

HOUSE BILL 54

D5

9lr1281

By: **The Speaker (By Request – Department of Legislative Services – Code Revision)**

Introduced and read first time: January 15, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations – Civil Actions – Unlawful Employment Practices**

3 FOR the purpose of clarifying that certain provisions of law relating to civil actions
4 elected or filed by certain complainants apply only to unlawful employment
5 practices; making certain conforming changes; and generally relating to the
6 relief available for certain discriminatory acts.

7 BY repealing and reenacting, with amendments,

8 Article – State Government

9 Section 20–1006(b), 20–1007(a) and (b), 20–1012(a) and (b), and 20–1013(a) and
10 (b)

11 Annotated Code of Maryland

12 (As enacted by Chapter ____ (H.B. ____)(9lr0791) of the Acts of the General
13 Assembly of 2009)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – State Government**

17 20–1006.

18 (b) The Executive Director of the Commission shall cause a written notice to
19 be issued and served in the name of the Commission, together with a copy of the
20 complaint, requiring the respondent to answer the charges of the complaint at a public
21 hearing:

22 (1) before an administrative law judge at a time and place certified in
23 the notice; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) IF THE COMPLAINT ALLEGES AN UNLAWFUL EMPLOYMENT
2 PRACTICE, in a civil action elected under § 20–1007 of this subtitle.

3 20–1007.

4 (a) (1) When a complaint ALLEGING AN UNLAWFUL EMPLOYMENT
5 PRACTICE is issued and served under § 20–1006 of this subtitle, a complainant or
6 respondent may elect to have the claims asserted in the complaint determined in a
7 civil action brought by the Commission on the complainant's behalf, if:

8 (i) the Commission has found probable cause to believe the
9 respondent has engaged in or is engaging in [a discriminatory act] AN UNLAWFUL
10 EMPLOYMENT PRACTICE; and

11 (ii) there is a failure to reach an agreement to remedy and
12 eliminate the [discriminatory act] UNLAWFUL EMPLOYMENT PRACTICE.

13 (2) An election under paragraph (1) of this subsection shall be made
14 within 30 days after the complainant or respondent receives service under §
15 20–1006(b) of this subtitle.

16 (3) If an election is not made under paragraph (1) of this subsection,
17 the Commission shall provide an opportunity for a hearing as provided under §
18 20–1008(a) of this subtitle.

19 (b) When a complaint ALLEGING AN UNLAWFUL EMPLOYMENT PRACTICE
20 is issued and served under § 20–1006 of this subtitle, the Commission may elect to
21 have the claims asserted in the complaint determined in a civil action brought on the
22 Commission's own behalf, if:

23 (1) the Commission has found probable cause to believe the
24 respondent has engaged in or is engaging in [a discriminatory act] AN UNLAWFUL
25 EMPLOYMENT PRACTICE; and

26 (2) there is a failure to reach an agreement to remedy and eliminate
27 the [discriminatory act] UNLAWFUL EMPLOYMENT PRACTICE.

28 20–1012.

29 (a) Within 60 days after an election is made under § 20–1007 of this subtitle,
30 the Commission shall file a civil action in the circuit court for the county where the
31 alleged [discriminatory act] UNLAWFUL EMPLOYMENT PRACTICE occurred.

32 (b) If the court finds that [a discriminatory act] AN UNLAWFUL
33 EMPLOYMENT PRACTICE occurred, the court may provide the remedies specified in §
34 20–1009(b) of this subtitle.

1 20-1013.

2 (a) In addition to the right to make an election under § 20-1007 of this
3 subtitle, a complainant may bring a civil action against the respondent alleging [a
4 discriminatory act] **AN UNLAWFUL EMPLOYMENT PRACTICE**, if:

5 (1) the complainant initially filed a timely administrative charge or a
6 complaint under federal, State, or local law alleging [a discriminatory act] **AN**
7 **UNLAWFUL EMPLOYMENT PRACTICE** by the respondent;

8 (2) at least 180 days have elapsed since the filing of the administrative
9 charge or complaint; and

10 (3) the civil action is filed within 2 years after the alleged
11 [discriminatory act] **UNLAWFUL EMPLOYMENT PRACTICE** occurred.

12 (b) A civil action under this section shall be filed in the circuit court for the
13 county where the alleged [discriminatory act] **UNLAWFUL EMPLOYMENT PRACTICE**
14 occurred.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2009.