

# SENATE BILL 66

K3  
SB 191/21 – FIN

(PRE-FILED)

2lr1054

---

By: **Senator Patterson**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Hiring – Education Requirements**  
3 **(Give Me A Chance – Job Opportunities Act of 2022)**

4 FOR the purpose of prohibiting an employer from taking certain actions related to the use  
5 of an applicant’s or employee’s lack of achievement of a certain level of education in  
6 employment decisions; and generally relating to hiring by employers.

7 BY repealing and reenacting, without amendments,  
8 Article – Labor and Employment  
9 Section 3–101(a) and (b)  
10 Annotated Code of Maryland  
11 (2016 Replacement Volume and 2021 Supplement)

12 BY adding to  
13 Article – Labor and Employment  
14 Section 3–718  
15 Annotated Code of Maryland  
16 (2016 Replacement Volume and 2021 Supplement)

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

19 **Article – Labor and Employment**

20 3–101.

21 (a) In this title the following words have the meanings indicated.

22 (b) “Commissioner” means the Commissioner of Labor and Industry.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-718.

2 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
3 AN EMPLOYER MAY NOT:

4 (I) DEVELOP OR IMPLEMENT AN APPLICATION OR A HIRING  
5 PROCESS THAT USES A GED, HIGH SCHOOL DIPLOMA, OR COLLEGE OR OTHER  
6 HIGHER EDUCATION DEGREE AS A LIMITATION FOR WHO CAN APPLY FOR A  
7 SPECIFIED POSITION;

8 (II) USE AN APPLICANT'S LACK OF A GED, HIGH SCHOOL  
9 DIPLOMA, OR COLLEGE OR OTHER HIGHER EDUCATION DEGREE TO DENY AN  
10 APPLICANT THE OPPORTUNITY TO APPLY FOR A POSITION;

11 (III) PROHIBIT AN EMPLOYEE FROM APPLYING FOR OR  
12 PURSUING INTERNAL ADVANCEMENT WITHIN THE EMPLOYER'S ORGANIZATION ON  
13 THE BASIS OF AN EMPLOYEE LACKING A GED, HIGH SCHOOL DIPLOMA, OR COLLEGE  
14 OR OTHER HIGHER EDUCATION DEGREE; OR

15 (IV) DURING THE INTERVIEW PROCESS, INQUIRE ABOUT AN  
16 APPLICANT'S LACK OF A GED, HIGH SCHOOL DIPLOMA, OR COLLEGE OR OTHER  
17 HIGHER EDUCATION DEGREE.

18 (2) AN EMPLOYER IS NOT PROHIBITED FROM TAKING THE ACTIONS  
19 UNDER PARAGRAPH (1) OF THIS SUBSECTION IF A MINIMUM EDUCATIONAL  
20 QUALIFICATION IS NECESSARY TO OBTAIN AN OCCUPATIONAL LICENSE REQUIRED  
21 FOR THE POSITION AND ISSUED UNDER THE BUSINESS OCCUPATIONS AND  
22 PROFESSIONS ARTICLE OR THE HEALTH OCCUPATIONS ARTICLE.

23 (B) (1) AFTER AN EMPLOYER MAKES AN INITIAL OFFER OF  
24 EMPLOYMENT, THE EMPLOYER MAY INQUIRE AS TO THE APPLICANT'S  
25 ACHIEVEMENT OF A GED, HIGH SCHOOL DIPLOMA, OR COLLEGE OR HIGHER  
26 EDUCATION DEGREE.

27 (2) AN EMPLOYER MAY NOT RESCIND AN INITIAL OFFER OF  
28 EMPLOYMENT BASED ON AN APPLICANT'S RESPONSE TO AN INQUIRY MADE UNDER  
29 PARAGRAPH (1) OF THIS SUBSECTION.

30 (C) IF AN EMPLOYER VIOLATES THE PROVISIONS OF THIS SECTION, AN  
31 AFFECTED APPLICANT FOR EMPLOYMENT OR AN EMPLOYEE MAY BRING AN ACTION  
32 AGAINST THE EMPLOYER:

1           **(1) FOR INJUNCTIVE RELIEF; AND**

2           **(2) TO RECOVER, WHICHEVER IS GREATER:**

3                   **(I) ACTUAL DAMAGES; OR**

4                   **(II) SPECIAL DAMAGES, NOT TO EXCEED \$10,000.**

5           **(D) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT AN APPLICANT**  
6 **FOR EMPLOYMENT FROM VOLUNTARILY SHARING INFORMATION REGARDING THE**  
7 **APPLICANT’S ACHIEVEMENT OF A GED, HIGH SCHOOL DIPLOMA, OR COLLEGE OR**  
8 **OTHER HIGHER EDUCATION DEGREE.**

9           **(E) (1) IF THE COMMISSIONER DETERMINES THAT AN EMPLOYER HAS**  
10 **VIOLATED THE PROVISIONS OF THIS SECTION, THE COMMISSIONER:**

11                   **(I) SHALL ISSUE AN ORDER COMPELLING COMPLIANCE; AND**

12                   **(II) MAY, IN THE COMMISSIONER’S DISCRETION, ASSESS A**  
13 **PENALTY OF UP TO \$1,000 FOR EACH APPLICANT FOR EMPLOYMENT FOR WHOM THE**  
14 **EMPLOYER WAS NOT IN COMPLIANCE.**

15           **(2) IN DETERMINING THE AMOUNT OF THE PENALTY, THE**  
16 **COMMISSIONER SHALL CONSIDER:**

17                   **(I) THE GRAVITY OF THE VIOLATION;**

18                   **(II) THE SIZE OF THE EMPLOYER’S BUSINESS;**

19                   **(III) THE EMPLOYER’S GOOD FAITH; AND**

20                   **(IV) THE EMPLOYER’S HISTORY OF VIOLATIONS UNDER THIS**  
21 **SECTION.**

22           **(3) IF THE COMMISSIONER ASSESSES A PENALTY UNDER PARAGRAPH**  
23 **(1)(II) OF THIS SUBSECTION, THE PENALTY SHALL BE SUBJECT TO THE NOTICE AND**  
24 **HEARING REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**  
25 **ARTICLE.**

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2022.