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Patrick Moran - President

Testimony
HB 183 – Human Relations - Employment Discrimination - Waiver of Immunity
From Suit in Federal Court and Venue
Judiciary
February 12, 2020
Support

AFSCME Maryland Council 3 supports HB 183.

HB 183 improves State government by making the State more easily accountable for discrimination. The State and its managers do not often engage in unlawful discrimination, but when discrimination does occur there must be the option to go to federal court for relief. State employees and recipients of State housing services who face discrimination deserve access to the federal courts, just like non-state employees presently have. Federal court litigation is already an important tool in combating discrimination by private employers and local governments. There is no reason to continue to shield the State from such litigation.

AFSCME Council 3 works to combat discrimination in State employment. Often, issues of alleged discrimination can be resolved well-short of litigation. AFSCME routinely advises employees of their rights, aids in advancing grievances and EEO complaints, and facilitates meetings and labor-management committee attention on alleged discrimination. When efforts to resolve discrimination prove unsuccessful, and administrative proceedings have been exhausted, a State employee must be able to go to federal court, just as he or she can go to Maryland's state courts.

In support of combating discrimination, the General Assembly has already waived sovereign immunity. HB 183 adds that combating discrimination may sometimes be best accomplished by resort to federal court instead of state court.

AFSCME Council 3 supports a more accountable State government and improved rights for State employees and others when the State does discriminate.

Every AFSCME Maryland State and University contract guarantees a right to union representation.
An employee has the right to a union representative if requested by the employee.
800.492.1996

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