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House Bill 724 - Employment Discrimination – Caregiver Status **Position:** Letter of Information

Dear Chairperson Wells, Vice Chairperson Kerr, and Members of the House Government, Labor, and Elections Committee:

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

House Bill 724 adds “caregiver status” as a protected class within Maryland’s employment anti-discrimination law enforced by the Commission. “Caregiver status” is defined as the status of being an individual who provides direct and ongoing care for:

- (1) a minor child or
- (2) an individual with a disability who relies on the caregiver for medical care or to meet the needs of daily life, and is either in a familial relationship (as defined) with the caregiver or resides in the caregiver’s household.

Support for Intent of the Bill

MCCR supports the intent of HB724. Current law protects applicants and employees from caregiver status discrimination if the alleged incident intersects with a protected class, such as sex, age, marital status, sexual orientation, and disability. As explained on the U.S. Equal Employment Opportunity Commission’s (“EEOC”) website, “[u]nlawful discrimination based on female workers’ caregiving may arise in a variety of ways, often connected to gender-based stereotypes about caregiving responsibilities or roles. For example, it would violate the law if an employer refused to hire a female applicant or refused to promote a female employee based on assumptions that, because she was female, she would (or should) focus primarily on caring for her young children while they attend school remotely, or on caring for her parents or other adult relatives.”¹

¹ <https://www.eeoc.gov/laws/guidance/covid-19-pandemic-and-caregiver-discrimination-under-federal-employment>

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

Caregivers may have protections under other federal laws, such as the Family and Medical Leave Act enforced by the U.S. Department of Labor. Within Maryland, six counties² and three municipalities³ offer some degree of caregiver protections, but no comprehensive protections exist at the State level⁴. HB724 seeks to fill a hole within Maryland’s workplace discrimination protections.

Concerns About Impact of the Bill

While MCCR supports the intent of the bill, the Commission has concerns about the resources that will be needed to investigate complaints received under HB724. MCCR anticipates needing *at least* two additional investigators in order to investigate complaints received under this bill.

In consideration of the potential impact, MCCR published in our FY2025 Annual Report⁵ that the agency received employment complaints alleging disability (71), sex (49), age (28), pregnancy (11), sexual orientation (11), and military status (1) discrimination, as well as retaliation (86). MCCR believes that the number of complaints alleging discrimination on these bases suggests how many complaints the Commission is likely to receive alleging discrimination based on caregiver status because, as stated previously, these protected classes intersect with HB724’s caregiver status protections. Presently, if either MCCR or the EEOC receives caregiver discrimination inquiries that are not covered by our respective protected classes, our agencies refer those inquiries to the U.S. Department of Labor.

Additionally, in FY2025 MCCR received 1,962 inquiries which resulted in 825 Charges of Discrimination being authorized – an increase from 1,761 and 676, respectively, in FY2024. As we are now midway through FY2026, MCCR’s inquiries are already exceeding the total number of inquiries received throughout all of FY2025. HB724 will lead to more inquiries, which will further lead to more authorized Charges of Discrimination.⁶

Because “caregiver status” is not a protected class under federal employment anti-discrimination law, MCCR would not be eligible for federal reimbursement under the Commission’s worksharing agreement with the EEOC. Approximately 28% of MCCR’s FY2026 budget is comprised of federal funds - \$933,653 from the EEOC and \$934,848 from the U.S. Department of Housing & Urban Development. The Governor’s proposed FY2027 budget allowance for MCCR does not include any funding or personnel to investigate complaints received under HB724. Therefore, the additional two investigators MCCR anticipates needing at a minimum will help ensure MCCR can meet current and projected contractual obligations with our federal partners.

² Anne Arundel, Frederick, Harford, Howard, Montgomery, and Prince George’s counties.

³ Cities of Annapolis, Gaithersburg, and Rockville.

⁴ Source: Center for WorkLife Law, University of California College of the Law, San Francisco, <https://worklifelaw.org/projects/family-caregiver-discrimination/protections-for-caregivers/>

⁵ <https://mccr.maryland.gov/Documents/2025%20MCCR%20Annual%20Report.pdf>

⁶ According to the U.S. Census, Maryland has a population of approximately 6.18 million people. The average family size is 3.19 persons. 21.8% of Marylanders are under the age of 18, and 17.6% of Marylanders are 65 years and older. Approximately 45.5% of households are married-couple family households, 17.3% are male householder/no spouse or partner, and 30.7% are female householder/no spouse or partner. Source: <https://data.census.gov/profile/Maryland?g=040XX00US24>

Concern about Familial Relationship Recognition

As introduced, HB724 on page 3 at lines 3 and 4 defines “an individual with a disability who is in a familial relationship with the caregiver” as including “another individual in a familial relationship recognized by [MCCR]”. Within the laws MCCR enforces, “familial status” is a protected class exclusive to Maryland’s fair housing law, Md. Code Ann. State Gov. (“SG”) Art. Title 20, Subtitle 7. Both “familial status” and “family” are defined within SG § 20-701. The language on page 3, lines 3 and 4, is vague and could be potentially problematic for the Commission. MCCR respectfully requests that this language be clarified or struck.

Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to promote and improve civil rights in Maryland.