AN ACT to:

(1) define and prohibit certain discriminatory harassment in the workplace;
(2) define and prohibit certain sexual harassment in the workplace; and
(3) generally amend the law regarding discriminatory employment practices.

By amending

Montgomery County Code
Chapter 27, Human Rights and Civil Liberties
Sections 27-19
Sec. 1. Sections 27-19 is amended as follows:


(a) A person must not because of the race, color, religious creed, ancestry, national origin, age, sex, marital status, sexual orientation, gender identity, family responsibilities, or genetic status of any individual or disability of a qualified individual, or because of any reason that would not have been asserted but for the race, color, religious creed, ancestry, national origin, age, sex, marital status, disability, sexual orientation, gender identity, family responsibilities, or genetic status:

(1) For an employer:

(A) fail or refuse to hire, fail to accept the services of, discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment; [or]

(B) limit, segregate, or classify employees in any way that would deprive or tend to affect adversely any individual’s employment opportunities or status as an employee; or

(C) subject an individual to harassment, including sexual harassment;

(b) Definitions.

(1) The term “discriminate” in subsection (a) includes excluding, or otherwise denying, equal job opportunity or benefits to, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
The term “harassment” in subsection (a) includes verbal, written, or physical conduct, whether or not the conduct would be considered sufficiently severe or pervasive under precedent applied to harassment claims, when:

(A) the conduct is based upon an individual’s race, color, religious creed, ancestry, national origin, age, sex, marital status, sexual orientation, gender identity, family responsibilities, genetic status, or disability;

(B) (i) submission to the conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

(ii) submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or

(iii) the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating a working environment that is perceived by the victim to be abusive or hostile; and

(C) a reasonable victim of discrimination would consider the conduct to be more than a petty slight, trivial inconvenience, or minor annoyance.

The term “sexual harassment” in subsection (a) includes unwelcome sexual advances, requests for sexual favors, or other verbal, written, or physical conduct of a sexual nature, whether or not the conduct would be considered sufficiently severe or pervasive under precedent applied to harassment claims, when:
(A) (i) submission to the conduct is made either explicitly
or implicitly a term or condition of an individual’s
employment;
(ii) submission to or rejection of the conduct is used as
a basis for employment decisions affecting the
individual; or
(iii) the conduct has the purpose or effect of
unreasonably interfering with an individual’s work
performance or creating a working environment
that is perceived by the victim to be abusive or
hostile; and
(B) a reasonable victim of discrimination would consider the
conduct to be more than a petty slight, trivial
inconvenience, or minor annoyance.

*   *   *
Approved:

Sidney Katz, President, County Council  
Date 10/7/2020

Approved:

Marc Elrich, County Executive  
Date 10/16/2020

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council  
Date 10/16/2020