

Amendment 1 to Council Bill No. 48-2020

BY: The Chairperson at the request
of the County Executive

Legislative Day 14
Date: October 5, 2020

Amendment No. 1

(This amendment corrects additional references to the Office and corrects references to the Administrator of the Office.)

1 On page 1, after line 3, insert "Subsection (b) of Section 1.306 "Executive Exempt"".

2

3 On page 1, after line 9, insert:

4 "Section 12.207A. "Unlawful housing practices—Subpoenas; evidence; conciliation; civil

5 action"

6 Subsections I. and II. of Section 12.207B. "Same—Complaint; determination; resolution;

7 enforcement"

8 Subsection III(e) of Section 12.208. "Unlawful employment practices"".

9

10 On page 1, after line 10, insert:

11 "Subsection I of Section 12.212. "Unfair employment practices, unfair public accommodation

12 practices, unfair law enforcement practices, unfair financing practices—Complaint,

13 investigation, conciliation, decision and order, administrative hearing, subpoena power and

14 enforcement"".

15

16 On page 1, after line 14, insert:

17 **"Title 1. Human Resources.**

18 **Subtitle 3. Pay Plan.**

19

20 **Section 1.306. - Executive exempt.**

21 (b) Appointing Authorities. Appointing authorities for Executive exempt employees are as

22 provided in this subsection:

ADOPTED October 5, 2020
FAILED ~~_____~~
SIGNATURE Deane A. Jones

1 (3) Chief Administrative Officer. The Chief Administrative Officer, with the approval of the
2 County Executive, is the appointing authority for the following positions:
3 Administrative Assistant, serving the Office of the Chief Administrative Officer;
4 Administrative Analyst II, serving the Office of the Chief Administrative Officer;
5 Administrator of the Office of Community Sustainability;
6 Administrator of the Office of Transportation;
7 Executive Assistant I, serving the Office of the Chief Administrative Officer;
8 Executive Assistant II, serving the Office of the Chief Administrative Officer;
9 Budget Administrator;
10 Deputy Chief Administrative Officer;
11 Human Services Manager I, serving as the Workforce Development Administrator;
12 Human Resources Administrator;
13 Human Services Manager II, serving as the [[Human Rights]] Administrator OF THE
14 OFFICE OF HUMAN RIGHTS AND EQUITY; Labor Relations Coordinator; and
15 Public Information Administrator.”

16
17 Strike “Human Rights” in the following instances:

- 18 • On page 5, in line 6
- 19 • On page 7, in lines 3 and 13
- 20 • On page 8, in lines 26 and 27
- 21 • On page 9, in line 4
- 22 • On page 10, in lines 1 and 29
- 23 • On page 11, in lines 12 and 14

24
25 On page 10, strike line 4 and substitute:

26 “III. QUALIFICATIONS OF THE ADMINISTRATOR OF THE OFFICE OF HUMAN RIGHTS AND EQUITY. THE
27 ADMINISTRATOR SHALL HAVE”.

28
29 On page 11, in line 21, insert:

1 **“Section 12.207A. - Unlawful housing practices—Subpoenas; evidence; conciliation; civil**
2 **action.**

3 The procedures and requirements provided in section 12.207A and 12.207B shall apply only
4 to matters involving unlawful housing practices. Procedures governing complaints, settlements,
5 investigations, findings of reasonable cause, administrative hearings, appeals, oaths, injunctive
6 relief, and enforcement that are not otherwise contained in this section shall be in accordance
7 with section 12.212 of this subtitle.

8 I. Subpoenas, etc.:

9 (a) Right to subpoena. The [[Human Rights]] Administrator and the Human Rights
10 Commission may issue subpoenas and order discovery in aid of investigations and
11 hearings concerning unlawful housing practices. Discovery shall be conducted as
12 expeditiously and inexpensively as possible consistent with the need to obtain relevant
13 evidence.

14 (b) Requirement to respond to subpoena to provide evidence. A person may not willfully
15 fail or neglect to attend and testify, to answer any lawful inquiry, or to produce records,
16 documents, or other evidence, if it is in the person's power to do so, in obedience to the
17 subpoena or other lawful order issued pursuant to paragraph (a) of this subsection.

18 (c) False or incomplete evidence; destruction of evidence. A person, with intent to mislead
19 another person in a proceeding concerning unlawful housing practices, may not:

20 (1) Make or cause to be made any false entry or statement of fact in a report, account,
21 record or other document produced pursuant to subpoena or other lawful order issued
22 pursuant to paragraph (a) of this subsection;

23 (2) Willfully neglect or fail to make or to cause to be made full, true and correct entries
24 in the reports, accounts, records, or other documents; or

25 (3) Willfully mutilate, alter, or by another means falsify any documentary evidence.

26 (d) Penalty for providing false or incomplete, evidence or for destroying evidence. Pursuant
27 to Section 20-1102 of the State Government Article of the Annotated Code of Maryland,
28 a person who is convicted of violating the provisions of paragraph (b) or (c) of this
29 subsection shall be fined not more than \$100,000.00 or imprisoned not more than one
30 year or both.

31 II. Conciliation:

1 (a) Settlement by conciliation. A complaint alleging unlawful housing practices may be
2 settled by conciliation at any time in the process. During the entire period after a
3 complaint is filed, the [[Human Rights]] Administrator and, where appropriate, the
4 Human Rights Commission, shall engage in conciliation.

5 (b) Conciliation agreement made public. A conciliation agreement shall be made public
6 unless the State Public Information Act or other state or federal law permits it to be
7 withheld from disclosure.

8 (c) Confidentiality. Except in a proceeding to enforce a conciliation agreement, nothing said
9 or done in the course of conciliation may be made public or used as evidence in a
10 subsequent proceeding under this subtitle without the written consent of the persons
11 concerned.

12 (d) Breach of conciliation agreement. If the Administrator or the Commission has
13 reasonable cause to believe that a respondent has breached a conciliation agreement, the
14 Administrator may institute litigation to enforce the conciliation agreement in the same
15 manner as provided in this section for the enforcement of an order of the Commission.

16 III. Civil Action. After a complaint of alleged unlawful housing practices is filed, if the [[Human
17 Rights]] Administrator or the Human Rights Commission concludes that prompt judicial
18 action is necessary to carry out the purposes of this subtitle regarding unlawful housing
19 practices, the Administrator or the Human Rights Commission (if the Commission initiated
20 the complaint) may authorize a civil action in the Circuit Court for Howard County for
21 appropriate temporary or preliminary relief pending final disposition of the complaint
22 pursuant to this subtitle. The commencement of a civil action does not affect the initiation or
23 continuation of administrative proceedings pursuant to this subtitle.

24
25 **Section 12.207B. - Same—Complaint; determination; resolution; enforcement.**

26 I. Complaint Process:

27 (a) Filing of complaint. A person aggrieved by an alleged unlawful housing practice may file a
28 complaint with the Office [[of Human Rights]] within one year of the practice having
29 occurred or terminated. The complainant may reasonably and fairly amend the complaint at
30 any time.

1 (b) Form of complaint. All complaints shall be filed in writing, under oath or affirmation, and
2 shall be upon a form provided by the Office. The complaint shall state the name and address
3 of the complaint and the respondent and other pertinent information as required by the
4 Administrator.

5 (c) Advising complainant of procedures. Within ten days of the filing of a complaint, the
6 Administrator shall:

7 (1) Acknowledge receipt of the complaint;

8 (2) Advise the complainant of the time limits provided pursuant to this section and of the
9 options provided by law.

10 (d) Advising respondent(s) of procedures. Within ten days of the filing of a complaint or within
11 ten days of identifying additional respondent(s) to those named in the complaint, the
12 Administrator shall:

13 (1) Advise the respondent(s) of the filing and furnish the respondent(s) with a copy of the
14 complaint;

15 (2) Advise the respondent(s) of the procedural rights and obligations of respondents pursuant
16 to this section.

17 (e) Opportunity for respondent(s) to reply. The respondent(s) may file a written answer under
18 oath to the complaint within ten days of receiving a copy from the Office [[of Human
19 Rights]]. The answer to the complaint may be reasonably and fairly amended at any time.

20 II. Investigation. The [[Human Rights]] Administrator shall begin an investigation within 30 days
21 of receiving the complaint. Within 100 days of the filing of the complaint, the Administrator shall
22 make an investigation and shall determine, based on the facts, whether reasonable cause exists to
23 believe that an unlawful housing practice has occurred or is about to occur.

24
25 If a determination has not been made within 100 days, the Administrator shall write to the
26 complainant and respondent(s) advising them of the delay and the reasons for the delay.

27
28 **Section 12.208. - Unlawful employment practices.**

29 III. Exceptions.

30 (e) Howard County employees. The Office [[of Human Rights]] or the Human Rights
31 Commission may not take action with respect to any allegation of discrimination against the

1 Howard County Government until the aggrieved individual has exhausted all of the individual's
2 administrative remedies pursuant to Article VII of the Howard County Charter and any laws or
3 regulations enacted pursuant to Article VII. Provided that all other requirements of section
4 12.212 have been met, any time requirements contained in subsection III (a)(2), (b)(3), and (d) of
5 this section shall be stayed pending the outcome of the administrative action required by Article
6 VII of the Howard County Charter.”.

7
8 On page 13, after line 4, insert:

9 **“Section 12.212. - Unfair employment practices, unfair public accommodation practices,**
10 **unfair law enforcement practices, unfair financing practices—Complaint, investigation,**
11 **conciliation, decision and order, administrative hearing, subpoena power and enforcement.**

12 I.Complaint:

13 (a) Right to file. Any person claiming to be aggrieved by an alleged unlawful act in violation
14 of this subtitle may file a complaint within six months after the alleged violation has
15 occurred or has been discovered by the complainant.

16 (b) Form of complaint. All complaints shall be filed in writing, under oath, and shall be upon
17 a form provided by the Office.

18 (c) Where to file. Complaints shall be filed with the Office [[of Human Rights]].

19 (d) Content of complaint. The complaint shall state the name and address of the complainant
20 and the respondent and other pertinent information as required by the Administrator.

21 (e) Amendment of complaint. The complainant may reasonably amend the complaint at any
22 time after it is filed.

23 (f) Withdrawal of complaint. The complainant may withdraw the complaint at any time by
24 filing written notice with the Office.”