

POTOMAC LEGAL GROUP LLC

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Delegate Melissa Wells
Chair, Government, Labor and Elections Committee
145 Lowe House Office Building
Annapolis, Maryland 21401

Re: HB724 (Employment Discrimination - Caregiver Status)

Position: **SUPPORT**

Dear Chairperson Wells and Members of the House Government Labor and Elections Committee, On behalf of Potomac Legal Group (PLG), we request your support for HB724 (Employment Discrimination - Caregiver Status). Potomac Legal Group is a boutique law firm based in North Bethesda, Maryland, with attorneys who bring decades of experience representing employees in workplace discrimination and other employment disputes throughout the DMV area. We support HB 724 because it will close a gap in Maryland law that leaves caregivers vulnerable to workplace bias that reduces their employment opportunities, while facilitating local employers' compliance with a more uniform set of anti-discrimination laws.

A significant percentage of our hardworking and highly skilled clients have lost out on employment opportunities or otherwise suffered workplace setbacks because of biased assumptions about their dual roles as caregivers for a child or other family member. However, PLG's clients who work in Maryland are not afforded the same protections that are available to our clients who work in Washington, D.C. The Maryland Fair Employment Practices Act (MFEPA) currently protects all individuals from employment discrimination based on their race, sex, marital status, age, religion, national origin, disability and several other traits, but does not explicitly prohibit discrimination based on a worker's role in providing care for family members, children, or dependents. HB724 would amend the MFEPA to add "caregiver status" as a protected trait, making it unlawful for employers to discriminate in hiring, firing, compensation, or other terms or conditions of employment based on caregiving responsibilities. The HB724 defines a "caregiver" as a person who provides direct and ongoing care for either a minor child or a care recipient. A "care recipient" is a person with a disability who relies on the caregiver for

medical care or assistance with daily living, including a caregiver's child, spouse, domestic partner, parent, sibling, grandchild, grandparent, parent-in-law, or any other individual in a familial relationship that the Maryland Commission on Civil Rights recognizes.

Many of our clients who are caregivers face denied promotions, reduced hours, or hiring discrimination based on stereotyped assumptions about their "flexibility," availability and commitment to their workplaces. This type of discrimination is often based on an unfounded belief that the family caregiver is less dedicated to their job or less valuable as an employee, regardless of their actual job performance. Technology and financial sector companies that traditionally have employed fewer women as leaders and are less likely to support men taking on caregiving responsibilities that are perceived to threaten productivity are especially prone towards this bias. Existing leave laws such as the Family and Medical Leave Act offer protection only for limited periods of time, and do not address the reality of workers who are not hired in the first place or lose out on promotions because of bias against their status as caregivers.

All Maryland employees would benefit from the protections HB724 would add to the MFEPA. A 2020 AARP study determined that one in every six Americans provides care for a family member over 50, and 82% of Americans who care for both an elderly person and a minor child are also employed. Maryland employers that already equally support and value employees who have dual roles as caregivers will continue to benefit from reduced turnover. Those Maryland employers that discriminate against caregivers based on their status will be held accountable, as are employers in over 250 states, cities or counties that, according to the Center for Worklife Law, already make employment discrimination based on family responsibilities or caregiver status illegal.

PLG also represents clients facing pay discrimination. Enacting HB724 will help reduce wage disparities based on sex. According to a Harvard Kennedy School Study, mothers in the workforce experience additional disadvantages compared to women who are not mothers, including a per-child wage penalty. The study found that the "motherhood penalty" may account for a significant proportion of the gender gap in pay, and that the pay gap between mothers and non-mothers could in fact be larger than the pay gap between men and women.

The District of Columbia Human Rights Act already protects workers from discrimination based on family responsibilities, and PLG represents clients who have faced discrimination on that basis from D.C. employers. Our clients in Maryland deserve to have the same protection as their neighbors working in nearby Washington D.C. By enacting HB714, Maryland would join Washington D.C. in ensuring equal employment opportunity and economic security for all workers, regardless of family structure or caregiving role.

Respectfully,

A handwritten signature in black ink that reads "Natalie" followed by a stylized, cursive monogram.

POTOMAC LEGAL GROUP

Natalie Koss, Esq.

Jodi Danis, Esq.