

# 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 18, 2020

### **House Bill 964 – Employment Discrimination – Definitions of “Employee” and “Harassment” (Workplace Civility Act) Letter of Concern**

Dear Chairperson Davis, Vice Chairperson Dumais, and Members of the House Economic Matters 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.

House Bill 964 amends Maryland’s employment anti-discrimination law to state that an “employee” includes individuals elected to public office and appointees on the policymaking level. Therefore, under this bill any elected official in the State of Maryland would be permitted to file a complaint of alleged unlawful employment discrimination, harassment, or retaliation with the Maryland Commission on Civil Rights.

However, the bill does not define who the elected official’s employer is. When MCCR receives a complaint of alleged unlawful employment discrimination, the complaint is served on the Complainant’s employer. Elected officials, on the other hand, are elected to office by their constituents and commissioned to a defined term of office. Once sworn in, elected officials do not have a supervisor or hiring authority that they answer to, in a traditional employment sense. Because of this, MCCR would not be able to accept complaints filed by elected officials because there is no employer with which MCCR can serve a complaint of discrimination.

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