

HOUSE BILL 984

K3, D5

0lr2080
CF 0lr3171

By: **Delegates Robinson, Glenn, and Nathan-Pulliam**

Introduced and read first time: February 12, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Employment – Applications for Employment – Prohibitions**

3 FOR the purpose of altering the employment policy of the State to provide fair
4 employment practices to all citizens; prohibiting a person from failing or
5 refusing to hire, or discharging a person because of the person's refusal to
6 answer certain questions, unless the information is a certain occupational
7 qualification for employment; prohibiting a person from requesting or requiring
8 certain information from an applicant for employment on an employment
9 application, unless the information is a certain occupational qualification for
10 employment; and generally relating to prohibitions for certain practices
11 associated with applications for employment.

12 BY repealing and reenacting, without amendments,
13 Article – State Government
14 Section 20–602
15 Annotated Code of Maryland
16 (2009 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – State Government
19 Section 20–606(a)
20 Annotated Code of Maryland
21 (2009 Replacement Volume)

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

24 **Article – State Government**

25 20–602.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 It is the policy of the State, in the exercise of its police power for the protection
2 of the public safety, public health, and general welfare, for the maintenance of
3 business and good government, and for the promotion of the State's trade, commerce,
4 and manufacturers:

5 (1) to assure all persons equal opportunity in receiving employment
6 and in all labor management-union relations, regardless of race, color, religion,
7 ancestry or national origin, sex, age, marital status, sexual orientation, or disability
8 unrelated in nature and extent so as to reasonably preclude the performance of the
9 employment; and

10 (2) to that end, to prohibit discrimination in employment by any
11 person.

12 20-606.

13 (a) An employer may not:

14 (1) fail or refuse to hire, discharge, or otherwise discriminate against
15 any individual with respect to the individual's compensation, terms, conditions, or
16 privileges of employment because of:

17 (i) the individual's race, color, religion, sex, age, national origin,
18 marital status, sexual orientation, genetic information, or disability unrelated in
19 nature and extent so as to reasonably preclude the performance of the employment;
20 **[or]**

21 (ii) the individual's refusal to submit to a genetic test or make
22 available the results of a genetic test; **OR**

23 **(III) THE INDIVIDUAL'S REFUSAL TO ANSWER QUESTIONS**
24 **REGARDING RELIGION, NATIONAL ORIGIN, OR MARITAL STATUS, UNLESS THE**
25 **INDIVIDUAL'S RELIGION, NATIONAL ORIGIN, OR MARITAL STATUS IS A BONA**
26 **FIDE OCCUPATIONAL QUALIFICATION FOR EMPLOYMENT;**

27 (2) limit, segregate, or classify its employees or applicants for
28 employment in any way that would deprive or tend to deprive any individual of
29 employment opportunities or otherwise adversely affect the individual's status as an
30 employee because of:

31 (i) the individual's race, color, religion, sex, age, national origin,
32 marital status, sexual orientation, genetic information, or disability unrelated in
33 nature and extent so as to reasonably preclude the performance of the employment; or

34 (ii) the individual's refusal to submit to a genetic test or make
35 available the results of a genetic test;

1 (3) request or require genetic tests or genetic information as a
2 condition of hiring or determining benefits; [or]

3 **(4) REQUEST OR REQUIRE APPLICANTS FOR EMPLOYMENT TO**
4 **ANSWER QUESTIONS REGARDING RELIGION, NATIONAL ORIGIN, OR MARITAL**
5 **STATUS ON AN APPLICATION FOR EMPLOYMENT, UNLESS THE INDIVIDUAL'S**
6 **RELIGION, NATIONAL ORIGIN, OR MARITAL STATUS IS A BONA FIDE**
7 **OCCUPATIONAL QUALIFICATION FOR EMPLOYMENT; OR**

8 **[(4) (5)]** fail or refuse to make a reasonable accommodation for the
9 known disability of an otherwise qualified employee.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2010.