



LEGISLATIVE POSITION:

Unfavorable

Senate Bill 451

Unlawful Employment Practice – Statute of Limitations - Tolling

Senate Judicial Proceedings Committee

Tuesday, February 15, 2022

Dear Chairman Smith and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,500 members and federated partners working to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

SB 451 establishes tolling for the period of time during which a complainant may file a civil action alleging an unlawful employment practice while other administrative charges are pending.

This legislation opens up Maryland employers to longer periods of time in which lawsuits alleging unlawful employment practices can be brought, exposing them to additional liability and creating an even more challenging and uncertain business environment. Maryland employers are unfortunately accustomed to alleged complaints filed under either federal or State processes being dragged on for extended periods of time before findings are rendered. Tolling that time period until administrative charges are resolved time period before the official time period begins only extends the time which employees and witnesses can move on or forget or for evidence to be lost or altered, making it more difficult for employers to defend themselves against alleged violations. Finally, SB 451 is unclear as to which administrative charge takes precedence in being finalized. Would the timeline for a complaint to be filed begin after the first administrative charge has been resolved? Or would all pending charges, potentially federal, State, and local, need to be resolved for the timeline to begin.

Finally, it is important to remember that the timelines which already exist in statute were designed to appropriately balance an employer's right to defend themselves against an employee's right to hold employers accountable. Altering the balance of these timelines changes the equity between employer and employee rights.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **unfavorable report** on **SB 451**.