



LEGISLATIVE POSITION:

Unfavorable

Senate Bill 912

**Maryland Wage and Hour Law and Maryland Wage Payment and Collection Law –
Antiretaliation Provisions**

Senate Finance Committee

Wednesday, March 17, 2021

Dear Chairwoman Kelley 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, SB 912 presents multiple areas of concern for the employer community. Of primary concern is the presumption of retaliation for actions taken within 90 of protected activity, and the burdens would be inappropriately shifted as a result.

There are additional concerns with new definitions outlined in this bill, such as the addition of work hour or schedule reductions that are “less favorable to the employee” as an item which qualifies as an adverse action taken on an employee. This new addition, coupled with new burden of proof requirements, makes a common business practice such as routine schedule adjustments an adverse action to be interpreted as retaliatory against an employee for an allegation which may not have even been made.

SB 912 would also allow another employee, who may be unaffiliated with an event leading to a discriminatory allegation, the right to bring a complaint against an employer on behalf of another employee. Additionally, there are concerns over definitions such as “Supervisor”, “Manager” and “Foreman”. The act of alleged retaliation should have to be consistent with the authority of individuals with knowledge of the acts. If the foreman has authority only over work hours, and the manager fires the employee but lacks knowledge of the complaint, there cannot be a reason for the presumption based on temporal proximity.

This legislation creates additional uncertainty in Maryland’s business environment. For these reasons, the Maryland Chamber of Commerce respectfully requests an **Unfavorable Report** on **Senate Bill 912**.