

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 37 (Delegate M. Washington)
Health and Government Operations

Employment Discrimination - Dress and Grooming Standards

This bill establishes that the ability of an employer to establish specified standards concerning an employee's dress and grooming does not allow the employer to (1) require or prohibit specific hairstyles or facial hair or (2) prohibit an employee from wearing clothing or adopting modes of grooming based on sex.

Fiscal Summary

State Effect: The Maryland Commission on Civil Rights (MCCR) can handle any increase in complaints using existing resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Discrimination in employment based on an individual's race, color, religion, national origin, sex, age, marital status, sexual orientation, or disability is prohibited. This includes discrimination by employers with 15 or more employees, employment agencies, labor organizations, and training programs. An employer is not prohibited from establishing standards concerning an employee's dress or grooming, if the standards are directly related to the nature of the employment of the employee.

Individuals alleging employment discrimination may file a complaint with MCCR. A complaint must be filed within six months from the date the alleged violation occurred. MCCR may also issue a complaint in its name in the same manner as if the complaint had

been filed by an individual, as specified. Following an investigation, if there is a finding of probable cause that a discriminatory act has been or is being committed, MCCR's staff must immediately attempt to eliminate the discrimination by conference, conciliation, or persuasion. If an agreement is reached, MCCR must enter an order setting forth the terms of the agreement. If an agreement is not reached, MCCR staff must make written findings to that effect and certify the file to the general counsel of MCCR. The Executive Director of MCCR must issue a written notice, to be served in the name of MCCR, requiring the respondent to answer the charges at a public hearing before an administrative law judge (ALJ). If MCCR finds no probable cause, a request for reconsideration may be filed, as specified.

Following an administrative hearing, on a finding that the respondent has engaged in a discriminatory act, the ALJ must issue a decision and order stating the judge's findings of fact and conclusions of law. The ALJ must also issue and cause to be served on the respondent an order requiring the respondent to cease and desist from engaging in the discriminatory acts and take appropriate affirmative action. Nonmonetary relief may also be granted. If the ALJ finds that the respondent has not engaged in an alleged discriminatory act, the ALJ must state findings of fact and conclusions of law and issue an order dismissing the complaint. Unless a timely appeal is filed in accordance with MCCR regulations, a decision and order issued by the ALJ is the final order.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Commission on Civil Rights, Department of Legislative Services

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