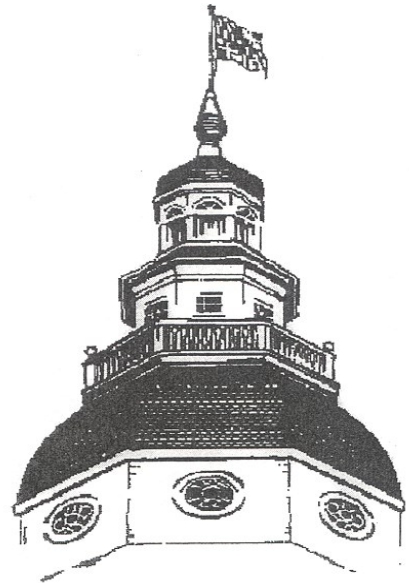


# Maryland Legislative Agenda for Women *2017*



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FOR MORE INFORMATION ON THE  
2017 MARYLAND LEGISLATIVE AGENDA FOR WOMEN  
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# Overview

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. The coalition advocates for progressive legislation and policies that promote and protect the well-being of Maryland women and their families and provide them opportunities to develop their full potential.

This initiative is a response to the Maryland Commission for Women's decision in August of 2004 to absorb the Legislative Agenda for Maryland Women (LAMW) into its Legislative and Public Policy Committee. The Legislative Agenda for Maryland Women, a statewide coalition effort, supported successful passage of dozens of bills that have improved the quality of life for Maryland's women and families. Many leaders of the new initiative served on the LAMW steering committee.

## Our Vision

Maryland women and their families have a right, by law, to an adequate and sustainable quality of life and an opportunity to develop their full potential.

## Guiding Principles

- An adequate standard of living regardless of ability to work or achieve financial independence
- Personal safety at home, school and the workplace
- Freedom from discrimination in Maryland's economic, educational, judicial, political, and social system
- Equal access to quality health care and reproductive services
- Safe and affordable child and dependent care
- A quality, public education
- Equitable and responsible implementation and enforcement of rights and protections provided by existing law
- Elimination of discriminatory policies and practices based on age, ethnicity, gender, physical abilities and attributes, race, and sexual orientation
- Family-friendly employment practices

## Board of Directors

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American Association of University Women (AAUW) - Kensington-Rockville Branch  
American Association of University Women (AAUW) – Maryland  
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Anne Arundel County NAACP  
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Calvert County Commission for Women  
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Citizens Encouraging Community Revitalization  
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Family Crisis Resource Center, Inc.  
Family Services Inc.  
HopeWorks of Howard County, Inc.  
Jewish Coalition Against Domestic Abuse (JCADA)  
Law Office of Jessica O'Kane  
Maryland Coalition Against Sexual Assault  
Maryland Commission for Women  
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Maryland Federation of Business and Professional Women Club Inc.  
Maryland Network Against Domestic Violence  
Maryland State Conference of NAACP Branches  
Maryland State Conference Women in the NAACP  
Maryland Working Families  
Montgomery County Business & Professional Women  
Montgomery County Commission for Women  
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National Coalition of 100 Black Women Prince George's County  
National Organization for Women—Maryland  
Prince George's County Drug Policy Coalition, Inc.  
Southern Prince George's Business and Professional Women  
Woman's Democratic Club of Montgomery County  
Women's Law Center of Maryland, Inc.  
Zonta Club of Annapolis

*\*The names of individuals and organizational supporters may only support some components of the agenda that pertain to their mission and work.*

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# 2017 Maryland Legislative Agenda for Women

## *Agenda Process and Selection*

In November, MLAW hosted its Fall Agenda Conference. Advocacy and women's groups were invited to present legislative initiatives for consideration. The criteria for initiatives to be presented at the Conference were:

- Must address a women's issue
- Must be able to be addressed through the legislative process
- Must have an identifiable, sustainable lead group that agrees to shepherd the legislation
- Must have a sponsor
- Must have a reasonable expectation of success

Following a successful conference, the Board of Directors met to review the legislation and ensure that it met the criteria. Bills that met the criteria were placed on a ballot, which was distributed to the MLAW membership. Members were asked to vote for the initiatives that would comprise the **2017 Maryland Legislative Agenda for Women**.

# **2017 Maryland Legislative Agenda for Women**

## ***Issues and Initiatives***

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# Fair Scheduling Act

**Bill Number:** TBD

**Synopsis:** This bill will provide hourly workers some measure of predictability in their schedules so they can plan for and balance their non-work responsibilities by incentivizing employers to build stable, predictable, family-friendly schedules and fairly compensate employees for the time they make available to their employers.

**Committee(s):** Senate Finance  
House Economic Matters

**Bill Sponsor(s):** Senator Joanne C. Benson, 410-841-3148  
Delegate Marice Morales, 410-841-3528

**Lead Group(s):** Maryland Working Families, Dante Bishop, 240-291-7052

**Background:** One of the biggest obstacles for women being able to create economic and family stability is having a predictable schedule. Employers increasingly schedule workers on-call with no guarantee of work or pay, cancel shifts at the last minute, or send workers home early without compensation. Whether she's an hourly worker or a highly-skilled professional, scheduling predictability can reduce both financial and emotional stress on women who must juggle work and family.

This demand for constant availability has a particularly high impact on the more than 410,000 hourly workers in Maryland who have kids at home, and the 77,000 hourly workers balancing more than one job. Today half of Maryland's workforce is paid by the hour—that's over 1.3 million residents of the state with no protection against abusive scheduling. When workers cannot predict their work hours or their pay and have no voice in their schedules, they can't arrange child care, secure a second job, or complete the training they need to advance their careers.

Women make up 49 percent of Maryland's workforce, and more than 300,000 households in the state are led by women. This bill will provide hourly workers some measure of predictability in their schedules so they can plan for and balance their non-work responsibilities. This will provide crucial support to the women of our state, as nearly 70% of Maryland's low-wage workers – those making \$10.10 or less an hour – are in fact women. This critical legislation will incentivize employers to build stable, predictable, family-friendly schedules and fairly compensate employees for the time that make available to their employers.

# Family Law—Child Conceived Without Consent—Termination of Parental Rights (Rape Survivor Family Protection Act)

**Bill Number:** HB428

**Synopsis:** A bill to terminate the parental rights of rapists when a child is conceived as a result of rape.

**Committee(s):** House Judiciary  
Senate Judicial Proceedings Committee

**Bill Sponsor(s):** Delegate Kathleen Dumais, 410-841-3052  
Senator Brian Feldman, 410-841-3169 & Senator Susan Lee, 410-841-3124

**Lead Group(s):** Maryland Coalition Against Sexual Assault , Lisae C. Jordan, Esquire, 443-995-5544

**Background:** Sexual assault continues to disproportionately impact women. Any estimate of the incidence of sexual assault is just that – an estimate – rape, child sexual abuse, and other sexual offenses continues to be one of the most underreported crimes in America. However, we do know that one out of every 8 adult women, or about 260,000 adult women in Maryland, has been the victim of forcible rape sometime in her lifetime. Ruggiero, K.J. & Kilpatrick, D. G. (2003), Rape in Maryland: A Report to the State. Charleston, SC: National Violence Against Women Prevention Research Center, Medical University of South Carolina.

**The Rape Survivor Family Protection Act** is important legislation sends the message that we support the women who make the difficult choice to have a child that was conceived through rape.

5% of rape victims of reproductive age (age 12-45) became pregnant as a result of rape, with the majority of pregnancies in adolescents. The Rape Survivor Family Protection Act would give rape victims a process to terminate parental rights of rapists when a child is conceived as result of rape. Victims would be required to meet a clear and convincing standard of evidence. This is the same standard used for other termination of parental rights cases – no higher, no lower.

At least ten states have statutes permitting termination of parental rights of rapists based on clear and convincing evidence. Moreover, last summer the federal Rape Survivor Child Custody Act passed Congress, was signed by the President and became law. This gives states financial incentives to pass laws like the RSFPA. This legislation has the support of pro-life and pro-choice advocates, women's groups, the Attorney General, the Governor's Office of Crime Control, and many religious organizations. It's past time to enact this bill.



# Criminal Law—Sexual Offenses—Physical Resistance

**Bill Number:** SB217/HB429

**Synopsis:** A bill to make it clear that rape victims are not required to physically resist their attacker.

**Committee(s):** House Judiciary  
Senate Judicial Proceedings Committee

**Bill Sponsor(s):** Delegate Kathleen Dumais, 410-841-3052  
Senator Delores Kelley, 410-841-3606

**Lead Group(s):** Maryland Coalition Against Sexual Assault , Lisae C. Jordan, Esquire, 443-995-5544

**Background:** This bill on **Rape and Physical Resistance** clarifies and modernize Maryland's rape statute. Currently, there are three theories to prove rape: age based (statutory rape), capacity (intoxication, physical helplessness, or cognitive disabilities), and force or threat of force. Historically, force and threat of force required "utmost resistance" on the part of the victim, generally women. Prosecutions focused on what a victim did, how hard she fought, and whether she had physical injuries. Physical resistance was excused only when a victim feared "imminent bodily injury serious enough to overcome or impair the will to resist".

While most states have modernized their sexual assault laws through statutory reform or case law, Maryland has refused, making only modest progress through case law. This issue was highlighted by recent reports regarding "unfounded" rape cases in BuzzFeed. Law enforcement officials in Baltimore County and Montgomery County cited the deficiencies in Maryland's statute as one of the reasons rapists are not criminally charged.

This bill would make it clear that rape victims are not required to physically resist sexual assault.

# Maryland Tort Claims Act – Certain Claim Requirement

**Bill Number:** SB336

**Synopsis:** If a government employee is a victim of a sexual assault in the workplace, she is required to submit a written claim within a year of the assault. If no claim is submitted, after one year, she will be barred from accessing justice. This current notice requirement is an obstacle, and an unnecessary barrier that prevents victims from obtaining the justice they deserve. This bill will allow victims to pursue the cause of action even if the victim did not file the claim within a year of the assault.

**Committee(s):** Senate Judicial Proceedings

**Bill Sponsor(s):** Senator Roger Manno, 410-841-3151

**Lead Group(s):** Maryland National Organization for Women, Linda Mahoney, 301-648-5484

**Background:** Maryland women have the third highest lifetime prevalence of sexual violence other than rape, totaling an estimated number of 1.2 million women, or nearly 55 percent of the state's female population. Victims of sexual assault face many barriers to justice, especially in the criminal justice system. However, pursuing a civil tort claim against a perpetrator is an additional avenue to justice for victims, regardless of the outcome of a criminal case. A tort claim gives the plaintiff or victim more control in making important decisions throughout the process, and in negotiating the terms of settlement. Current law bars a state employee from making a valid claim of sexual assault if notice is not filed within one year. Not filing notice should never prevent a claim from proceeding forward. In a case of sexual assault in the workplace, a victim might be traumatized and not be able to come forward in one year.

# Procurement –Nondisclosure Clauses and State Policy-Formation and Composition of Board of Directors

**Bill Number:** TBD

**Synopsis:** This bill will encourage companies to abide by board appointment practices, which aim to maintain a diverse composition. Instead of attempting to compel all companies to maintain mandatory quotas, the scope of this bill extends only to those companies seeking work-contracts with the state. Presumably, the size of a company and the value of the proposed work contract would be taken into consideration when determining the quotas to which any particular company is subject and whether or not they would be subject to this stature at all. Leading authorities on pay equity believe the next important step involves placing more women on corporate boards can influence compensation policies and practices.

**Committee(s):** Health and Government Relations

**Bill Sponsor(s):** Delegate Karen Lewis Young, 410-841-3436

**Lead Group(s):** Andrea Johnson, National Women’s Law Center, [ajohnson@nwlc.org](mailto:ajohnson@nwlc.org), 202-319-2041

**Background:** For the purpose of requiring a certain contract for procurement to include a certain nondiscrimination clause that prohibits certain discrimination by a contractor in the formation or composition of a certain board of directors; providing that it is the policy of the State not to enter into a contract with a certain business entity that has discriminated in the formation or composition of a board of directors on the basis of certain characteristics; and generally relating to procurement, nondisclosure clauses, and the formation and composition of boards of directors.

The inspiration for this bill was Cokey Roberts, author of “capitol Dames: The Civil War and the Women of Washington.” During a conversation with her she stated that we must get more women on Boards of Directors if we are going to affect company policies on compensation

# Labor and Employment-Equal Pay- Job Announcement and Salary History Information Disclosures

**Bill Number:** HB398/SB404

**Synopsis:** The intent of this bill is to introduce legislation that prohibits discriminatory practices and increases transparency from employers when hiring women. Employers may not ask past salary history and Employers over a certain size (TBD) must disclose a salary range for the position when requested by applicant.

**Committee(s):** House Economic Matters  
Senate Finance

**Bill Sponsor(s):** Delegate Karen Lewis Young, 410-841-3436  
Senator Susan Lee, 410-841-3124

**Lead Group(s):** Andrea Johnson, National Women's Law Center, [ajohnson@nwl.org](mailto:ajohnson@nwl.org), 202-319-2041

**Background:** During 2016, the General Assembly passed some progressive legislation on Equal Pay. However, there are still some practices in the interviewing process that disproportionately discriminate against women. "Labor and Employment-Equal Pay- Job Announcement and Salary History Information Disclosures." will address those situations.

This bill will require certain employers to include certain information in a job announcement to recruit an employee or independent contractor to fill a position within the employer's organization; prohibiting certain employers from paying less than the minimum rate of pay included in a certain job announcement to a certain employee; prohibiting certain employers from seeking salary history information by certain methods for an employee, screening an applicant for employment based on the applicant's salary history by taking certain actions, and providing, except under certain circumstances, salary history information to a prospective employer; authorizing certain employers to seek the salary history of an applicant for employment for a certain purpose under certain circumstances; providing for the application of certain provisions of this Act; making a conforming change; and generally relating to job announcements and salary history information disclosures.

# Labor and Employment—Maryland Healthy Working Families Act

**Bill Number:** SB230/HB1

**Synopsis:** The proposed legislation would enable Maryland workers to earn a limited number of annual paid sick and safe days from their employer.

**Committee(s):** Senate Finance  
House Economic Matters

**Bill Sponsor(s):** Senator Thomas "Mac" Middleton, 410-841-3616  
Delegate Luke Clippinger, 410-841-3303

**Lead Group(s):** Job Opportunities Task Force - Liz Richards, [lrichards@jotf.org](mailto:lrichards@jotf.org), 302-290-3939

**Background:** Everyone gets sick and everyone deserves time to recover without risking their economic stability, yet 40 percent of American workers – and nearly 80 percent of low-wage workers – are unable to earn paid sick days. In Maryland, more than 700,000 of our neighbors are forced to make impossible choices: go to work sick, send an ill child to school or daycare, or stay home and sacrifice much-needed income or, worse, risk job loss.

This issue has an especially severe impact on women. Three-quarters of mothers are now in the labor force (half are the primary breadwinners for their families), and yet our laws do not reflect the reality of today's working families. Working women are more likely to have significant caregiving responsibilities – including caring for elderly parents, children or ill spouses/ partners – yet women-dominated industries are among the least likely to offer paid sick days.

Half of working mothers miss work when their child gets sick. Of these mothers, half do not get paid when they take this time off. Among low-income working mothers, two in three report losing pay when they or a family member gets sick. Without this basic workplace benefit, women are often left with no choice but to forego pay in order to meet their families' health care needs. Working women need a basic workplace standard of paid sick days so they don't have to choose between keeping their job and caring for a sick child or family member.

The proposed legislation, which will be introduced for the fifth consecutive year in 2017, enables workers to earn a limited number of annual paid sick and safe days from their employer, up to seven days a year for a full-time employee. Workers would begin accruing hours from the start of employment but employers may require a three-month waiting period before allowing employees to use their accrued hours. The "safe time" component of the legislation requires employers to allow women who have been victims of domestic abuse or sexual assault to use their accrued paid sick leave to care for their health after these incidents or to seek legal protections or new housing.

# Discrimination in Employment- Conditions Related to Pregnancy or Childbirth

**Bill Number:** HB214

**Synopsis:** This bill will make clarifications to Maryland's existing law to ensure that pregnant workers with a medical need for workplace accommodations due to normal pregnancy are in fact provided reasonable accommodations. It will also strengthen the law by clarifying that reasonable accommodations must also be provided for lactation-related needs. And it will strengthen the law to prohibit employers from forcing pregnant workers out on leave when they could be reasonably accommodated since many women cannot afford or do not want to take leave and could continue working if they were provided another reasonable accommodation.

**Committee(s):** House Economic Matters

**Bill Sponsor(s):** Delegate Marice Morales, 410-841-3528

**Lead Group(s):** Andrea Johnson, National Women's Law Center, [ajohnson@nwl.org](mailto:ajohnson@nwl.org), 202-319-2041

**Background:** While many women work through pregnancy without issue, some have medical needs for temporary changes on the job. But too many pregnant workers are forced onto unpaid leave or out of a job entirely, instead of receiving simple, low-cost workplace accommodations that would allow them to continue working safely during their pregnancies. Being denied an accommodation can force pregnant workers to choose between healthy pregnancies and their jobs. Moreover, if they are not pushed off the job while pregnant, upon returning to work after giving birth, many mothers lack the time and space at work to express breast milk and some are harassed or fired for taking time to express milk.

In families with children, 42% of mothers are primary breadwinners and nearly one-quarter are co-breadwinners. Women in low-wage jobs are even more likely to be their family's primary breadwinners, but also more likely to seek and be denied pregnancy accommodations, given the physically demanding nature of many of these jobs and culture of inflexibility.

**Losing a job or being forced onto leave can be calamitous for these workers and their growing families who lose income at the very moment their financial needs are increasing.**

Maryland law provides some protections for pregnant workers seeking accommodations to continue working during their pregnancies; however, more women would be able to work safely and support their families during their pregnancies *and* after giving birth if the law were clarified and strengthened to:

- Provide that leave is only an appropriate response to a pregnant worker's need for accommodation if she cannot otherwise be reasonably accommodated, or if the employee desires to use the leave available to her. Currently, Maryland law permits an employer to provide unpaid leave as a reasonable accommodation even though many pregnant workers cannot afford to take unpaid leave or wish to save their leave for after their baby is born;
- Ensure that reasonable accommodations are also provided for lactation-related needs, including providing time and space to pump breastmilk; and
- Ensure that employers give reasonable accommodations to *all* pregnant employees with a medical need for an accommodation, not just employees who need accommodations as a result of pregnancy complications—an issue left ambiguous by the current statutory text.

# *Demonstrate Your Womanpower with MLAW*

## **WHAT YOU CAN DO TO TAKE ACTION ON LEGISLATION**

MLAW (Maryland Legislative Agenda for Women) is a statewide group of organizations and individuals working to provide an independent, non-partisan voice advocating for critical legislation and policies affecting women and their families. Visit our website at [www.mdlegagendaforwomen.org](http://www.mdlegagendaforwomen.org) for more information.

**Here are a few steps you can take to stay informed about legislation you care about and to let your legislators know your position.**



**SIGN UP FOR MLAW'S YAHOO LIST SERVE** to receive information, updates, alerts, and other information of interest.



**LEARN MORE** about the issues you care about.



**CONTACT YOUR LEGISLATORS** during the session:

- ★ Call, write, e-mail, fax or visit legislators to express your support or opposition to legislation. You can find who your state legislators are, their contact information, copies of bills, hearing schedules and more at <http://mlis.state.md.us>.
- ★ Contact the lead group or groups to find out more about what you can do to support or oppose legislative proposals or other issues.
- ★ Attend a legislative hearing and be a visible supporter.
- ★ Submit written or give oral testimony.
- ★ Find out how your legislators voted – and hold them accountable – by letters or by your next opportunity to vote for them.



**SPREAD THE WORD** – promote the MLAW Agenda and other issues to friends and colleagues and encourage them to take action.



**MAINTAIN FOCUS** on key areas: health care, reproductive rights, economics, family law, domestic and sexual violence.



**JOIN MLAW** to support an independent voice for women's and family issues.



**PARTICIPATE** – and build women's collective power.

### **Maryland Legislative Agenda for Women**

305 W. Chesapeake Avenue, Suite 201 • Towson, MD 21204

Phone/Fax: 443-519-1005 • [mdlegagenda4women@yahoo.com](mailto:mdlegagenda4women@yahoo.com) • [www.mdlegagendaforwomen.org](http://www.mdlegagendaforwomen.org)



# Maryland Legislative Agenda for Women

## 2016-2017 Membership Form

MLAW's membership year is July 1, 2016 through June 30, 2017



### ***I Want to Make a Difference!***

#### ***I Want to be an MLAW Member***

**Type of Membership** (check only one):

- ☐ **\$40 - Individual**
- ☐ **\$75 - Organization income under \$25,000**
- ☐ **\$125 - Organization income over \$25,000**

*If you are joining as both an individual and an organization, please complete a separate form for EACH membership.*

#### ***I Want to Increase MLAW's Collective Voice by Making an Additional Donation***

- ☐ **\$1,000** ☐ **\$750** ☐ **\$500** ☐ **\$250** ☐ **\$100** ☐ **\$75** ☐ **\$50** ☐ **\$25** ☐ **Other** \_\_\_\_\_

**Payment:**

- ☐ **A check for \$ \_\_\_\_\_, made payable to MLAW, is enclosed.**

**Individual or Organization:** \_\_\_\_\_

*Please spell out organization name. No acronyms.*

**Contact Name** (for organizations only) \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

\_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**IMPORTANT!** Please include an email address. Most of the business of MLAW will be conducted via email through the MLAW listserv.

**Mail this completed form to:**

**MLAW**

**305 W. Chesapeake Avenue, Suite 201  
Towson, MD 21204**

*The Maryland Legislative Agenda for Maryland Women (MLAW) is a 501(c)4 organization. Because we engage in legislative advocacy, contributions to MLAW are not tax-deductible.*