

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Finance Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 345
Maryland Fair Scheduling Act
DATE: February 1, 2022
(2/23)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 345. 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 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.

Finally, it is confusing on page 12, line 17, why the legislation provides that a person can file a complaint with the court at any time without first exhausting the extensive administrative remedies established in the bill.

cc. Hon. Joanne Benson
Judicial Council
Legislative Committee
Kelley O'Connor