



## Maryland Developmental Disabilities Council

EMPOWERMENT • OPPORTUNITY • INCLUSION

### Judicial Proceedings Committee

February 9, 2021

### SB 455: Employment Discrimination – Time for Filing Complaints

Position: Support

The Maryland Developmental Disabilities Council (DD Council) is an independent, public policy organization that works to improve policies, programs and services that support people with developmental disabilities and their families in our communities. The DD Council is led by people with developmental disabilities and their families. **From that perspective, the DD Council supports SB 455 because it promotes equal employment for more people with disabilities, ensures more employers cannot discriminate and gives employees with disabilities more time to file a complaint.**

#### WHY is this legislation important?

Five federal laws that protect people with disabilities from discrimination in employment and the hiring process and create different requirements.<sup>1</sup> Most notably, the Americans with Disabilities Act (ADA): Title I, prohibits discriminating against people with disabilities in all employment-related activities; and Title II, prohibits discrimination in state and local government services, programs and activities.

In addition, in 1974, Maryland recognized some rights of people with disabilities and prohibited certain types of discrimination in employment and added certain protections for people with disabilities to Maryland's laws against discrimination. Currently, the Maryland Commission on Civil Rights (MCCR) enforces Maryland's laws against discrimination.

- In 2018, 81% of all complaints MCCR received were in the area of employment discrimination.
- 162 complaints claimed discrimination on the basis of disability.
- Disability was the second most frequently selected protected class among employment discrimination complaints filed with MCCR, second only to race.<sup>2</sup>

#### WHAT does this legislation do?

- Extends from 6 months to 300 days the time periods within which a person claiming discrimination can file a complaint with the Commission on Civil Rights.

Despite these federal and state laws prohibiting discrimination, the unemployment and under-employment rate of people with developmental disabilities is disproportionately higher than the general public. In fact, 2010 census data shows that there is a nearly **70% unemployment rate among working age adults with significant disabilities.**

Marylanders with disabilities and their families clearly express their desire to lead independent lives and to contribute and participate fully in their communities and the economy. This bill is another step to help make this a reality.

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<sup>1</sup> The Americans with Disabilities Act, the Rehabilitation Act, the Workforce Investment Act, the Vietnam Era Veterans' Readjustment Assistance Act, and the Civil Service Reform Act.

<sup>2</sup> State of Maryland Commission on Civil Rights, January 1, 2019. *2018 Annual Report: Building Bridges of Opportunity & Understanding.*