

HOUSE BILL 1270

K3

3lr3084

By: **Dorchester County Delegation**

Introduced and read first time: February 20, 2023

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Dorchester County – County Applicants – Polygraph Examinations**

3 FOR the purpose of exempting certain applicants for employment with the Dorchester
4 County Department of Emergency Services and the Dorchester County Department
5 of Corrections from the prohibition on employers requiring or demanding that an
6 individual submit to or take a polygraph examination as a condition of prospective
7 employment; and generally relating to polygraph examinations as a condition of
8 employment.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 3–702
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2022 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Labor and Employment**

17 3–702.

18 (a) In this section, “employer” means:

19 (1) a person engaged in a business, industry, profession, trade, or other
20 enterprise in the State;

21 (2) the State;

22 (3) a county; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) a municipal corporation in the State.

2 (b) (1) This section does not apply to the federal government or any of its units.

3 (2) This section does not apply to an individual who is an employee of or
4 applies for assignment to the Intelligence and Investigative Division of the Department of
5 Public Safety and Correctional Services.

6 (3) This section does not apply to an individual who applies for employment
7 or is employed:

8 (i) as a law enforcement officer, as defined in § 3–101 of the Public
9 Safety Article;

10 (ii) as an employee of a law enforcement agency of the State, a
11 county, or a municipal corporation;

12 (iii) as a communications officer of the Calvert County Control
13 Center;

14 (iv) as a correctional officer of a State correctional facility;

15 (v) as an employee of a State correctional facility in any capacity
16 that involves direct contact with an inmate in a State correctional facility;

17 (vi) as a correctional officer of the Calvert County Detention Center
18 or in any other capacity that involves direct personal contact with an inmate in the
19 Detention Center;

20 (vii) as a correctional officer of the Carroll County Detention Center
21 or in any other capacity that involves direct personal contact with an inmate in the
22 Detention Center;

23 (viii) as a correctional officer of the Washington County Detention
24 Center or in any other capacity that involves direct personal contact with an inmate in the
25 Center; or

26 (ix) as a correctional officer of:

27 1. the Baltimore County Detention Center;

28 2. the Cecil County Detention Center;

29 3. the Charles County Detention Center;

30 4. the Frederick County Adult Detention Center;

1 5. the Harford County Detention Center; or

2 6. the St. Mary's County Detention Center.

3 (4) This section does not apply to an applicant for employment as a
4 correctional officer of a local correctional facility.

5 (5) This section does not apply to an applicant for employment with either
6 the Anne Arundel County Department of Detention Facilities or the Caroline County
7 Department of Corrections in any capacity that involves direct contact with an inmate in
8 either the Anne Arundel County Department of Detention Facilities or the Caroline County
9 Department of Corrections.

10 (6) This section does not apply to an applicant for employment with the
11 Washington County Emergency Communications Center.

12 (7) This section does not apply to an applicant for employment:

13 (i) as a paramedic or an emergency medical technician with St.
14 Mary's County; or

15 (ii) with the St. Mary's County Emergency Communications Center.

16 **(8) THIS SECTION DOES NOT APPLY TO AN APPLICANT FOR**
17 **EMPLOYMENT:**

18 **(I) AS A PARAMEDIC OR AN EMERGENCY MEDICAL TECHNICIAN**
19 **PROVIDER WITH DORCHESTER COUNTY;**

20 **(II) AS A 9-1-1 CENTER DISPATCHER AT THE DORCHESTER**
21 **COUNTY 9-1-1 CENTER; OR**

22 **(III) AS A CORRECTIONAL OFFICER OF THE DORCHESTER**
23 **COUNTY DETENTION CENTER.**

24 (c) An employer may not require or demand, as a condition of employment,
25 prospective employment, or continued employment, that an individual submit to or take a
26 polygraph examination or similar test.

27 (d) (1) Each application for employment shall set out, in bold-faced upper case
28 type, the following notice:

29 "Under Maryland law, an employer may not require or demand, as a condition of
30 employment, prospective employment, or continued employment, that an individual submit
31 to or take a polygraph examination or similar test. An employer who violates this law is
32 guilty of a misdemeanor and subject to a fine not exceeding \$100."

1 (2) Each application shall provide a space for an applicant to sign an
2 acknowledgment of the notice required under this subsection.

3 (e) An applicant shall sign the acknowledgment of the notice required under
4 subsection (d) of this section.

5 (f) If an employer violates subsection (c) or (d) of this section, an applicant for
6 employment or prospective employment or an employee may submit to the Commissioner
7 a written complaint.

8 (g) (1) Whenever the Commissioner determines that this section has been
9 violated, the Commissioner may:

10 (i) try to resolve any issue involved in the violation informally by
11 mediation; or

12 (ii) ask the Attorney General to bring an action on behalf of the
13 applicant or employee.

14 (2) The Attorney General may bring an action under this section in the
15 county where the violation allegedly occurred, for injunctive relief, damages, or other relief.

16 (h) An employer who violates any provision of this section is guilty of a
17 misdemeanor and on conviction is subject to a fine not exceeding \$100.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2023.