
By: Senator Ruben

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Employment Discrimination - Volunteer Fire or Rescue Companies**

3 FOR the purpose of including certain volunteer fire and rescue companies under the
4 provisions of the employment discrimination law administered by the State Human
5 Relations Commission; and generally relating to the jurisdiction of the Human
6 Relations Commission regarding employment discrimination cases involving certain
7 volunteer fire and rescue companies.

8 BY repealing and reenacting, with amendments,
9 Article 49B - Human Relations Commission
10 Section 15
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1995 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Labor and Employment
15 Section 9-234(a)(3)
16 Annotated Code of Maryland
17 (1991 Volume and 1995 Supplement)

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

20 **Article 49B - Human Relations Commission**

21 15.

22 For the purposes of this subtitle:

23 (a) The term "person" includes one or more individuals, labor unions,
24 partnerships, associations, corporations, legal representatives, mutual companies,
25 joint-stock companies, trusts, unincorporated organizations, trustees, trustees in
26 bankruptcy, or receivers.

27 (b) (1) The term "employer" means a person engaged in an industry or business
28 who has fifteen or more employees for each working day in each of twenty or more
29 calendar weeks in the current or preceding calendar year, and any agent of such a
30 person[;].

2

1 (2) [such] THE term "EMPLOYER" [does include] INCLUDES:

2 (I) [the] THE State of Maryland to the extent as may be provided in
3 this article but such term does not include a bona fide private membership club (other
4 than a labor organization) which is exempt from taxation under § 501(c)of the Internal
5 Revenue Code; AND

6 (II) A VOLUNTEER COMPANY.

7 (c) The term "employment agency" means any person regularly undertaking with
8 or without compensation to procure employees for an employer or to procure for
9 employees opportunities to work for an employer and includes an agent or such a person;
10 but shall not include an agency of the United States or an agency of the State of Maryland
11 or political subdivision thereof, except such term shall include the United States
12 Employment Service and the system of State and local employment services receiving
13 federal assistance.

14 (d) The term "labor organization" means a labor organization engaged in an
15 industry and any agent of such an organization, and includes any organization of any kind,
16 any agency, or employee representation committee, group, association, or plan so
17 engaged in which employees participate and which exists for the purpose, in whole or in
18 part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay,
19 hours, or other terms or conditions of employment, and any conference, general
20 committee, joint or system board, or joint council so engaged which is subordinate to a
21 national or international labor organization.

22 (e) The term "employee" means an individual employed by an employer, except
23 that "employee" does not include any person elected to public office or any person chosen
24 by the officer to be on the officer's personnel staff, or an appointee in the policymaking
25 level or an immediate advisor with respect to the exercise of the constitutional or legal
26 powers of the office. The exception set forth in the preceding sentence does not include
27 employees subject to the State or local civil service laws.

28 (f) The term "religion" includes all aspects of religious observances and practice,
29 as well as belief, except in those cases when the observance, practice, or belief cannot be
30 reasonably accommodated by an employer without causing undue hardship on the
31 conduct of the employer's business.

32 (g) The term "physical or mental handicap" means any physical disability,
33 infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or
34 illness including epilepsy, and which shall include, but not be limited to, any degree of
35 paralysis, amputation, lack of physical coordination, blindness or visual impairment,
36 deafness or hearing impairment, muteness or speech impediment or physical reliance on
37 a seeing eye dog, wheelchair, or other remedial appliance or device; and any mental
38 impairment or deficiency as, but not limited to, retardation or such other which may have
39 necessitated remedial or special education and related services.

40 (H) THE TERM "VOLUNTEER COMPANY" HAS THE MEANING INDICATED IN §
41 9-234(A)(3) OF THE LABOR AND EMPLOYMENT ARTICLE.

3

1 **Article - Labor and Employment**

2 9-234.

3 (a) (3) "Volunteer company" means:

4 (i) a volunteer advanced life support unit;

5 (ii) a volunteer ambulance company or squad;

6 (iii) a volunteer fire company or department; and

7 (iv) a volunteer rescue company, department, or squad.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1996.