplace sexual harassment prevention.
  
  - (i) Regulations. -- The Commission shall adopt regulations to implement this section.