

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 828 (Delegate Stern, *et al.*)
Health and Government Operations

Employment Discrimination - Country Clubs - Ability of Employees to Sue

This bill alters the definition of “employer” under State employment discrimination law to include a “country club,” thereby allowing an employee of a country club to sue his/her employer for employment discrimination.

Fiscal Summary

State Effect: Any anticipated increase in claims as a result of the bill’s inclusion of country club employers under State employment discrimination laws could be handled with the existing resources of the Human Relations Commission.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Generally, it is an unlawful employment practice to discriminate against an individual because of that individual’s race, color, religion, sex, age, national origin, marital status, sexual orientation, genetic information, or disability. Under Maryland’s antidiscrimination law, the Human Relations Commission has jurisdiction over employers with 15 or more employees; nonprofit private membership clubs other than labor organizations are not covered.

Cases are presented by the general counsel of the Human Relations Commission. The commission has the power to administer oaths; issue subpoenas; compel the attendance

and testimony of witnesses; and compel the production of books, papers, records, and documents relevant or necessary for proceedings.

Upon finding a respondent to have engaged in a discriminatory act under Maryland's antidiscrimination laws, a hearing examiner must issue a cease and desist order against the respondent. If the respondent is found to have engaged in or to be engaging in an unlawful employment practice charged in the complaint, the remedy may include reinstatement or hiring of employees with or without back pay or any other appropriate equitable relief. The award of monetary relief is limited to a 36-month period. The complainant may not be awarded monetary relief for losses incurred between the commission's final determination and the final determination in the courts. Amounts earned in the interim reduce monetary relief otherwise allowable.

Small Business Effect: Small businesses held liable for employment discrimination may be subject to attorneys' fees and damages such as back pay. The bill would not affect employers with fewer than 15 employees.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Human Relations Commission, Department of Legislative Services

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mp/jr

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