

HB1003/453897/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1003
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Davis,” insert “K. Young.”; and strike beginning with “providing” in line 11 down through “circumstances;” in line 12 and substitute “providing that certain provisions of this Act do not preclude an employee from demonstrating that an employer’s reliance on a certain exception is a pretext for certain discrimination.”.

On page 2, in line 6, strike “work of a comparable nature or”; strike beginning with “authorizing” in line 9 down through “employer;” in line 12 and substitute “altering a certain provision of law to require that a certain action be filed within a certain time period after the discovery of a certain act;”; strike beginning with “authorizing” in line 13 down through “Act;” in line 14; in line 15, strike “a certain term;” and substitute “certain terms;”; in line 20, after “Section” insert “3-301.”; in the same line, strike “3-307, and 3-308” and substitute “and 3-307”; and after line 27, insert:

“BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3-308
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 30, insert:

“3-301.

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

(Over)

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(b) (1) “Employer” means:

(i) a person engaged in a business, industry, profession, trade, or other enterprise in the State;

(ii) the State and its units;

(iii) a county and its units; and

(iv) a municipal government in the State.

(2) “Employer” includes a person who acts directly or indirectly in the interest of another employer with an employee.

(c) “GENDER IDENTITY” HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.

(D) (1) “Wage” means all compensation for employment.

(2) “Wage” includes board, lodging, or other advantage provided to an employee for the convenience of the employer.”;

in line 32, strike “**(1)**”; in line 33, after “MEANS” insert “:

(1)”;

in line 34, after “TRACK” insert “, **IF CAREER TRACKS ARE OFFERED,**”; in the same line, strike the period and substitute a semicolon; and strike in their entirety lines 35 and 36.

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On page 3, in line 1, strike “(I)” and substitute “(2)”; and strike in their entirety lines 4 and 5 and substitute:

“(3) LIMITING OR DEPRIVING AN EMPLOYEE OF EMPLOYMENT OPPORTUNITIES THAT WOULD OTHERWISE BE AVAILABLE TO THE EMPLOYEE BUT FOR THE EMPLOYEE’S SEX OR GENDER IDENTITY.”

On page 7, in line 8, strike “WORK OF COMPARABLE NATURE OR”; in line 12, strike “BOTH”; in the same line, after “ACTUAL” insert “DAMAGES”; in the same line, after the second “AND” insert “AN ADDITIONAL EQUAL AMOUNT AS”; and strike beginning with “IN” in line 13 down through “(4)” in line 17.

AMENDMENT NO. 3

On page 4, strike beginning with “AN” in line 8 down through “PRACTICE” in line 15 and substitute “THIS SECTION DOES NOT PRECLUDE AN EMPLOYEE FROM DEMONSTRATING THAT AN EMPLOYER’S RELIANCE ON AN EXCEPTION LISTED IN SUBSECTION (C) OF THIS SECTION IS A PRETEXT FOR DISCRIMINATION ON THE BASIS OF SEX OR GENDER IDENTITY”.

AMENDMENT NO. 4

On page 7, in line 17, strike “OR THE ATTORNEY GENERAL”; and strike beginning with “ON” in line 25 down through “(D)” in line 30.

On page 8, in lines 1 and 3, in each instance, strike the bracket; in line 1, strike “(E)”; and in line 3, strike “(F)”.

On page 9, in line 1, strike “OR THE ATTORNEY GENERAL”.

AMENDMENT NO. 5

(Over)

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On page 7, in line 30, strike “of” and substitute “**AFTER**”; and in the same line, after “the” insert “**DISCOVERY OF THE**”.