

HOUSE BILL 463

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By: **Delegates Kaiser, Hucker, Frush, Glenn, Manno, McIntosh, Montgomery, Ramirez, Riley, Robinson, F. Turner, Vallario, and Weir**

Introduced and read first time: January 29, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations – Employment Discrimination Based on Family**
3 **Responsibilities – Prohibitions**

4 FOR the purpose of altering the equal employment opportunity policy of the State to
5 assure equal opportunity regardless of family responsibilities; prohibiting an
6 employer from failing or refusing to hire, discharging, or otherwise
7 discriminating against an individual because of family responsibilities;
8 prohibiting an employer from limiting, segregating, or classifying employees or
9 prospective employees based on family responsibilities; prohibiting an
10 employment agency from failing or refusing to refer an individual for
11 employment or otherwise discriminating against an individual because of family
12 responsibilities; prohibiting an employment agency from classifying or referring
13 an individual for employment because of family responsibilities; prohibiting a
14 labor organization from excluding or expelling an individual from its
15 membership or otherwise discriminating against an individual because of family
16 responsibilities; prohibiting a labor organization from limiting, segregating, or
17 classifying its membership or taking certain other actions in a manner that
18 would deprive or tend to deprive an individual of employment opportunities
19 based on family responsibilities; prohibiting certain persons from discriminating
20 against an individual in the admission to, or employment in, an established
21 apprenticeship or training program based on family responsibilities; prohibiting
22 certain persons from printing or causing to be printed or published a notice or
23 advertisement related to employment that indicates a preference, limitation,
24 specification, or discrimination based on family responsibilities; authorizing a
25 notice or advertisement to indicate a preference, limitation, specification, or
26 discrimination based on family responsibilities if it is a bona fide occupational
27 qualification for employment; and generally relating to prohibitions on
28 employment discrimination based on family responsibilities.

29 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Government
2 Section 20–602 and 20–606
3 Annotated Code of Maryland
4 (2009 Replacement Volume)

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

7 **Article – State Government**

8 20–602.

9 It is the policy of the State, in the exercise of its police power for the protection
10 of the public safety, public health, and general welfare, for the maintenance of
11 business and good government, and for the promotion of the State’s trade, commerce,
12 and manufacturers:

13 (1) to assure all persons equal opportunity in receiving employment
14 and in all labor management–union relations, regardless of race, color, religion,
15 ancestry or national origin, sex, age, marital status, **FAMILY RESPONSIBILITIES**,
16 sexual orientation, or disability unrelated in nature and extent so as to reasonably
17 preclude the performance of the employment; and

18 (2) to that end, to prohibit discrimination in employment by any
19 person.

20 20–606.

21 (a) An employer may not:

22 (1) fail or refuse to hire, discharge, or otherwise discriminate against
23 any individual with respect to the individual’s compensation, terms, conditions, or
24 privileges of employment because of:

25 (i) the individual’s race, color, religion, sex, age, national origin,
26 marital status, **FAMILY RESPONSIBILITIES**, sexual orientation, genetic information,
27 or disability unrelated in nature and extent so as to reasonably preclude the
28 performance of the employment; or

29 (ii) the individual’s refusal to submit to a genetic test or make
30 available the results of a genetic test;

31 (2) limit, segregate, or classify its employees or applicants for
32 employment in any way that would deprive or tend to deprive any individual of
33 employment opportunities or otherwise adversely affect the individual’s status as an
34 employee because of:

1 (i) the individual's race, color, religion, sex, age, national origin,
2 marital status, **FAMILY RESPONSIBILITIES**, sexual orientation, genetic information,
3 or disability unrelated in nature and extent so as to reasonably preclude the
4 performance of the employment; or

5 (ii) the individual's refusal to submit to a genetic test or make
6 available the results of a genetic test;

7 (3) request or require genetic tests or genetic information as a
8 condition of hiring or determining benefits; or

9 (4) fail or refuse to make a reasonable accommodation for the known
10 disability of an otherwise qualified employee.

11 (b) An employment agency may not:

12 (1) fail or refuse to refer for employment or otherwise discriminate
13 against any individual because of the individual's race, color, religion, sex, age,
14 national origin, marital status, **FAMILY RESPONSIBILITIES**, sexual orientation, or
15 disability unrelated in nature and extent so as to reasonably preclude the performance
16 of the employment; or

17 (2) classify or refer for employment any individual on the basis of the
18 individual's race, color, religion, sex, age, national origin, marital status, **FAMILY**
19 **RESPONSIBILITIES**, sexual orientation, or disability unrelated in nature and extent
20 so as to reasonably preclude the performance of the employment.

21 (c) A labor organization may not:

22 (1) exclude or expel from its membership, or otherwise discriminate
23 against, any individual because of the individual's race, color, religion, sex, age,
24 national origin, marital status, **FAMILY RESPONSIBILITIES**, sexual orientation, or
25 disability unrelated in nature and extent so as to reasonably preclude the performance
26 of the employment;

27 (2) limit, segregate, or classify its membership, or classify or fail or
28 refuse to refer for employment any individual, in any way that would deprive or tend
29 to deprive the individual of employment opportunities, limit the individual's
30 employment opportunities, or otherwise adversely affect the individual's status as an
31 employee or as an applicant for employment because of the individual's race, color,
32 religion, sex, age, national origin, marital status, **FAMILY RESPONSIBILITIES**, sexual
33 orientation, or disability unrelated in nature and extent so as to reasonably preclude
34 the performance of the employment; or

35 (3) cause or attempt to cause an employer to discriminate against an
36 individual in violation of this section.

1 (d) An employer, labor organization, or joint labor–management committee
2 controlling apprenticeship or other training or retraining programs, including
3 on–the–job training programs, may not discriminate against any individual in
4 admission to, or employment in, any program established to provide apprenticeship or
5 other training or retraining because of the individual’s race, color, religion, sex, age,
6 national origin, marital status, **FAMILY RESPONSIBILITIES**, sexual orientation, or
7 disability unrelated in nature and extent so as to reasonably preclude the performance
8 of the employment.

9 (e) (1) Except as provided in paragraph (2) of this subsection, an
10 employer, labor organization, or employment agency may not print or cause to be
11 printed or published any notice or advertisement relating to employment by the
12 employer, membership in or any classification or referral for employment by the labor
13 organization, or any classification or referral for employment by the employment
14 agency that indicates any preference, limitation, specification, or discrimination based
15 on race, color, religion, sex, age, national origin, marital status, **FAMILY**
16 **RESPONSIBILITIES**, sexual orientation, or disability.

17 (2) A notice or advertisement may indicate a preference, limitation,
18 specification, or discrimination based on religion, sex, age, national origin, marital
19 status, **FAMILY RESPONSIBILITIES**, or disability if religion, sex, age, national origin,
20 marital status, **FAMILY RESPONSIBILITIES**, or disability is a bona fide occupational
21 qualification for employment.

22 (f) An employer may not discriminate or retaliate against any of its
23 employees or applicants for employment, an employment agency may not discriminate
24 against any individual, and a labor organization may not discriminate or retaliate
25 against any member or applicant for membership because the individual has:

26 (1) opposed any practice prohibited by this subtitle; or

27 (2) made a charge, testified, assisted, or participated in any manner in
28 an investigation, proceeding, or hearing under this subtitle.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2010.