

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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February 12, 2020

House Bill 183 - Human Relations - Employment Discrimination - Waiver of Immunity From Suit in Federal Court and Venue Position: Support

Dear Chairperson Clippinger, Vice Chairperson Atterbeary, and Members of the House Judiciary 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, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, and physical and mental disability.

State Government Article §20-602, *Annotated Code of Maryland*, clearly states that it is the policy of the State of Maryland that employment discrimination is against the public safety, public health, commerce, and general welfare interests of the State. State Government Article §20-903 goes on to waive the State's sovereign immunity as a defense against an employment discrimination case filed in the Maryland judiciary against the State of Maryland.

If an employee of the State of Maryland alleges that the State is discriminating, harassing, or retaliating against them, then they can currently file administrative complaints with either the Maryland Commission on Civil Rights. However, if the employee elects to initiate private action in the courts after exhausting their administrative remedies, Maryland law only permits the employee to do so in State court.

MCCR believes that all avenues for redress should be available for consideration by anyone within the State of Maryland alleging that their right to be free from discrimination has been violated. Therefore, MCCR supports HB183, which would waive the State's claim of sovereign immunity as a defense if action is initiated in federal court.

For these reasons, the Maryland Commission on Civil Rights urges the committee to vote favorably on HB183. Thank you for your time and consideration. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to promote and improve civil rights in Maryland.