



February 19, 2019

The Honorable Joanne C. Benson
Rules Committee
Senate Meeting Room H-124, State House
Annapolis, MD 21401

RE: SB 0872 – Workplace Harassment - Prohibitions, Liability, and Enforcement – Oppose as Written

Dear Senator Benson:

In addition to adding anti-harassment provisions to anyone granted access to the State Legislative Complex, this bill would change the definition of “supervisor” for the purposes of determining employer liability for violations of the state’s workplace harassment law.

Specifically, it adds employer liability for the acts or omissions toward an employee or applicant committed by an individual who:

- Directs, supervises, or evaluates the work activities of the employee, or
- If the negligence of the employer led to the harassment or continuation of harassment.

This change would ignore the Supreme Court’s ruling in *Vance v. Ball State* (2013) in that it would define a supervisor in part as one who “directs, supervises or evaluates the work activities of another employee”.

Under the definition this bill proposes, a supervisor who directs or evaluates the work activities of another would have no ability to tangibly affect the employment of another. Therefore, imposing liability on a business for acts of such an employee is unreasonable and punitive. Furthermore, without specifically defining the term “negligence”, it would leave employers liable for the acts of supervisors even in the face of reasonable efforts made to stop such behavior.

The Carroll County Chamber of Commerce, a business advocacy organization of over 600 members, opposes this bill and asks that you give it an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads 'Mike McMullin'.

Mike McMullin
President
Carroll County Chamber of Commerce

CC: Senator Justin Ready
Delegate Haven Shoemaker

Carroll County Chamber of Commerce • 9 East Main Street • Westminster, MD 21157
Phone: 410-848-9050 • Fax: 410-876-1023 • www.carrollcountychamber.org