

**Department of Legislative Services**  
2012 Session

**FISCAL AND POLICY NOTE**

House Bill 218 (Delegate Pena-Melnyk, *et al.*)  
Health and Government Operations

---

**Commission on Civil Rights - Discrimination in Employment - Computation of  
Time for Filing a Civil Action**

---

This bill establishes that the time during which an administrative proceeding is pending for a complaint or charge of an alleged unlawful employment practice does not count in computing the two-year period during which a complainant may bring a private civil action against the respondent.

---

**Fiscal Summary**

**State Effect:** The bill's changes will not materially affect the workload of the Judiciary.

**Local Effect:** The bill's changes will not materially affect the workload for the circuit courts.

**Small Business Effect:** Minimal.

---

**Analysis**

**Current Law:** Individuals alleging employment discrimination may file a complaint with the Maryland Commission on Civil Rights (MCCR). A complaint must be filed within six months from the date the alleged violation occurred. On a finding of an unlawful employment practice, administrative remedies may include enjoining the respondent from engaging in the discriminatory act, the reinstatement or hiring of employees with or without back pay, compensatory damages, and any other appropriate equitable relief.

A civil cause of action is also available in employment discrimination complaints. A complainant or respondent may elect to have the claims asserted in the complaint

determined in a civil action brought by MCCR on the complainant's behalf if (1) a complaint has been filed with MCCR; (2) the commission finds the respondent has engaged in, or is engaging in, an unlawful employment practice; and (3) the parties have failed to reach an agreement for the remedy and elimination of the unlawful employment practice. The same remedies specified above may be awarded by the court on a finding that an unlawful employment practice has occurred.

A complainant may also file a private civil action if (1) the complainant initially filed a timely complaint or an administrative charge under federal, State, or local law alleging an unlawful employment practice; (2) at least 180 days have elapsed since the filing of this complaint or charge; and (3) the civil action is filed within two years after the alleged unlawful employment practice occurred. In addition to the remedies specified above, the court may award punitive damages if (1) the respondent is not a governmental unit or political subdivision; and (2) the court finds that the respondent has engaged or is engaging in an unlawful employment practice with actual malice. The filing of a private cause of action automatically terminates any proceeding before MCCR based on the underlying administrative complaint and any amendment to the complaint.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Commission on Civil Rights, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2012  
mlm/kdm

---

Analysis by: Jennifer K. Botts

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510