

# Employment Law, Legislative & Regulatory Update



*Welcome*  
to the  
**Maryland General Assembly**



Developed and Presented for



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## Maryland Employment Legislation (Select)

- The 2011 Session in Review:
  - 2370 total bills had been filed
  - At least 149 or nearly 6.3% were employment related (exclusive, in part, of UI and WC)
- Key Issues (Passed):
  - HB 87/SB 132 – Job Applicant Fairness Act –
    - Effective October 1, 2011
    - Covered employers may not use credit report or history until
      - post offer AND
      - With a bona fide reason that is substantially job related (as defined) AND
      - Disclosed to applicant/employee in writing
  - HB 233– Municipal Corporations – Direct Deposit of Wages
- Key Issues (Not Passed)
  - HB 235 – Human Relations - Sexual Orientation and Gender Identity - Antidiscrimination
    - Prohibits discrimination based on gender identity. This bill has numerous sponsors.
  - HB 753 - Procurement - Use of Federal Work Authorization Programs
    - Would bar an employer from receiving a state contract unless the employer was registered to use the federal work authorization program (E-Verify). Similar bill also received unfavorable report HB 761/SB 390 – State Government – E-Verify.

## Key Issues (Not Passed) – *cont'd.*

- HB 907 - Employment Discrimination - Criminal Convictions
- HB 1136 – Jury Service
- SB 600 – Abusive Work Environments - Employee Remedies
- SB 969 – Administrative Leave - Parent-Teacher Conference

## Legal Update (Select)

- Cat's Paw
  - #1 – Title VII
  - #2 – USERRA
  - #3 – FMLA
  - #4 - ?...
- March 22<sup>nd</sup> – U.S. Sp Ct, FLSA Retaliation & Oral Complaints

## Federal Regulation (Select)

- April 16<sup>th</sup> - OFCCP – AAP’s for PWD and Protected Veterans
- [http://www.dol.gov/ofccp/regs/compliance/faqs/VEVRAA\\_NPRM\\_faq.htm](http://www.dol.gov/ofccp/regs/compliance/faqs/VEVRAA_NPRM_faq.htm)
  - April 16<sup>th</sup> NPRM. Proposes to (not all inclusive) require covered contractors to:
    - establish hiring benchmarks expressed as the percentage of total hires who are protected veterans that a contractor will seek to hire the following year.
    - invite applicants to self-identify at both the pre-offer and post-offer stages of the hiring process.
    - provide job vacancy information to the appropriate employment service in the way that the employment service needs it in order to include the job in their database.
    - engage in a minimum of three specified types of outreach and recruitment efforts.
    - Collect and maintain records related to:
      - number of protected veterans referred to them by state employment services,
      - number of protected veterans that applied for positions with the contractor, and
      - number of protected veterans hired by the contractor.
- April 14<sup>th</sup> – US CIS I-9 – New Rule is Old Rule
- March 25<sup>th</sup> – ADA<sup>3</sup>
- March 23<sup>rd</sup> – FLSA and Breaks for Nursing Moms
  - Notice and comment period ended 2/22/11. Law went into effect 3/23/10.
  - See U.S. DOL Fact Sheet 73. <http://www.dol.gov/whd/regs/compliance/whdfs73.htm>
  - <http://www.dol.gov/opa/media/press/whd/whd20101764.htm>
- March 15<sup>th</sup> – EEOC hearing on myths/stereotypes re persons with disabilities
- February 22<sup>nd</sup> – Notice & Comment period ends on NLRA Notice of Rights Posting
  - <http://edocket.access.gpo.gov/2010/2010-32019.htm>
- January 10<sup>th</sup> – GINA Safe Harbor

## Resources!

- SHRM [www.shrm.org](http://www.shrm.org)
- State Council <http://md.shrm.org> → Local Chapter [www.hocohrs.org](http://www.hocohrs.org)
- U.S. Chamber [www.uschamber.org](http://www.uschamber.org)
- State [www.mdchamber.org](http://www.mdchamber.org) → Local
- National Industry, Trade & Professionals Associations
  - State → Local
- NCSL [www.ncsl.org](http://www.ncsl.org)
- Offices of Workforce Development (state & local)
- Departments of Economic Development ( “ )

## Upcoming Events

May 25th - "*Shaping Public Policy: State Legislative Trends*," webcast, pre-approved by HRCI for 1.0 *strategic* credit hour. <http://www.fivel.net/webcasts.php>

June 2<sup>nd</sup> – “*From Hello to Goodbye...*” presented for the Frederick County SHRM chapter’s HR conference, Frederick, MD. [www.fcshrm.org](http://www.fcshrm.org)

June 7th - FiveL Company will again host the full-day seminar, “*HR & the Law for Maryland Employers*,” in Columbia, MD. Pre-approved by HRCI for 6.5 credits. [www.FiveL.net/events](http://www.FiveL.net/events)

June 14<sup>th</sup> - “*Legal Update*” presented for the HR Association of Southern Maryland, Prince Frederick, MD. <http://hrasonline.shrm.org/home>

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Follow Ms. Walters on Twitter for the latest legislative, legal and regulatory updates!  
[www.hrpeeps.net](http://www.hrpeeps.net)

Ms. Walters’ new book, “*From Hello to Goodbye: Proactive Tips for Maintaining Positive Employee Relations*” is now available!

Visit the SHRM Store

<http://shrmstore.shrm.org/from-hello-to-goodbye-proactive-tips-for-maintaining-positive-employee-relations.html>

