

LoS - E Statute of Limitations.pdf

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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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March 2, 2021

Senate Bill 911 – Unlawful Employment Practice - Statute of Limitations and Remedies **POSITION: Support**

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings 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, physical and mental disability, and source of income.

Senate Bill 911 removes the caps on compensatory damages that can be awarded to victims of unlawful employment discrimination after the respondent is found guilty by the Office of Administrative Hearings or State court. Complainants may also, under this bill, seek up to 3 years of back pay (current law only permits up to 2 years). Lastly, the bill authorizes a complainant to file a civil action in State or federal court within 3 years after the alleged unlawful employment practice occurred (the current statute of limitations is 2 years).

The Maryland Commission on Civil Rights supports SB911 because the bill grants aggrieved individuals who believe they are victims of unlawful employment discrimination more time to file a private civil action.

Furthermore, MCCR supports repealing the caps on compensatory damages that can be awarded because it would permit the complainant with a legitimate complaint to seek relief in line with the damages they incurred. By repealing the compensatory caps, employers who would willfully violate Maryland’s decades-old law are provided an incentive to become compliant, thereby potentially reducing the instances of discrimination in the workplace.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on SB911. 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.

SB 911_Unlawful Employment Practices-Statute of Li

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MARYLAND
Chamber of Commerce

LEGISLATIVE POSITION:

Unfavorable

Senate Bill 911

Unlawful Employment Practices – Statute of Limitations and Remedies

Senate Judicial Proceedings Committee

Tuesday, March 2, 2021

Dear Chairman Smith 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 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. 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.

MDCHAMBER.ORG

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