

Bill No. 14-20  
Concerning: Human Rights and Civil Liberties – Discriminatory Employment Practices – Workplace Harassment  
Revised: 03/06/2020 Draft No. 3  
Introduced: March 24, 2020  
Enacted: October 6, 2020  
Executive: October 16, 2020  
Effective: January 15, 2021  
Sunset Date: None  
Ch. 29, Laws of Mont. Co. 2020

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Jawando  
Co-Sponsors: Councilmember Navarro, Glass, Albornoz, Council Vice President Hucker, Council President Katz and Councilmember Riemer and Rice

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**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

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

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**Sec. 1. Sections 27-19 is amended as follows:**

**27-19. Discriminatory employment practices.**

(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.


- 27                   (2)   The term “harassment” in subsection (a) includes verbal, written,  
28                   or physical conduct, whether or not the conduct would be  
29                   considered sufficiently severe or pervasive under precedent  
30                   applied to harassment claims, when:
- 31                   (A)   the conduct is based upon an individual’s race, color,  
32                   religious creed, ancestry, national origin, age, sex, marital  
33                   status, sexual orientation, gender identity, family  
34                   responsibilities, genetic status, or disability;
- 35                   (B)   (i)   submission to the conduct is made either explicitly  
36                   or implicitly a term or condition of an individual’s  
37                   employment;
- 38                   (ii)   submission to or rejection of the conduct is used as  
39                   a basis for employment decisions affecting the  
40                   individual; or
- 41                   (iii)   the conduct has the purpose or effect of  
42                   unreasonably interfering with an individual’s work  
43                   performance or creating a working environment  
44                   that is perceived by the victim to be abusive or  
45                   hostile; and
- 46                   (C)   a reasonable victim of discrimination would consider the  
47                   conduct to be more than a petty slight, trivial  
48                   inconvenience, or minor annoyance.
- 49                   (3)   The term “sexual harassment” in subsection (a) includes  
50                   unwelcome sexual advances, requests for sexual favors, or other  
51                   verbal, written, or physical conduct of a sexual nature, whether or  
52                   not the conduct would be considered sufficiently severe or  
53                   pervasive under precedent applied to harassment claims, when:



Approved:

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

Approved:

  
\_\_\_\_\_  
Marc Elrich, County Executive 10/16/2020  
Date

*This is a correct copy of Council action.*

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