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A BILL ENTITLED

AN ACT concerning

Employment Discrimination - Lawful Activities

FOR the purpose of prohibiting an employer from refusing to hire or employ or from discriminating against a person because of the person's engagement in certain lawful activities during nonworking hours; providing for the application of this Act; authorizing certain investigations under certain circumstances; authorizing certain relief from a violation of this Act; providing for the effective date of this Act; and generally relating to employment discrimination because of engagement in lawful activities during nonworking hours.

BY adding to

Article - Labor and Employment

Section 3-801 to be under the new subtitle "Subtitle 8. Employment Discrimination"

Annotated Code of Maryland

(As enacted by Chapter _____ (H.B. 1) of the Acts of the General Assembly of 1991)

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

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Article - Labor and Employment

SUBTITLE 8. EMPLOYMENT DISCRIMINATION

3-801.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN EMPLOYER MAY NOT REFUSE TO HIRE OR EMPLOY AND MAY NOT DISCRIMINATE AGAINST ANY PERSON BECAUSE OF THE PERSON'S ENGAGEMENT IN ANY LAWFUL ACTIVITY OFF THE WORK PREMISES DURING NONWORKING HOURS.

(B) THIS SECTION DOES NOT APPLY IF THE PERSON'S ACTIVITY HAS A DIRECT, RATIONAL, AND TIMELY RELATIONSHIP TO THE PERSON'S FITNESS OR CAPACITY TO PERFORM PROPERLY THE ACTIVITIES OR RESPONSIBILITIES OF THE DESIRED EMPLOYMENT.

(C) THIS SECTION DOES NOT APPLY IF:

(1) THE RESTRICTION RELATES TO A BONA FIDE OCCUPATIONAL REQUIREMENT; OR

(2) THERE IS AN APPLICABLE COLLECTIVE BARGAINING AGREEMENT.

(D) ON WRITTEN COMPLAINT BY AN EMPLOYEE OR APPLICANT FOR EMPLOYMENT OF AN ALLEGED VIOLATION OF THIS SECTION, THE COMMISSIONER OF LABOR AND INDUSTRY MAY CAUSE AN INVESTIGATION TO BE MADE AS TO THE EXISTENCE OF THE ALLEGED VIOLATION.

(E) IF THE COMMISSIONER DETERMINES THAT A VIOLATION EXISTS, THE COMMISSIONER IS AUTHORIZED TO ENDEAVOR TO RESOLVE

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ANY ISSUE INVOLVED UNDER THE VIOLATION BY INFORMAL METHODS OF MEDIATION AND CONCILIATION.

(F) THE EMPLOYEE OR APPLICANT MAY INSTITUTE ACTION IN ANY COURT OF COMPETENT JURISDICTION FOR INJUNCTIVE RELIEF OR OTHER RELIEF, INCLUDING MONEY DAMAGES, RESULTING FROM A VIOLATION OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1991.

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