

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 13

(Delegate Carr)

Health and Government Operations

Budget and Taxation

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Procurement – Discriminatory Hiring Practices – Debarment

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This bill makes a person eligible for debarment from entering into a contract with the State if the person or other specified individual associated with the person (1) has been found to have violated Title 20, Subtitle 6 of the State Government Article, which generally prohibits employment discrimination, or (2) has been debarred from federal contracts under federal Executive Order 11246 due to engaging in discriminatory hiring practices in the State. The bill applies only prospectively and has no effect on final findings or decisions issued before the bill’s effective date.

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Fiscal Summary

**State Effect:** None. The bill is generally procedural in nature, and the Board of Public Works (BPW) can carry out any debarment proceedings with existing resources. No effect on revenues.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** Title 20, Subtitle 6 of the State Government Article establishes that it is the policy of the State to (1) assure all persons equal opportunity in receiving employment and in all labor management-union relations, regardless of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, or unrelated disability and (2) prohibit discrimination in employment by any person. Accordingly, an employer may not:

- request or require genetic tests or genetic information as a condition of hiring or determining benefits;
- fail or refuse to make reasonable accommodations for the known disability of an otherwise qualified employee; or
- engage in harassment of an employee.

Also, with respect to a person's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or unrelated disability, an employer may not:

- fail or refuse to hire, discharge, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment; or
- limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's employment status.

First signed in 1965 and amended multiple times since then, federal Executive Order 11246 generally prohibits federal contractors from engaging in discriminatory employment practices (including recruitment, hiring, promotion, and training) because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The U.S. Department of Labor is responsible for enforcing the executive order.

Under State procurement law, a person *must be* debarred from entering into a contract with any public body in the State if the person has been convicted for bribery or other related crimes committed in the process of seeking a contract with a public body. Statute specifies numerous other grounds for which a person *may* be debarred from contracting with any public body or, in some cases, only with the State, generally related to criminal convictions for specified crimes. Debarment proceedings are held before BPW following procedures outlined in statute.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Department of General Services; Board of Public Works; State Treasurer's Office; Department of Legislative Services

**Fiscal Note History:**  
fnu2/ljm

First Reader - January 11, 2022

Third Reader - March 22, 2022

Revised - Amendment(s) - March 22, 2022

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