

HOUSE BILL 290

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HB 728/20 – HGO

(PRE-FILED)

11r0684
CF SB 455

By: **Delegates Hill, Ebersole, Kerr, Pendergrass, Belcastro, K. Young, and Bagnall**

Requested: September 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: February 8, 2021

CHAPTER _____

1 AN ACT concerning

2 **Employment Discrimination – Time for Filing Complaints**

3 FOR the purpose of extending the time periods within which a person claiming to be
4 aggrieved by certain discriminatory acts is required to file a complaint with the
5 Commission on Civil Rights; providing that a complaint filed with a local human
6 relations commission within certain time periods is deemed to have complied with
7 certain provisions of this Act; and generally relating to employment discrimination
8 complaints.

9 BY repealing and reenacting, with amendments,
10 Article – State Government
11 Section 20–1004
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2020 Supplement)

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

16 **Article – State Government**

17 20–1004.

18 (a) Any person claiming to be aggrieved by an alleged discriminatory act may file
19 a complaint with the Commission.

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 (b) The complaint shall:

2 (1) be in writing;

3 (2) state:

4 (i) the name and address of the person or State or local unit alleged
5 to have committed the discriminatory act; and

6 (ii) the particulars of the alleged discriminatory act;

7 (3) contain any other information required by the Commission; and

8 (4) be signed by the complainant under oath.

9 (c) (1) (i) Except as provided in [paragraph] **PARAGRAPHS (2) AND (3)** of
10 this subsection, a complaint shall be filed within 6 months after the date on which the
11 alleged discriminatory act occurred.

12 (ii) A complaint filed with a federal or local human relations
13 commission within 6 months after the date on which the alleged discriminatory act occurred
14 shall be deemed to have complied with subparagraph (i) of this paragraph.

15 (2) **(I) A COMPLAINT ALLEGING AN UNLAWFUL EMPLOYMENT**
16 **PRACTICE OTHER THAN HARASSMENT SHALL BE FILED WITHIN 300 DAYS AFTER THE**
17 **DATE ON WHICH THE ALLEGED DISCRIMINATORY ACT OCCURRED.**

18 **(II) A COMPLAINT FILED WITH A FEDERAL HUMAN RELATIONS**
19 **COMMISSION WITHIN 6 MONTHS OR A LOCAL HUMAN RELATIONS COMMISSION**
20 **WITHIN 300 DAYS SHALL BE DEEMED TO HAVE COMPLIED WITH SUBPARAGRAPH (I)**
21 **OF THIS PARAGRAPH.**

22 **(3) (i)** A complaint alleging harassment against an employer shall be
23 filed within 2 years after the date on which the alleged harassment occurred.

24 (ii) A complaint filed with a federal human relations commission
25 within 6 months or a local human relations commission within 2 years after the date on
26 which the alleged harassment occurred shall be deemed to have complied with
27 subparagraph (i) of this paragraph.

28 (d) The Commission, on its own motion, and by action of at least three
29 commissioners, may issue a complaint in its name in the same manner as if the complaint
30 had been filed by an individual, if:

31 (1) the Commission has received reliable information from an individual

1 that a person has been or is engaged in a discriminatory act; and

2 (2) after a preliminary investigation by the Commission's staff authorized
3 by the chair or vice-chair, the Commission is satisfied that the information warrants the
4 filing of a complaint.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.