

MARYLAND JUDICIAL CONFERENCE
OFFICE OF GOVERNMENT RELATIONS

Hon. Joseph M. Getty
Chief Judge

580 Taylor Avenue
Annapolis, MD 21401

MEMORANDUM

TO: House Economic Matters Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 431
Maryland Fair Scheduling Act
DATE: February 2, 2022
(2/22)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 431. This bill amends the Labor and Employment Article by creating the Maryland Fair Scheduling Act.

This bill requires the court on page 13, lines 9 through 12, to award actual damages and reinstatement of employment in certain circumstances. The Judiciary has traditionally opposed legislation that includes mandatory provisions. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when making a determination. Provisions that place restrictions on the judge prevent the judge from considering legislative intent or factors unique to the case.

In addition, the language on page 13 is contradictory to established common law in that it allows the court to award actual damages as well as what is equivalent to liquidated damages.

cc. Hon. Linda Foley
Judicial Council
Legislative Committee
Kelley O'Connor