

SB0481/957476/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 481
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 11 down through “circumstances;” in line 12 and substitute “providing that certain provisions of this Act do not preclude an employee from demonstrating that an employer’s reliance on a certain exception is a pretext for certain discrimination;”; in line 26, after “work” insert “against an employer who knowingly violates a certain provision of law”; in line 25, strike “work of a comparable nature or”; and in line 27, after “employer” insert “who knowingly violates a certain provision of law”.

On page 2, strike beginning with “authorizing” in line 1 down through “employer;” in line 4 and substitute “altering a certain provision of law to require that a certain action be filed within a certain time period after the discovery of a certain act;”; strike beginning with “authorizing” in line 5 down through “Act;” in line 6; in line 7, strike “a certain term” and substitute “certain terms”; in line 12, after “Section” insert “3-301”; in the same line, strike “3-307, and 3-308” and substitute “and 3-307”; and after line 19, insert:

“BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3-308
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 22, insert:

“3-301.

(Over)

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Employer” means:

 (i) a person engaged in a business, industry, profession, trade, or other enterprise in the State;

 (ii) the State and its units;

 (iii) a county and its units; and

 (iv) a municipal government in the State.

 (2) “Employer” includes a person who acts directly or indirectly in the interest of another employer with an employee.

(c) **“GENDER IDENTITY” HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.**

(D) (1) “Wage” means all compensation for employment.

 (2) “Wage” includes board, lodging, or other advantage provided to an employee for the convenience of the employer.”;

in line 24, strike “(1)”; in line 25, after “MEANS” insert “:

(1)”;

in line 26, after “TRACK” insert “, **IF CAREER TRACKS ARE OFFERED,**”; in the same line, strike the period and substitute a semicolon; strike in their entirety lines 27 and

28; in line 29, strike “(I)” and substitute “(2)”; and strike in their entirety lines 32 and 33 and substitute:

“(3) LIMITING OR DEPRIVING AN EMPLOYEE OF EMPLOYMENT OPPORTUNITIES THAT WOULD OTHERWISE BE AVAILABLE TO THE EMPLOYEE BUT FOR THE EMPLOYEE’S SEX OR GENDER IDENTITY.”

On page 6, in line 26, after “employer” insert “**KNOWINGLY**”; and in line 30, strike “**WORK OF COMPARABLE NATURE OR**”.

On page 7, in line 1, after “**EMPLOYER**” insert “**KNOWINGLY**”; in line 3, strike “**BOTH**”; in the same line, after “**ACTUAL**” insert “**DAMAGES**”; in the same line, after the second “**AND**” insert “**AN ADDITIONAL EQUAL AMOUNT AS**”; and strike beginning with “**IN**” in line 4 down through “**(4)**” in line 8.

AMENDMENT NO. 3

On page 4, strike beginning with “**AN**” in line 1 down through “**PRACTICE**” in line 8 and substitute “**THIS SECTION DOES NOT PRECLUDE AN EMPLOYEE FROM DEMONSTRATING THAT AN EMPLOYER’S RELIANCE ON AN EXCEPTION LISTED IN SUBSECTION (C) OF THIS SECTION IS A PRETEXT FOR DISCRIMINATION ON THE BASIS OF SEX OR GENDER IDENTITY**”.

AMENDMENT NO. 4

On page 7, in line 8, strike “**OR THE ATTORNEY GENERAL**”; strike beginning with “**ON**” in line 16 down through “**(D)**” in line 21; in lines 23 and 25, in each instance, strike the bracket; in line 23, strike “**(E)**”; and in line 25, strike “**(F)**”.

On page 8, in line 23, strike “**OR THE ATTORNEY GENERAL**”.

AMENDMENT NO. 5

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On page 7, in line 21, strike “of” and substitute “**AFTER**”; and in the same line, after “the” insert “**DISCOVERY OF THE**”.