

# HOUSE BILL 54

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9lr1281

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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

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Committee Report: Favorable

House action: Adopted

Read second time: March 11, 2009

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## CHAPTER \_\_\_\_\_

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 complaint, requiring the respondent to answer the charges of the complaint at a public  
2 hearing:

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

5 (2) **IF THE COMPLAINT ALLEGES AN UNLAWFUL EMPLOYMENT**  
6 **PRACTICE**, in a civil action elected under § 20–1007 of this subtitle.  
7 20–1007.

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

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

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

17 (2) An election under paragraph (1) of this subsection shall be made  
18 within 30 days after the complainant or respondent receives service under §  
19 20–1006(b) of this subtitle.

20 (3) If an election is not made under paragraph (1) of this subsection,  
21 the Commission shall provide an opportunity for a hearing as provided under §  
22 20–1008(a) of this subtitle.

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

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

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

32 20–1012.

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

4 (b) If the court finds that [a discriminatory act] **AN UNLAWFUL**  
5 **EMPLOYMENT PRACTICE** occurred, the court may provide the remedies specified in §  
6 20–1009(b) of this subtitle.

7 20–1013.

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

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

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.