

SENATE BILL 473

D5, K3

0lr1937
CF HB 312

By: **Senators Lam, Carter, Feldman, Lee, Patterson, and Rosapepe**

Introduced and read first time: January 29, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Discrimination in Employment – Reasonable Accommodations for Applicants**
3 **With Disabilities**

4 FOR the purpose of prohibiting an employer from failing or refusing to make a certain
5 accommodation for a known disability of an otherwise qualified applicant for
6 employment; expanding a certain exception for employers regarding providing a
7 certain reasonable accommodation to include certain qualified disabled applicants
8 for employment; and generally relating to discrimination in employment and
9 reasonable accommodations for applicants with disabilities.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 20–603 and 20–606(a)
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2019 Supplement)

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

17 **Article – State Government**

18 20–603.

19 This subtitle does not require:

20 (1) an employer, employment agency, labor organization, or joint
21 labor–management committee subject to this subtitle to grant preferential treatment to
22 any individual or group on the basis of the race, color, religion, sex, age, national origin,
23 gender identity, sexual orientation, or disability of the individual or group because an
24 imbalance may exist with respect to the total number or percentage of individuals of any
25 race, color, religion, sex, age, national origin, gender identity, or sexual orientation or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



individuals with disabilities employed by the employer, referred or classified for employment by the employment agency or labor organization, admitted to membership or classified by the labor organization, or admitted to, or employed in, any apprenticeship or other training program, compared to the total number or percentage of individuals of that race, color, religion, sex, age, national origin, gender identity, or sexual orientation or individuals with disabilities in the State or any community, section, or other area, or in the available work force in the State or any community, section, or other area; or

(2) an employer to reasonably accommodate an employee's religion or disability, **OR A QUALIFIED APPLICANT FOR EMPLOYMENT'S DISABILITY**, if the accommodation would cause undue hardship on the conduct of the employer's business.

20-606.

(a) An employer may not:

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

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

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

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

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

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

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

(4) fail or refuse to make a reasonable accommodation for the known disability of an otherwise qualified employee; [or]

1 **(5) FAIL OR REFUSE TO MAKE A REASONABLE ACCOMMODATION FOR**
2 **THE KNOWN DISABILITY OF AN OTHERWISE QUALIFIED APPLICANT FOR**
3 **EMPLOYMENT THROUGH ADJUSTMENTS OF THE EMPLOYMENT APPLICATION**
4 **PROCESS, INCLUDING:**

5 **(I) ALLOWING ALTERNATIVES TO AN ONLINE APPLICATION**
6 **PROCESS;**

7 **(II) ACCEPTING A VIDEO RESUME OR OTHER ALTERNATIVE**
8 **FORM;**

9 **(III) ALLOWING A DIRECT SUPPORT PROFESSIONAL OR OTHER**
10 **THIRD PARTY TO PROVIDE ASSISTANCE DURING AN INTERVIEW; OR**

11 **(IV) PROVIDING AN ACCESSIBLE INTERVIEW LOCATION FOR**
12 **APPLICANTS WITH MOBILITY IMPAIRMENTS; OR**

13 **[(5)] (6) engage in harassment of an employee.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2020.