

HOUSE BILL 1143

K3, P4, L6

0lr2856

By: **Delegates W. Fisher, Crosby, Charles, Ivey, C. Jackson, and Williams**

Introduced and read first time: February 6, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Employment Contracts – Employment After Contract**
3 **Termination**

4 FOR the purpose of prohibiting an employer from disqualifying an individual employed
5 under contract with the employer from subsequent employment with the employer
6 under certain circumstances; authorizing a certain individual to bring a civil action
7 in a certain court to enforce this Act; authorizing a court to take certain actions;
8 requiring the Commissioner of Labor and Industry to take certain actions after a
9 certain determination; authorizing the Attorney General to bring a certain action in
10 a certain county for certain remedies; establishing a civil penalty for a violation of
11 this Act; providing for the application of this Act; defining certain terms; and
12 generally relating to employment contracts and employment after contract
13 termination.

14 BY adding to
15 Article – Labor and Employment
16 Section 3–717
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2019 Supplement)

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

21 **Article – Labor and Employment**

22 **3–717.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) (I) "EMPLOYER" MEANS:

1. A PERSON ENGAGED IN A BUSINESS, AN INDUSTRY, A PROFESSION, A TRADE, OR ANY OTHER ENTERPRISE IN THE STATE; OR

2. A UNIT OF STATE OR LOCAL GOVERNMENT.

(II) "EMPLOYER" INCLUDES AN AGENT, A REPRESENTATIVE, AND A DESIGNEE OF THE EMPLOYER.

(3) "IMMEDIATE FAMILY MEMBER" MEANS A SPOUSE, CHILD, STEPCHILD, GRANDCHILD, PARENT, STEPPARENT, GRANDPARENT, SIBLING, OR STEPSIBLING.

(B) AN EMPLOYER MAY NOT DISQUALIFY AN INDIVIDUAL WHO IS EMPLOYED UNDER A CONTRACT WITH THE EMPLOYER FOR SUBSEQUENT EMPLOYMENT WITH THE EMPLOYER IF THE INDIVIDUAL WAS UNABLE TO FULFILL THE DURATION OF TIME SPECIFIED IN THE CONTRACT ENTIRELY OR PARTIALLY DUE TO:

(1) PREGNANCY;

(2) BIRTH OR ADOPTION OF A CHILD; OR

(3) SERIOUS ILLNESS OF AN IMMEDIATE FAMILY MEMBER.

(C) (1) AN INDIVIDUAL MAY BRING A CIVIL ACTION IN THE APPROPRIATE STATE COURT TO ENFORCE THIS SECTION.

(2) THE COURT MAY ENJOIN AN ACT OR A PRACTICE THAT VIOLATES THIS SECTION AND MAY ORDER EQUITABLE RELIEF TO REDRESS THE VIOLATION OR TO ENFORCE THIS SUBTITLE.

(D) (1) WHENEVER THE COMMISSIONER DETERMINES THAT THIS SECTION HAS BEEN VIOLATED, THE COMMISSIONER SHALL:

(I) TRY TO RESOLVE ANY ISSUE INVOLVED IN THE VIOLATION INFORMALLY BY MEDIATION; OR

(II) ASK THE ATTORNEY GENERAL TO BRING AN ACTION ON BEHALF OF THE APPLICANT OR EMPLOYEE.

(2) THE ATTORNEY GENERAL MAY BRING AN ACTION UNDER THIS SUBSECTION IN THE COUNTY WHERE THE VIOLATION ALLEGEDLY OCCURRED FOR

1 INJUNCTIVE RELIEF, DAMAGES, OR OTHER RELIEF.

2 (E) AN EMPLOYER WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL
3 PENALTY NOT EXCEEDING \$5,000.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
5 apply only prospectively and may not be applied or interpreted to have any effect on or
6 application to any cause of action arising before the effective date of this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2020.