

HOUSE BILL 882

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By: **Delegate McDonough**

Introduced and read first time: February 13, 2015

Assigned to: Economic Matters and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Workers Fairness Act**

3 FOR the purpose of requiring an employer, under certain circumstances, to grant an
4 individual who is either a United States citizen or lawfully present in the United
5 States in accordance with federal law a hiring preference over an individual who has
6 applied for certain deportation relief; making conforming changes; providing for the
7 application of this Act; and generally relating to applications for employment and
8 certain hiring preferences.

9 BY adding to

10 Article – Labor and Employment

11 Section 3–714

12 Annotated Code of Maryland

13 (2008 Replacement Volume and 2014 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – State Government

16 Section 20–606(a)

17 Annotated Code of Maryland

18 (2014 Replacement Volume)

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

21 **Article – Labor and Employment**

22 **3–714.**

23 **WHEN CONSIDERING AN APPLICATION FOR EMPLOYMENT, AN EMPLOYER**
24 **SHALL GRANT AN INDIVIDUAL WHO IS EITHER A UNITED STATES CITIZEN OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW**
2 **A HIRING PREFERENCE OVER AN INDIVIDUAL WHO HAS APPLIED FOR DEPORTATION**
3 **RELIEF IN ACCORDANCE WITH THE IMMIGRATION ACCOUNTABILITY EXECUTIVE**
4 **ACTIONS ISSUED BY THE PRESIDENT OF THE UNITED STATES IN NOVEMBER 2014.**

5 **Article – State Government**

6 20–606.

7 (a) **[An] SUBJECT TO § 3–714 OF THE LABOR AND EMPLOYMENT ARTICLE,**
8 **AN employer may not:**

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

12 (i) the individual’s race, color, religion, sex, age, national origin,
13 marital status, sexual orientation, gender identity, genetic information, or disability
14 unrelated in nature and extent so as to reasonably preclude the performance of the
15 employment; or

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

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

22 (i) the individual’s race, color, religion, sex, age, national origin,
23 marital status, sexual orientation, gender identity, genetic information, or disability
24 unrelated in nature and extent so as to reasonably preclude the performance of the
25 employment; or

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

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

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

32 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall be construed to
33 apply only prospectively and may not be applied or interpreted to have any effect on or
34 application to any cause of action arising before the effective date of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.