

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1460

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Curran" and substitute "Delegates Curran and Petzold".

AMENDMENT NO. 2

On page 1, in line 4, after "employment" insert "; making stylistic changes; and generally relating to the jurisdiction of the Maryland Human Relations Commission with regard to matters involving employment discrimination"; and in line 7, after "Section" insert "11(a), (e), and (g) and".

AMENDMENT NO. 3

On page 1, after line 17, insert:

"11.

(a) In case of failure to reach an agreement for the elimination of the acts of discrimination and upon the entry of findings to that effect, the entire file including the complaint and any and all findings made shall be certified to THE GENERAL COUNSEL. The [Chairman] EXECUTIVE DIRECTOR shall cause a written notice to be issued and served in the name of the Commission together with a copy of the complaint requiring the respondent to answer the charges of the complaint at a public hearing before [a hearing examiner at a time and place certified in the notice] AN ADMINISTRATIVE LAW JUDGE.

The case shall thereupon be heard by [a hearing examiner] AN ADMINISTRATIVE LAW JUDGE and the hearing shall be held in the county where the alleged act of discrimination took place. A transcript of all testimony at the hearing shall be made. The case in support of the complaint shall be presented at the hearing by the general counsel of the Commission.

(Over)

(e) If upon all the evidence, the [hearing examiner] ADMINISTRATIVE LAW JUDGE finds that the respondent has engaged in any discriminatory act within the scope of any of these subtitles, the [hearing examiner] ADMINISTRATIVE LAW JUDGE shall so state the findings. The [hearing examiner] ADMINISTRATIVE LAW JUDGE shall issue and cause to be served upon the respondent an order requiring the respondent to cease and desist from the discriminatory acts and to take affirmative action to effectuate the purposes of the particular subtitle. If the respondent is found to have engaged in or to be engaging in an unlawful employment practice charged in the complaint, the remedy may include, but is not limited to, reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief that is deemed appropriate. The award of monetary relief shall be limited to a 36-month period. The complainant may not be awarded monetary relief for losses incurred between the time of the Commission's final determination and the final determination by the circuit court or higher appellate court, as the case may be. Interim earning or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the monetary relief otherwise allowable. In cases of discrimination other than those involving employment, in addition to the award of civil penalties as specifically provided in this article, nonmonetary relief may be granted to the complainant, except that in no event shall an order be issued that substantially affects the cost, level, or type of any transportation services. In cases involving transportation services which are supported fully or partially with funds from the Maryland Department of Transportation, no order may be issued which would require costs, level, or type of transportation services different from or in excess of those required to meet U.S. Department of Transportation regulations adopted pursuant to § 504 of the Rehabilitation Act of 1974, codified as 49 C.F.R. 27 (1984), nor would any such order be enforceable under § 12(a) of this subtitle.

(g) If upon all the evidence, the [hearing examiner] ADMINISTRATIVE LAW JUDGE or the Commission finds that the respondent has not engaged in any alleged discriminatory act within the scope of the particular subtitle, it shall state its findings of fact and shall similarly issue and file an order dismissing the complaint. “.

AMENDMENT NO. 4

On page 2, in line 8, strike “TWO” and substitute “ONE”.