

State of Maryland Commission on Civil Rights

"Our vision is to have a State that is free from any trace of unlawful discrimination."



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March 29, 2022

Senate Bill 451 – Unlawful Employment Practice - Tolling Statute of Limitations POSITION: Support

Dear Chairperson Wilson, Vice Chairperson Crosby, and Members of the House Economic Matters Committee:

The Maryland Commission on Civil Rights ("MCCR"; "The Commission") is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 451 amends State Government Article, Title 20 by proposing that the running of the statute of limitations be tolled when an administrative charge is pending before MCCR for allegations of unlawful employment practices. Currently, the time limit countdown begins when the act of discrimination occurs and does not exclude the time the agency takes to probe the charge. This means if the agency investigates for a longer period and the clock runs out, then persons aggrieved are unable to file private civil action.

For a person aggrieved to bring a civil suit for unlawful employment practices, they must first exhaust the administrative processes. Additionally, the person must allow at least 180 days to lapse from the filing of the administrative charge. The language in SB 451 mirrors the language contained in the discriminatory housing section of State Government Article, Title 20, specifically Section 20-1035 (b)(2) which details an exclusion for any time taken for administrative proceedings when computing the relevant statute of limitations.

This change would make procedures for unlawful employment practices consistent with procedures for violations of our fair housing laws. There is no reason to have two different sets of rules for persons aggrieved depending on the type of discrimination. Persons who want to exercise their right to file a private civil action as provided in the unlawful employment discrimination law should not be penalized for complying with the required administrative exhaustion.

MCCR's Biennial Civil Rights & Fair Housing Gala Celebration: April 30, 2022

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For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on SB 451. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.