
By: Senator Della

Introduced and read first time: February 4, 2005

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment - Retaliatory Action for Testifying on Pending**
3 **Legislation - Prohibition**

4 FOR the purpose of prohibiting certain employers from taking certain actions against
5 employees who take authorized leave to testify on legislation being considered
6 by the General Assembly; authorizing certain employees to bring an action
7 against an employer that violates certain provisions of this Act; establishing a
8 certain limitations period on actions brought under certain provisions of this
9 Act; requiring a court to require an employer to reinstate a certain employee
10 under certain circumstances; requiring a court to order an employer to pay
11 reasonable attorney's fees and other costs under certain circumstances;
12 prohibiting an employer from taking certain actions against certain employees
13 under certain circumstances; prohibiting an employee from taking certain
14 actions in bad faith; defining a certain term; and generally relating to employers
15 that retaliate against employees who testify on legislation before the General
16 Assembly.

17 BY adding to
18 Article - Labor and Employment
19 Section 3-709
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2004 Supplement)

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

24 **Article - Labor and Employment**

25 3-709.

26 (A) IN THIS SECTION, "EMPLOYER" MEANS:
27 (1) THE STATE OR ANY UNIT OF STATE GOVERNMENT;
28 (2) A COUNTY OR ANY UNIT OF COUNTY GOVERNMENT; OR

1 (3) A MUNICIPAL CORPORATION.

2 (B) AN EMPLOYER MAY NOT TERMINATE, DISCIPLINE, DISCRIMINATE
3 AGAINST, OR OTHERWISE PENALIZE AN EMPLOYEE WHO TAKES AUTHORIZED LEAVE
4 TO TESTIFY ON LEGISLATION THAT IS UNDER CONSIDERATION BY THE GENERAL
5 ASSEMBLY.

6 (C) (1) IF AN EMPLOYER VIOLATES SUBSECTION (B) OF THIS SECTION, THE
7 AFFECTED EMPLOYEE MAY BRING AN ACTION AGAINST THE EMPLOYER.

8 (2) AN ACTION UNDER THIS SUBSECTION SHALL BE FILED WITHIN 3
9 YEARS AFTER THE ACT ON WHICH THE ACTION IS BASED.

10 (3) IF A COURT DETERMINES THAT AN EMPLOYER HAS VIOLATED
11 SUBSECTION (B) OF THIS SECTION, THE COURT SHALL:

12 (I) REQUIRE THE EMPLOYER TO REINSTATE THE EMPLOYEE WITH
13 NO DIMINUTION OF WAGES OR BENEFITS; AND

14 (II) ORDER THE EMPLOYER TO PAY REASONABLE ATTORNEY'S FEES
15 AND OTHER COSTS OF THE ACTION INCURRED BY THE EMPLOYEE.

16 (D) (1) AN EMPLOYER MAY NOT TERMINATE, DISCIPLINE, DISCRIMINATE
17 AGAINST, OR OTHERWISE PENALIZE AN EMPLOYEE WHO HAS FILED AN ACTION
18 AGAINST THE EMPLOYER UNDER SUBSECTION (C) OF THIS SECTION.

19 (2) AN EMPLOYEE MAY NOT IN BAD FAITH:

20 (I) BRING AN ACTION UNDER SUBSECTION (C) OF THIS SECTION;
21 OR

22 (II) TESTIFY IN AN ACTION UNDER SUBSECTION (C) OF THIS
23 SECTION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2005.