

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 463 (Delegate Kaiser, *et al.*)
Health and Government Operations

**Human Relations - Employment Discrimination Based on Family Responsibilities
- Prohibitions**

This bill alters the equal employment opportunity policy of the State to assure equal opportunities to all persons, regardless of family responsibilities, and prohibits employment discrimination based on family responsibilities.

Fiscal Summary

State Effect: Although the bill's specifications may increase court filings relating to employment discrimination and unlawful employment practices, it is not expected to significantly affect State operations or finances.

Local Effect: The bill is not expected to significantly affect local government operations or finances although the bill may increase court filings relating to employment discrimination and unlawful employment practices.

Small Business Effect: Minimal.

Analysis

Current Law: Employers, employment agencies, and labor organizations are prohibited from discrimination in various aspects of employment because of an individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, genetic information, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment.

Under provisions of the Human Services Article addressing residential child care program, including those licensed by the Developmental Disabilities Administration, a facility must conspicuously post a “Residents’ Bill of Rights” in the facility of the provider stating, in part, that a resident has a right not to be discriminated against on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business.

State and Local Fiscal Effect: The Department of Budget and Management, as well as Howard and Montgomery counties, have advised that this bill may encourage litigation with costly impacts on State and local legal resources. In addition, since the term “family responsibilities” is not defined under current law, the potential impacts to employee work schedules, attendance issues, and child care issues are difficult to anticipate. On the other hand, Caroline County reports that the county’s internal policies, as stated in the Caroline County Personnel Rules and Regulations, already prohibit discrimination based on family responsibilities.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Caroline, Howard, and Montgomery counties; Department of Budget and Management; Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2010
mpc/kdm

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