



THE VOICE OF MONTGOMERY COUNTY BUSINESS

**HB 504 EMPLOYMENT DISCRIMINATION-UNLAWFUL EMPLOYMENT PRACTICES-
MOTIVATING FACTOR**

HOUSE GOVERNMENT OPERATIONS COMMITTEE

MARCH 3, 2010

OPPOSE

The Montgomery County Chamber of Commerce ("MCCC"), as the voice of Montgomery County business, **opposes HB 504**, which prevents a 2009 Supreme Court ruling from being applied in Maryland Anti-Discrimination claims by allowing employment discrimination to be established when the employee demonstrates that belonging to a specified classification is a motivating factor for the employer taking an employment action, even though other factors also motivated the employment action.

Preventing a Supreme Court ruling applicable to age discrimination cases, *Gross v. FBL Financial Services, Inc.* 557 U.S. __ (2009), from being applied in Maryland Anti-Discrimination claims is a matter for the U.S. Congress to overrule through a congressional enactment. Such legislation has in fact been introduced as H.R. 3721.

The approach sought by HB 504 will invite litigation and should be left to the Congress to resolve whether the "mixed motive" framework should be applied to cases under the Age Discrimination in Employment Act (ADEA).

For these reasons, we request an **unfavorable report on HB 504**.

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