

HOUSE BILL 258

K3

2lr1554

By: **Delegates Stewart, Amprey, Charkoudian, Moon, Pena–Melnyk, and Ruth**
Introduced and read first time: January 13, 2022
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Employment Standards – Seating for Employees**
3 **(Right to Sit Act of 2022)**

4 FOR the purpose of establishing requirements related to the provision of seating for
5 employees by employers; establishing certain enforcement mechanisms, including by
6 creating a private right of action; and generally relating to the provision of seating
7 for employees by employers.

8 BY repealing and reenacting, without amendments,
9 Article – Labor and Employment
10 Section 3–103(a)
11 Annotated Code of Maryland
12 (2016 Replacement Volume and 2021 Supplement)

13 BY adding to
14 Article – Labor and Employment
15 Section 3–718
16 Annotated Code of Maryland
17 (2016 Replacement Volume and 2021 Supplement)

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

20 **Article – Labor and Employment**

21 3–103.

22 (a) Except as otherwise provided in this section, the Commissioner may conduct
23 an investigation to determine whether a provision of this title has been violated on the
24 Commissioner’s own initiative or may require a written complaint.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-718.

2 (A) (1) AN EMPLOYER THAT EMPLOYS 15 OR MORE EMPLOYEES:

3 (I) SHALL PROVIDE A SUITABLE SEAT FOR AN EMPLOYEE IF
4 THE NATURE OF THE WORK THAT THE EMPLOYEE PERFORMS CAN REASONABLY BE
5 PERFORMED WHILE SEATED; AND

6 (II) FOR A NEWLY CONSTRUCTED FACILITY OR AS PART OF A
7 MAJOR RENOVATION, MAY NOT DESIGN A WORKSPACE THAT REQUIRES AN
8 EMPLOYEE TO STAND WHILE PERFORMING WORK IF THE WORKSPACE COULD
9 REASONABLY BE DESIGNED TO ALLOW THE WORK TO BE PERFORMED WHILE
10 SEATED.

11 (2) AN EMPLOYER THAT EMPLOYS 14 OR FEWER EMPLOYEES SHALL
12 PROVIDE A SUITABLE SEAT FOR EACH EMPLOYEE WHO REQUESTS A SEAT IF:

13 (I) THE NATURE OF THE WORK THAT THE EMPLOYEE
14 PERFORMS CAN BE PERFORMED WHILE SEATED; AND

15 (II) THE PROVISION OF A SUITABLE SEAT WOULD NOT CAUSE AN
16 UNDUE HARDSHIP TO THE EMPLOYER.

17 (B) (1) THE COMMISSIONER SHALL ADOPT REGULATIONS TO ESTABLISH
18 CRITERIA FOR DETERMINING WHETHER THE NATURE OF AN EMPLOYEE'S WORK
19 REASONABLY ALLOWS THE EMPLOYEE TO PERFORM THE WORK WHILE SEATED.

20 (2) THE CRITERIA SHALL INCLUDE:

21 (I) WHETHER THE EMPLOYEE'S TASKS CAN BE PERFORMED
22 WHILE SEATED;

23 (II) WHETHER ALLOWING AN EMPLOYEE TO SIT WOULD
24 INTERFERE WITH JOB PERFORMANCE;

25 (III) WHETHER THE PHYSICAL LAYOUT OF THE WORKSPACE IS
26 CONDUCIVE TO SEATING; AND

27 (IV) ANY OTHER CRITERIA THAT THE COMMISSIONER
28 DETERMINES IS APPROPRIATE.

29 (C) (1) IF AN EMPLOYER DOES NOT PROVIDE AN EMPLOYEE WITH
30 SEATING AS REQUIRED UNDER THIS SECTION, THE EMPLOYEE MAY BRING AN

1 ACTION AGAINST THE EMPLOYER TO RECOVER DAMAGES IN AN AMOUNT NOT TO
2 EXCEED:

3 (I) FOR AN INITIAL VIOLATION, \$100 PER PAY PERIOD; AND

4 (II) FOR A SUBSEQUENT VIOLATION, \$200 PER PAY PERIOD.

5 (2) ON WRITTEN REQUEST OF AN EMPLOYEE WHO IS ENTITLED TO
6 BRING AN ACTION UNDER THIS SECTION, THE COMMISSIONER MAY:

7 (I) TAKE AN ASSIGNMENT OF THE CLAIM IN TRUST FOR THE
8 EMPLOYEE;

9 (II) ASK THE ATTORNEY GENERAL TO BRING AN ACTION IN
10 ACCORDANCE WITH THIS SECTION ON BEHALF OF THE EMPLOYEE; AND

11 (III) CONSOLIDATE TWO OR MORE CLAIMS AGAINST AN
12 EMPLOYER.

13 (3) IF A COURT DETERMINES THAT AN EMPLOYEE IS ENTITLED TO
14 RECOVERY IN AN ACTION UNDER THIS SECTION, THE COURT SHALL AWARD TO THE
15 EMPLOYEE THE AMOUNT OF DAMAGES UNDER PARAGRAPH (1) OF THIS
16 SUBSECTION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2022.