

CHAPTER 367

(House Bill 54)

AN ACT concerning

Human Relations – Civil Actions – Unlawful Employment Practices

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

BY repealing and reenacting, with amendments,

Article – State Government

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

Annotated Code of Maryland

(As enacted by Chapter 120 (H.B. 51)(9lr0791) of the Acts of the General Assembly of 2009)

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

Article – State Government

20–1006.

(b) The Executive Director of the Commission 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:

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

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

20–1007.

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

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

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

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

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

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

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

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

20–1012.

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

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

20–1013.

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

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

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

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

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

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

Approved by the Governor, May 7, 2009.