

# Summary of Maryland State Employment Discrimination Laws



The chart below serves to compare and contrast the various state and local counterparts to federal anti-discrimination laws as codified under Title VII. The back page provides a more detailed description of state law under Maryland State Government Title 201.

	Federal (Title VII)	Maryland	Baltimore County	Frederick County	Howard County	Montgomery County	Prince George's County
<b>Covered Employers</b>	15 or more Employees	15 or more Employees	Less than 15 employees <sup>2</sup>	15 or more Employees	15 or more Employees	15 or more Employees	15 or more employees
<b>Covered Employee Characteristics</b>	Race, color, religion, sex (including pregnancy and gender identity), age, or national origin	Race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or disability (including due to pregnancy)	Race, creed, religion, physical or mental disability, color, sex, national origin, age, marital status, sexual orientation, or gender identity or expression	Race, color, national origin, sex, age, marital status, disability, religion, or physical or mental handicap	Race, creed, religion, disability, color, sex, national origin, age, familial or marital status, political opinion, sexual orientation, personal appearance, or gender identity or expression	Race, color, religious creed, ancestry, national origin, age, sex, marital status, disability, sexual orientation, gender identity, family responsibilities, or genetic status	Race, religion, color, sex, national origin, age, occupation, familial or marital status, political opinion, personal appearance, sexual orientation, or physical or mental handicap
<b>Filing Period Limitations</b>	Administrative charge must be filed with EEOC no later than <u>300 days</u> after discriminatory act. <sup>3</sup>	Suit cannot be filed sooner than <u>180 days</u> after administrative charge is filed with Maryland Commission on Human Relations	Suit cannot be filed sooner than <u>60 days</u> after administrative charge is filed with Baltimore Co. Human Relations Commission.	Suit cannot be filed sooner than <u>180 days</u> after administrative charge is filed with Frederick County Human Relations Commission.	Suit cannot be filed sooner than <u>45 days</u> after administrative charge is filed with Howard Co. Office of Human Rights.	Suit cannot be filed sooner than <u>45 days</u> after administrative charge is filed with Montgomery Co. Human Relations Commission.	Suit cannot be filed sooner than <u>45 days</u> after administrative charge is filed with Prince George's Co. Human Relations Commission.
	Suit must be filed within <u>90 days</u> after receipt of EEOC "right to sue letter."	Suit must be filed in state circuit court within <u>2 years</u> of discriminatory act.	Suit must be filed in state circuit court within <u>2 years</u> of discriminatory act.	Suit must be filed in state circuit court within <u>2 years</u> of discriminatory act.	Suit must be filed in state circuit court within <u>2 years</u> of discriminatory act.	Suit must be filed in state circuit court within <u>2 years</u> of discriminatory act.	Suit must be filed in state circuit court within <u>2 years</u> of discriminatory act.
<b>Available Remedies</b>	Punitive and compensatory damages, back pay (limited to 2 years), attorney's fees, expert witness fees, and costs	Punitive and compensatory damages, back pay, attorney's fees, expert witness fees, and costs	Compensatory damages, back pay, injunctive relief, and attorney's fees ( <u>No</u> punitive damages)	Punitive and compensatory damages, attorney's fees, expert witness fees, and costs	Punitive and compensatory damages, <sup>5</sup> back pay, injunctive relief, attorney's fees, expert witness fees, and costs	Punitive and compensatory damages, back pay, injunctive relief, attorney's fees, expert witness fees, and costs	Punitive and compensatory damages, back pay, injunctive relief, attorney's fees, expert witness fees, and costs

-Formerly Maryland Article 49B.

-If the employer employs more than 15 employees, the claim must be brought through the state or federal agency.

-Under Title VII, an employee generally has 180 days to file a charge with the EEOC after the occurrence of the discriminatory act. Maryland employees, however, are given an extra 120 days to file a claim with the EEOC if they initially file a charge with the MCHR or one of the local Fair Employment Protection Agencies and that claim is terminated.

-Baltimore City created the Baltimore Community Relations Commission and St. Mary's County created the St. Mary's County Human Relations Commission. Employees may file employment discrimination suits under SG Title 20 with either Commission in lieu of filing with the Maryland Commission on Human Relations.

-Consequential damages permitted for up to two years after the discrimination, not exceeding the actual differences in expenses or benefits that the complainant realized while seeking to mitigate the consequences of the discrimination (such as income from alternate employment or unemployment compensation following employment discrimination).

# Maryland State Government Title 20: Maryland State Employment Discrimination Law

## Generally

**Unlawful Employment Practice.** It is unlawful for an employer (1) to fail or refuse to hire or to discharge an individual with respect to compensation, terms, conditions or privileges of employment based on a protected employee characteristic; (2) to limit, segregate or classify employees or applicants in a way which would deprive the individual of employment opportunities based on a protected employee characteristic; (3) to request or require genetic tests or genetic information as a condition for hiring or determining benefits.

**Aiding and Abetting Violation.** It is unlawful for any person to aid, abet, incite, compel or coerce or to attempt, directly or indirectly, alone or in concert with others, to commit any act declared to be an unlawful practice; or to obstruct or prevent any person from complying with the provisions of SG Title 20.

**Anti-Retaliation Provision.** It is unlawful for an employer to discriminate against an employee who has opposed an unlawful employment practice or who has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under SG Title 20.

## Damages

**Back Pay.** A complainant may be awarded back pay for lost time from employment. If back pay is awarded under SG Title 20, interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable.

**Compensatory Damages.** Compensatory damages may be awarded under SG Title 20 in addition to back pay or interest on back pay that the complainant is entitled to recover under any other provision of law and any other equitable relief the complainant is entitled to under any other provision of law.

**Punitive Damages.** Punitive damages may be awarded under SG Title 20 if the respondent is not a government entity or political subdivision and the court finds that the respondent has engaged in or is engaging in an unlawful employment practice with actual malice.

**Limitations and Elements of Damages.** The sum of the amount of compensatory damages awarded to each complainant for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, and the amount of punitive damages awarded may not exceed:

Number of Employees	Maximum Damages <sup>5</sup>
Up to 100	\$50,000
101 to 200	\$100,000
201 to 500	\$200,000
500+	\$300,000

<sup>5</sup> The caps on allowable damages under SG Title 20 mirror the caps prescribed by Title VII.

## Procedure

**Jury Demand.** If a complainant seeks compensatory or punitive damages any party may demand a trial by jury and the court may not inform the jury of the limitations imposed on compensatory and punitive damages.

**Right-to-Sue.** Under Title VII, a complainant must file a complaint with the EEOC and receive a Right-to-Sue Letter from the agency before pursuing a civil action. Now, under SG Title 20, the complainant does not need permission from the MCHR to file a lawsuit in Maryland state court. A complainant may pursue a private civil action without the assistance or approval of MCHR.

**Statute of Limitations.** At least 180 days must elapse since the filing of the administrative charge or complaint before the complainant may bring a civil action to a state court. The civil action must be filed no more than two (2) years after the occurrence of the alleged act of employment discrimination. The Statute of Limitations for employment discrimination claims begins to run from the date of actual termination, not the date of notice of termination.

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