



HB258 – Employment Standards – Seating for Employees (Right to Sit Act of 2022)
Economic Matters Committee
January 25, 2022

Position: Unfavorable

Background: Employers would have to provide seating for employees in certain positions and reconfigure future work spaces to accommodate for seating.

Comments: The Maryland Retailers Association (MRA) does not believe that the policy proposed in HB258 is necessary. Individuals who require seating due to a physical disability would already be granted this reasonable accommodation under the Americans with Disabilities Act.

Most retail positions require employees to be on their feet or in motion in order to complete their tasks. This is made clear throughout the interview process, and employees are aware that they are being hired for a fast-paced environment. Even assignments that take place in one area of the store, like operating a cash register, can require a wide range of motion as employees must be able to reach and scan items of all sizes. Modern store locations are typically designed to allow employees to move in and out of position quickly and easily so they may assist guests efficiently, and the addition of seating in these areas could interfere with job performance.

We also have concerns about the right of action included in this bill. We do not believe that it would be appropriate to involve the Attorney General in this matter. The bill also neglects to identify the period of time that an employer would have to respond to a complaint that necessary seating were not provided. If an employer is in the process of remodeling a location or procuring seating and this process were to take longer than one pay period, or occurs at a time overlapping two pay periods, they should not be required to pay damages for that time.

With this in mind, we would urge an unfavorable report on this bill. Thank you for your consideration.