

State of Maryland

Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



Officers

Alvin O. Gillard, Executive Director
Cleveland L. Horton II, Deputy Director
Nicolette Young, Assistant Director
Glendora C. Hughes, General Counsel
Kara N. Hunt, Ph.D., Director of Education & Outreach

Governor
Larry Hogan
Lt. Governor
Boyd K. Rutherford
Commission Chairperson
Stephanie Suerth, MPA, CCEP
Commission Vice Chairperson
Janssen E. Evelyn, Esq.
Commissioners
Diane E. Bernier
Eileen M. Levitt, SPHR, SHRM-SCP
Rabbi Binyamin Marwick
Magdalena S. Navarro, MSc
Gary C. Norman, Esq.
Jeff Rosen
Gina McKnight-Smith, PharmD, MBA

January 25, 2022

House Bill 0078 - Discrimination in Employment - Reasonable Accommodations for Applicants with Disabilities POSITION: Support with Amendments

Dear Chairperson Wilson, Vice Chairperson Crosby, 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, state contracts and health services 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 78 amends Maryland’s employment anti-discrimination law to prohibit an employer from discriminating against a qualified applicant for employment, including the failure or refusal to provide a reasonable accommodation requested by the applicant.

The Maryland Commission on Civil Rights have included applicants in its interpretation of its statute but agrees the addition of the specific language regarding applicants with disabilities in HB 78 provides clarity to State Government Article, Section 20-603, and Section 20-606(a). MCCR, however, offers some friendly amendments to remove the words “a qualified” on page 2, line 10; add “an” in front of “applicant” and add the word “an” after the “or” on page 2 line 36.

Requiring an applicant with a disability to establish being “a qualified applicant” prior to receiving a reasonable accommodation to even apply for a job creates an additional barrier. The application and the interview process are tools by which an employer first determines an applicant’s qualification. An applicant without a disability is not required to establish being qualified before applying for a job because there is no need for that person to request a reasonable accommodation.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote with amendments on HB 78. 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.