## Summary of Maryland State Employment Discrimination Laws

<table>
<thead>
<tr>
<th>Covered Employers</th>
<th>Federal (Title VII)</th>
<th>Maryland (Article 49B)</th>
<th>Baltimore County</th>
<th>Frederick County</th>
<th>Howard County</th>
<th>Montgomery County</th>
<th>Prince George’s County</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 or more Employees</td>
<td>15 or more Employees</td>
<td>Less than 15 employees²</td>
<td>15 or more Employees</td>
<td>15 or more Employees</td>
<td>15 or more Employees</td>
<td>15 or more Employees</td>
<td>15 or more employees</td>
</tr>
</tbody>
</table>

### Covered Employee Characteristics
- Race, color, religion, sex, age, or national origin
- Race, color, creed, religion, physical or mental handicap, or national origin, marital status, sexual orientation, genetic information, or disability (including pregnancy)
- Race, creed, religion, handicap, color, or national origin, sex, age, or marital status
- Race, creed, religion, handicap, color, sex, or national origin, age, or marital status
- Race, creed, religion, handicap, color, sex, or national origin, age, occupation, familial or marital status, political opinion, sexual orientation, personal appearance, or source of income
- Race, religion, color, sexual orientation, familial or marital status, political opinion, personal appearance, sexual orientation or physical or mental handicap

### Filing Period Limitations
- Administrative charge must be filed with EEOC no later than 300 days after discriminatory act.
- Suit cannot be filed sooner than 180 days after administrative charge is filed with Maryland Commission on Human Relations
- Suit cannot be filed sooner than 60 days after administrative charge is filed with Frederick County Human Relations Commission.
- Suit cannot be filed sooner than 60 days after administrative charge is filed with Howard Co. Office of Human Rights.
- Suit cannot be filed sooner than 45 days after administrative charge is filed with Montgomery Co. Human Relations Commission.
- Suit cannot be filed sooner than 45 days after administrative charge is filed with Montgomery Co. Human Relations Commission.
- Suit must be filed within 90 days after receipt of EEOC "right to sue letter."
- Suit must be filed in state court within 2 years of discriminatory act.
- Suit must be filed in state circuit court within 2 years of discriminatory act.
- Suit must be filed in state circuit court within 2 years of discriminatory act.
- Suit must be filed in state circuit court within 2 years of discriminatory act.
- Suit must be filed in state circuit court within 2 years of discriminatory act.

### Available Remedies
- Punitive and compensatory damages, back pay (limited to 2 years), attorney’s fees, expert witness fees, and costs
- Punitive and compensatory damages, back pay, injunctive relief, and attorney’s fees and expert witness fees, and costs
- Punitive and compensatory damages, attorney’s fees, expert witness fees, and costs
- Punitive and compensatory damages, 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
- Punitive and compensatory damages, back pay, injunctive relief, attorney’s fees, expert witness fees, and costs
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:

<table>
<thead>
<tr>
<th>Number of Employees</th>
<th>Maximum Damages5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 100</td>
<td>$50,000</td>
</tr>
<tr>
<td>101 to 200</td>
<td>$100,000</td>
</tr>
<tr>
<td>201 to 500</td>
<td>$200,000</td>
</tr>
<tr>
<td>500+</td>
<td>$300,000</td>
</tr>
</tbody>
</table>

5 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.