

HOUSE BILL 1478

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6lr1172
CF 6lr1241

By: **Delegates Simonaire, D. Barnes, Fennell, Glass, Metzgar, A. Washington, and M. Washington**

Introduced and read first time: February 12, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Employment Discrimination – Sexual Harassment – Definition of Employer**

3 FOR the purpose of altering the definition of “employer” for purposes of a complaint alleging
4 sexual harassment; providing for the construction of this Act; and generally relating
5 to discrimination in employment.

6 BY repealing and reenacting, without amendments,

7 Article – State Government

8 Section 20–601(a)

9 Annotated Code of Maryland

10 (2014 Replacement Volume and 2015 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – State Government

13 Section 20–601(d)

14 Annotated Code of Maryland

15 (2014 Replacement Volume and 2015 Supplement)

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

18 **Article – State Government**

19 20–601.

20 (a) In this subtitle the following words have the meanings indicated.

21 (d) (1) “Employer” means:

22 (i) a person that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1. is engaged in an industry or business; and

2 2. **A. EXCEPT AS PROVIDED IN ITEM B OF THIS ITEM,**
3 has 15 or more employees for each working day in each of 20 or more calendar weeks in the
4 current or preceding calendar year; **OR**

5 **B. FOR PURPOSES OF A COMPLAINT ALLEGING SEXUAL**
6 **HARASSMENT, HAS ONE OR MORE EMPLOYEES FOR EACH WORKING DAY IN EACH OF**
7 **20 OR MORE CALENDAR WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR;**
8 and

9 (ii) an agent of a person described in item (i) of this paragraph.

10 (2) “Employer” includes the State to the extent provided in this title.

11 (3) Except for a labor organization, “employer” does not include a bona fide
12 private membership club that is exempt from taxation under § 501(c) of the Internal
13 Revenue Code.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
15 preempt or prevail over any local ordinance, resolution, law, or rule that requires that an
16 employer have more than one employee for purposes of a complaint alleging employment
17 discrimination based on sexual harassment.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2016.