

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 54 (The Speaker)(By Request - Department of Legislative Services - Code Revision)

Health and Government Operations

Judicial Proceedings

Human Relations - Civil Actions - Unlawful Employment Practices

This bill clarifies that certain provisions of law relating to civil actions elected or filed by certain complainants apply only to unlawful employment practices and not to all discriminatory acts.

Fiscal Summary

State Effect: None. The bill clarifies current law.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A complainant or respondent in a discrimination complaint may elect to have the claims asserted in the complaint determined in a civil action brought by the Maryland Commission on Human Relations (MCHR) on the complainant's behalf if: (1) MCHR has found probable cause to believe the respondent has engaged in or is engaging in a discriminatory act; and (2) there is a failure to reach an agreement to remedy and eliminate the discriminatory act.

MCHR may elect to have the claims asserted in the complaint determined in a civil action brought on its own behalf if: (1) it has found probable cause to believe the respondent has engaged in or is engaging in a discriminatory act; and (2) there is a failure to reach an agreement to remedy and eliminate the discriminatory act.

A complainant may also file a civil action against the respondent alleging a discriminatory act if: (1) the complainant initially filed a timely administrative charge or a complaint under federal, State, or local law; (2) at least 180 days have elapsed since the filing of the administrative charge or complaint; and (3) the civil action is filed within two years after the alleged discriminatory act.

Background: This is a companion bill to HB 51, which repeals most of Article 49B and recodifies it in a new Title to the State Government Article to be known as “Title 20. Human Relations.” This bill addresses the revisor’s note to Subtitle 20-1007 (Election of Civil Action) in HB 51, which states that Chapters 176 and 177 of 2007 intended to expand the administrative and judicial remedies available in *employment* discrimination claims by providing a private right of action. As drafted, however, the law applies to all discriminatory acts. The note further suggests that the General Assembly clarify that provisions of the subtitle relating to civil actions elected or filed by complainants apply only to unlawful employment practices.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services; Human Relations Commission; Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Office of Administrative Hearings

Fiscal Note History: First Reader - January 27, 2009
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