

Annotated Code of Maryland  
(1997 Replacement Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - State Personnel and Pensions**

5-208.

(a) All personnel actions concerning an employee in the Executive Branch of State government shall be made in accordance with § 2-302 of this article.

(b) Except for special appointments or applicants for special appointment, personnel actions concerning an employee or applicant for employment in the skilled service or professional service of the State Personnel Management System or comparable position in an independent personnel system in the Executive Branch of State government shall also be made without regard to:

- (1) political affiliation, belief, or opinion; or
- (2) any other nonmerit factor.

(c) All personnel actions concerning an employee or applicant in the management service shall also be made without regard to the employee's political affiliation, belief, or opinion.

(d) The protections of this section are in addition to whatever legal or constitutional protections an employee or applicant has.

5-209.

(A) An employee in the skilled service, professional service, or management service of the State Personnel Management System may elect to pursue an allegation of employment discrimination under:

- (1) the complaint procedures in this subtitle; or
- (2) the grievance procedures in Title 12 of this article.

(B) AN EMPLOYEE OF THE UNIVERSITY SYSTEM OF MARYLAND WHO IS ELIGIBLE TO FILE A GRIEVANCE UNDER TITLE 13 OF THE EDUCATION ARTICLE MAY ELECT TO PURSUE AN ALLEGATION OF EMPLOYMENT DISCRIMINATION UNDER:

- (1) THE COMPLAINT PROCEDURES IN THIS SUBTITLE; OR
- (2) A GRIEVANCE UNDER TITLE 13 OF THE EDUCATION ARTICLE.

(C) AN EMPLOYEE OF MORGAN STATE UNIVERSITY WHO IS ELIGIBLE TO FILE A GRIEVANCE UNDER TITLE 14 OF THE EDUCATION ARTICLE MAY ELECT TO PURSUE AN ALLEGATION OF EMPLOYMENT DISCRIMINATION UNDER:

- (1) THE COMPLAINT PROCEDURES IN THIS SUBTITLE; OR
- (2) A GRIEVANCE UNDER TITLE 14 OF THE EDUCATION ARTICLE.