



LEGISLATIVE POSITION:

Unfavorable

Senate Bill 911

Unlawful Employment Practices – Statute of Limitations and Remedies

House Economic Matters Committee

Tuesday, March 30, 2021

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 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

As introduced and amended, SB 911 would repeal the caps on the amounts of compensatory damages and punitive damages that may be awarded to a complainant in an unlawful employment case. Additionally, SB 911 would increase the statute of limitations, from 2 years to 3 years, for which a claimant may recover back pay in an unlawful employment case and the time in which a complainant may file a civil action that alleges an unlawful employment practice.

Relating to the repeal of the caps on compensatory damages, Maryland law currently mirrors federal law. Removing those caps, which were carefully calibrated to balance employee rights against an employer's cost of doing business, would create greater liability and uncertainty for employers in these specific cases. The amended language does little to assuage these concerns as they are simply another form of achieving the same ends, to remove any caps on compensatory damages. Similarly, the 2-year statute of limitations was also designed to balance employee and employer interests. Extending the statute of limitations would make it more difficult and costly for employers to defend themselves in these cases, as witnesses leave, document retention becomes more challenging (an employer may not know that a claim is pending), and memories fade.

Since current Maryland law strikes the appropriate balance between employee and employer interests relating to these cases, the Maryland Chamber of Commerce respectfully requests an **unfavorable report** on SB 911.