

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 795

(Delegate Hucker, *et al.*)

Economic Matters

Finance

Maryland Occupational Safety and Health Act - Discrimination Against Employee
- Complaints

This bill allows an employee to initially submit a complaint *orally* to the Commissioner of Labor and Industry if the employee believes that an employer or other person has discriminated against the employee (1) on the basis of information gained through group medical coverage or (2) because the employee filed a complaint, brought action, testified, or exercised rights under the Maryland Occupational Safety and Health (MOSH) Act. However, for an oral complaint to be accepted as timely by the commissioner, the employee must subsequently submit a signed written complaint within seven business days of making the oral complaint.

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: An employee must submit a written complaint, signed by the employee, to the Commissioner of Labor and Industry if the employee believes that an employer or other person has discriminated against the employee on the basis of information gained through group medical coverage or because the employee filed a complaint, brought

action, testified, or exercised rights under the MOSH Act. A complaint must be filed within 30 days after the alleged discrimination occurs.

Background: The Division of Labor and Industry within the Department of Labor, Licensing, and Regulation administers the MOSH program. The requirements of the MOSH program are codified by the MOSH Act. In general, these requirements parallel the safety standards established by the federal Occupational Safety and Health Administration (OSHA). OSHA specifies that states may elect to assume the responsibility for development and management of a state occupational safety and health program as long as the standards under the state program are “at least as effective as” OSHA standards.

OSHA allows any applicant for employment, employee, former employee, or his or her authorized representative to file a whistleblower complaint either orally or in writing with OSHA.

Additional Information

Prior Introductions: None.

Cross File: SB 757 (Senator Ramirez) - Finance.

Information Source(s): Department of Labor, Licensing, and Regulation; U.S. Department of Labor; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2013
mlm/mcr Revised - House Third Reader - March 21, 2013

Analysis by: Heather N. Ruby

Direct Inquiries to:
(410) 946-5510
(301) 970-5510