



**LEGISLATIVE POSITION:**

**Letter of Information**

**House Bill 964**

**Employment Discrimination – Definitions of “Employee” and “Harassment”  
(Workplace Civility Act)**

**House Economic Matters Committee**

**Tuesday, February 18, 2020**

Dear Chairman Davis and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 4,500 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees and families. Through our work, we seek to maintain a balance in the relationship between employers and employees within the State through the establishment of policies that promote fairness and ease restrictive burdens.

As presented, House Bill 964 alters the definition of “employee” to include an individual elected to public office or an appointee on a policy making level. Additionally, this bill alters the definition of “harassment” to include repeated verbal abuse, types of conduct that could be interpreted to be threatening, intimidating, or humiliating and the undermining of an employee’s work performance.

The Maryland Chamber of Commerce and its members fully support the intent and desired outcome of HB 964. However, as introduced, this bill drastically alters the definition of harassment in the State Government Article of Maryland statute. Harassment is currently defined in Maryland Criminal Law Article § 3-803 as following another in or about a public place or maliciously engaging in course of conduct that alarms or seriously annoys another the other: (1) with the intent to harass, alarm, or annoy the other; (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and (3) without a legal purpose. The primary concern with a drastic definition change is that this new definition may be referenced or taken into consideration in future legal instances outside of the intent and context of the State Government Article.

Furthermore, HB 964 introduces this new definition of harassment as subject to the interpretation of a “reasonable person.” This undefined term is seen as vague and creates concern for the employer community.

As outlined, the Maryland Chamber of Commerce looks forward to connecting the bill sponsor and Maryland’s employer community to identify language that achieves the purpose of HB 964 while addressing unclear terms and new definitions.