

Introduced September 8, 2020
Public Hearing September 21, 2020
Council Action October 5, 2020
Executive Action October 7, 2020
Effective Date December 7, 2020

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 12

Bill No. 48 -2020

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the Howard County Code in order to change the name of the Office of Human Rights to be the Office of Human Rights and Equity; and generally related to the Office of Human Rights.

Introduced and read first time September 8, 2020. Ordered posted and hearing scheduled.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on September 21, 2020.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on October 5, 2020 and Passed , Passed with amendments , Failed .

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 6th day of October, 2020 at 2:45 a.m./p.m.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive October 7, 2020

Calvin Ball
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is amended as follows:

3 By amending the following:

4 Subsection (b) of Section 1.306 “Executive Exempt”

5 Section 4.119 “Ethics and unfair employment practices”

6 Section 6.201 “Department of County Administration”

7 Section 12.201 “Definitions”

8 Section 12.202 “Human Rights Commission”

9 Section 12. 205 “Office of Human Rights”

10 Section 12.206 “Function, Powers and Duties of the Office of the Administrator”

11 Section 12.207A. “Unlawful housing practices—Subpoenas; evidence; conciliation; civil
12 action”

13 Subsections I. and II. of Section 12.207B. “Same—Complaint; determination; resolution;
14 enforcement”

15 Subsection III(e) of Section 12.208. “Unlawful employment practices”

16 Section 12. 209 “Unlawful employment practices”

17 Subsection I of Section 12.212. “Unfair employment practices, unfair public

18 accommodation practices, unfair law enforcement practices, unfair financing

19 practices—Complaint, investigation, conciliation, decision and order, administrative

20 hearing, subpoena power and enforcement.”

21 Section 12.702 “Powers and Duties”

22 Section 12.2001 “Membership”

23 Section 17.1101 “Membership”

24
25 **Title 1. Human Resources.**

26 **Subtitle 3. Pay Plan.**

27
28 **Section 1.306. - Executive exempt.**

29 (b) Appointing Authorities. Appointing authorities for Executive exempt employees are as
30 provided in this subsection:

1 (c) *Fair Employment Practices:*

2 (1) Bidders, vendors and purchasers may not engage in unlawful employment practices as set
3 forth in subtitle 2 "Human Rights" of title 12 of the Howard County Code, Section 14 of
4 Article 49B of the Annotated Code of Maryland or Sections 703 and 704 of Title VII of
5 the Civil Rights Act of 1964 as amended. Should any bidders, vendors or purchasers
6 engage in such unlawful employment practices, they shall be subject to being declared
7 irresponsible or being debarred pursuant to the provisions of this subtitle.

8 (2) The Howard County Office of Human Rights AND EQUITY shall notify the County
9 Purchasing Agent when any bidder is found, by a court of competent jurisdiction, to have
10 engaged in any high unlawful employment practices.

11 (3) If any bidder has been declared to be an irresponsible bidder for having engaged in an
12 unlawful employment practice and has been debarred from bidding pursuant to this subtitle,
13 the Howard County Office of Human Rights AND EQUITY shall review the employment
14 practices of such bidder after the period of debarment has expired to determine if violations
15 have been corrected and shall, within 30 days, file a report with the County Purchasing
16 Agent informing the agent of such corrections before such bidder can be declared to be a
17 responsible bidder by the County Purchasing Agent.

18 (4) Payment of subcontractors. All contractors shall certify in writing that timely payments
19 have been made to all subcontractors supplying labor and materials in accordance with the
20 contractual arrangements made between the contractor and the subcontractors. No
21 contractor will be paid a second or subsequent progress payment or final payment until
22 such written certification is presented to the County Purchasing Agent.

23
24 **Title 6. County Executive and the Executive Branch.**

25 **Subtitle 2. Administrative Departments and Offices.**

26
27 **Section 6.201. Department of County Administration.**

28 (a) *Department of County Administration.* There is a Department of County Administration. The
29 qualifications of its Director and the nature of its duties and responsibilities are set forth in subtitle
30 4, "Department of County Administration," of [[[this]]] THIS title 6, "County Executive and the
31 Executive Branch," of the Howard County Code.

- 1 (b) *Office of Budget*. There is an Office of Budget. The qualifications of its Administrator and the
2 nature of its duties and responsibilities are set forth in section 22.400A, "Office of Budget," of
3 subtitle 4, "Budget Procedures," of title 22, "General Provisions, Penalties, etc.," of the Howard
4 County Code.
- 5 (c) *Office of Human Rights AND EQUITY*. There is an Office of Human Rights AND EQUITY. The
6 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
7 subtitle 2, "Human Rights," of title 12, "Health and Human Services," of the Howard County Code.
- 8 (d) *Office of Central Services*. There is an Office of Central Services. The qualifications of its
9 Administrator and the nature of its duties and responsibilities are set forth in subtitle 4,
10 "Department of County Administration" of [[[this]]] THIS title 6, "County Executive and the
11 Executive Branch" of the Howard County Code.
- 12 (e) *Office of Human Resources*. There is an Office of Human Resources. The qualifications of its
13 Administrator and the nature of its duties and responsibilities are set forth in subtitle 1, "Human
14 Resources Administration" of title 1 "Human Resources," of the Howard County Code.
- 15 (f) *Office of Public Information*. There is an Office of Public Information. The qualifications of its
16 Administrator and the nature of its duties and responsibilities are set forth in subtitle 4,
17 "Department of County Administration," of [[[this]]] THIS title 6, "County Executive and the
18 Executive Branch," of the Howard County Code.
- 19 (g) *Office of Purchasing*. There is an Office of Purchasing. The qualifications of its Administrator
20 and the nature of its duties and responsibilities are set forth in subtitle 4, "Department of County
21 Administration," of [[[this]]] THIS title 6, "County Executive and the Executive Branch," of the
22 Howard County Code.
- 23 (h) *Office of Community Sustainability*. There is an Office of Community Sustainability. The
24 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
25 subtitle 4, "Department of County Administration" of this title of the Howard County Code.
- 26 (i) *Office of Transportation*. There is an Office of Transportation. The qualifications of its
27 Administrator and the nature of its duties and responsibilities are set forth in subtitle 4,
28 "Department of County Administration" of this title of the Howard County Code.
- 29 (j) *Office of Workforce Development*. There is an Office of Workforce Development. The
30 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
31 subtitle 4, "Department of County Administration" of this title of the Howard County Code.

1
2 **Title 12. Health and Social Services.**

3 **Subtitle 2. Human Rights.**
4

5 **Section 12.201. - Definitions.**

6 Words and phrases used in this subtitle shall have their usual meaning except as defined below:

7 I. *Administrator* means the County Executive's designee appointed to administer the Office of
8 Human Rights AND EQUITY.

9 II. *Affirmative action* means affirmative action ordered pursuant to this subtitle may include, but
10 shall not be limited to:

11 (a) Hiring, reinstating or upgrading of employees, with or without back pay.

12 (b) Admission or restoration of individuals to union membership or training.

13 (c) Granting of a loan or mortgage.

14 (d) Admission of individuals to public accommodations.

15 (e) The rental or sale of housing.

16 (f) The posting of notices as to the requirements of this subtitle and compliance therewith in
17 conspicuous places in the respondent's place of business. The form of the notice shall be
18 prescribed by the Administrator.

19 (g) Provision for or completion of educational programs or training of supervisory or
20 management personnel in the obligations imposed by this subtitle.

21 (h) Provision for or completion of reasonable and economically feasible educational programs
22 or training to promote upward mobility of those classes of employees against whom an
23 employer has been found to have discriminated.

24 (i) An award of damages to be paid by the respondent to the complainant or other person
25 sustaining damages as a result of a violation of this subtitle. The damages shall be
26 determined as to the actual damage or loss.

27 (j) The filing of statistical or other reports with the Commission as to compliance with the
28 provisions of this subtitle or of any order issued hereunder.

29 (k) Adoption and implementation of goals, timetables and other affirmative action deemed
30 appropriate.

31 (l) Any other equitable relief or action that is deemed appropriate.

- 1 III. *Aggrieved individual* means an individual who claims to have been injured by discrimination.
- 2 IV. *Complainant* means any person, including the Commission or its members, who files a charge
3 under section 12.212.
- 4 V. *Commission* means the Human Rights Commission established pursuant to this subtitle.
- 5 VI. *Conciliation agreement* means an agreement between the complainant and the respondent
6 subject to approval by the Human Rights Administrator resolving issues raised by a complaint, or
7 by the investigation of a complaint, and achieved through informal negotiations involving the
8 complainant, the respondent, and the Office of Human Rights AND EQUITY.
- 9 VII. *Familial status*:
- 10 (a) The status of individual(s) under age 18 domiciled with:
- 11 (1) A parent or other individual having legal custody of the individual(s); or
12 (2) A designee of the parent or other individual having legal custody of the individual(s),
13 with written permission from the parent or other individual; or
- 14 (b) The status of being a pregnant woman;
- 15 (c) The status of an individual who is in the process of securing legal custody of an individual
16 under age 18.
- 17 VIII. *Family* includes a single individual.
- 18 IX. *Gender identity or expression* means a gender-related identity or appearance of an individual
19 regardless of the individual's assigned sex at birth.
- 20 X. *Disability* means with respect to an individual:
- 21 (a) A physical or mental impairment which substantially limits one or more of the individual's
22 major life activities; or
- 23 (b) A record of having such an impairment; or
24 (c) Being regarded as having such an impairment.
- 25 But the term "disability" does not include current illegal use of or addiction to a controlled
26 substance as defined in section 102 of the Controlled Substance Act (21 U.S.C. 802).
- 27 XI. *Hearing* means an inquiry, forum, investigation or meeting conducted pursuant to this subtitle.
- 28 XII. *Occupation* means the lawful activity of one's life, regardless of income. It includes but is not
29 limited to students, welfare recipients or retired persons.
- 30 XIII. *Office* means the Office of Human Rights AND EQUITY established pursuant to this subtitle.

1 XIV. *Person* means one or more individuals, corporations, partnerships, associations, labor
2 organizations, legal representatives, mutual companies, financial institutions, joint-stock
3 companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, agents, receivers,
4 or fiduciaries, the government of Howard County and its agencies.

5 XV. *Personal appearance* means outward appearance of a person with regard to hair style, facial
6 hair, physical characteristics or manner of dress. It does not relate to a requirement of cleanliness,
7 uniforms or prescribed attire, when uniformly applied, for admittance to a public accommodation
8 or to a class of employees.

9 XVI. *Political opinion* means the opinions of persons relating to:

- 10 Government,
- 11 The conduct of government,
- 12 Political parties,
- 13 Candidates for election, or
- 14 Elected office-holders.

15 XVII. *Respondent* means a person against whom a complaint is filed pursuant to section 12.207B
16 or 12.212 or this subtitle. Respondent includes a person identified during an investigation of a
17 complaint and joined as an additional or substitute respondent.

18 XVIII. *Sexual orientation* means the actual or perceived identification of an individual as to
19 homosexuality, heterosexuality or bisexuality.

20
21 **Section 12.202. - Human Rights Commission.**

22 I. *General Provisions.* General provisions regarding the following are set forth in subtitle 3,
23 "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the
24 Howard County Code.

25 II. *Number of Members.* There is a Human Rights Commission composed of 11 voting members
26 and one nonvoting member.

27 III. *Qualifications:*

- 28 (a) All members shall be residents of Howard County.
- 29 (b) Members of the Commission shall be broadly representative of the citizens of Howard
30 County.
- 31 (c) Members may serve no more than two successive full terms.

1 (d) The nonvoting member shall be a student under the age of 18. The student's term shall be
2 for one year, beginning July 1, and ending June 30.

3 IV. *Executive Secretary*. The ~~Human Rights~~ Administrator or the Administrator's designee shall
4 serve as the Executive Secretary of the Commission and shall attend all meetings and hearings of
5 the Commission and, in addition to the duties specified in this subtitle, shall perform duties as
6 prescribed by the Commission.

7 V. *Legal Advisory, Legal Representative*. The Office of Law shall provide separate legal
8 representation for the Commission and for the Administrator in all hearing or judicial proceedings
9 to which they are party.

10 VI. *Monthly and Additional Meetings*. The Commission shall meet at least 11 times per year and
11 shall conduct each meeting pursuant to its rules of procedure. It may hold additional meetings and
12 hearings provided the Chairperson of the Commission gives the Commission members and the
13 ~~Human Rights~~ Administrator at least three days' written notice.

14 VII. *Quorums; Hearing Panels*:

15 (a) A quorum consists of a simple majority of the current membership of the Commission.

16 (b) Administrative panels holding hearings pursuant to section 12.207B or 12.212.IV of this
17 subtitle consist of at least three members of the Commission.

18 (c) An individual Commissioner who files a complaint pursuant to this section or section
19 12.207B or section 12.212 of this subtitle shall not participate, except as a complainant, in
20 any administrative hearing of the Commission arising from the Commissioner's complaint.

21 VIII. *Oaths and Subpoenas*. The Commission may administer oaths and issue subpoenas in the
22 administration and enforcement of its authorized surveys and studies, hearings on patterns of
23 discrimination and administrative hearings using the same standards and procedures provided in
24 section 12.207A or 12.212.V.

25 IX. *Duties and Responsibilities*. The Human Rights Commission shall carry out all duties and
26 responsibilities assigned to it by law.

27 (a) *Civil rights policy*. The Commission shall be responsible for recommending a civil rights
28 policy to the County Executive and the County Council concurrently.

29 (b) *Studies and surveys*. The Commission shall have the authority to make surveys and studies
30 concerning human rights, conditions, and problems. It may publish reports, make
31 recommendations and, in every way possible, promote human rights in Howard County.

1 (c) *Filing of complaint—Discriminatory practices and patterns of conduct.* The Commission
2 or individual Commissioner(s) shall have the authority to file a complaint when the
3 Commission or Commissioner(s) have reasonable cause to believe the existence of a
4 pattern or practice of discrimination unlawful under the provisions of this subtitle.
5 Complaints filed under this subsection shall be processed in the same manner as complaints
6 filed under section 12.207A or 12.212 of this subtitle. If the Commission files a complaint
7 under the provisions of this section any administrative hearing on the complaint shall be
8 heard by the Howard County Board of Appeals.

9 (d) *Hearings—Patterns of discrimination.* The Commission shall have the authority to hold an
10 immediate hearing regarding patterns of discrimination which are not the subject matter of
11 a complaint filed pursuant to section 12.207A or 12.212 of this subtitle. The purpose of the
12 hearing is to resolve the problem promptly by gathering facts and making
13 recommendations to appropriate persons. The recommendations of the Commission, in
14 these instances, do not constitute any binding order upon any person.

15 (e) *Administrative hearings.* The Commission shall hold administrative hearings pursuant to
16 section 12.207A or 12.212 of this subtitle.

17 (f) *Informing the citizens.* The Commission shall have the authority to inform the citizens of
18 Howard County of practices and patterns of conduct which may be discriminatory.

19 (g) *Decisions and orders.* The Commission may issue decisions and orders pursuant to section
20 12.207B or 12.212 of this subtitle.

21 (h) *Affirmative action.* The Commission may order affirmative action pursuant to section
22 12.207B or 12.212 of this subtitle.

23 (i) *Action in circuit court.* The Commission may bring an action in circuit court to enforce
24 compliance with a decision and order issued pursuant to section 12.207B or 12.212 of this
25 subtitle.

26 (j) *Appointment of ~~Human Rights~~ Administrator.* The Commission shall assist the Chief
27 Administrative Officer and the County Executive on the appointment of the ~~Human Rights~~
28 Administrator.

29 (k) *Budget.* The Commission shall submit to the County Executive a timely budget request for
30 expenses necessary to carry out the provisions of this subtitle. It shall review the budget of
31 the Office [[of Human Rights]] before that budget is submitted to the County Executive.

1 The Commission may comment on its own budget and that of the Office [[of Human
2 Rights]] at any time in the budget process.

3 (l) *Review monthly reports.* The Commission shall review the monthly reports prepared by
4 the Human Rights Administrator pursuant to section 12.206 of this subtitle.

5 (m) *Annual and other reports.* In addition to the annual report, the County Executive or the
6 County Council may require the Commission to make interim reports. The interim reports
7 shall not contain the identities of parties to cases which have been reconciled or are
8 pending. Subject to section 22.1000 of the County Code, on or before February 28 of each
9 year the Commission shall make an annual report to the County Executive and the County
10 Council. The report shall:

11 (i) Outline the activities of the Commission during the previous calendar year.

12 (ii) Identify actions or programs undertaken during the prior calendar year.

13 (iii) Identify other matters relevant to the authorized activities of the Commission.

14 (iv) Report on the cause of and means of eliminating discrimination.

15 (v) Contain recommendations for further legislation as needed.

16 (n) *Confidential information.* To the extent permitted by the State Public Information Act, and
17 unless required otherwise by section 12.214 of this subtitle, the Commission shall hold
18 confidential any information that would tend to disclose the identity of a complainant
19 and/or respondent.

20 (o) At the directive of the County Executive or by resolution of the County Council, the Human
21 Rights Commission shall review and make recommendations on any matter related to
22 human rights.

23 (p) When performing an advisory function under this subtitle, as defined in the State Open
24 Meetings Act, the Commission may meet in closed session if permitted to do so under the
25 State Open Meetings Act.

26
27 **Section 12.205. - Office of Human Rights AND EQUITY.**

28 I. *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2,
29 "Administrative Departments and Offices," of title 6, "County Executive and the Executive
30 Branch," of the Howard County Code.

1 II. *Head.* The ~~Human Rights~~ Administrator shall head the Office [[of Human Rights]]. The Chief
2 Administrative Officer shall exercise administrative supervision over the Office [[of Human
3 Rights]].

4 ~~III. *Qualifications of Human Rights Administrator.* The Human Rights Administrator shall have~~
5 III. QUALIFICATIONS OF THE ADMINISTRATOR OF THE OFFICE OF HUMAN RIGHTS AND EQUITY. THE
6 ADMINISTRATOR SHALL HAVE thorough knowledge of the types of discrimination and methods and
7 techniques for eliminating it, including considerable knowledge of County, State and Federal laws
8 regarding discrimination in such areas as housing, employment, public accommodations, law
9 enforcement, financing and related fields. The Administrator shall have had at least five years of
10 experience in human relations or a related field, one year of which shall have dealt with
11 investigating and/or conciliating complaints of discrimination, and two years of which shall have
12 included managerial or administrative experience.

13

14 **Section 12.206. - Functions, powers and duties of the Office of the Administrator.**

15 I. *Duties and Responsibilities:*

16 (1) *Administration/enforcement of human rights law.* The Office [[of Human Rights]] is
17 responsible for administering and enforcing the provisions of Howard County Human
18 Rights Law, including, but not limited to:

19 (a) Investigating complaints of discrimination to determine whether a violation of the
20 Howard County Human Rights Law has occurred.

21 (b) Attempting to eliminate violations of the Human Rights Law by conference,
22 conciliation and persuasion.

23 (2) *Reports.* Subject to section 22.1000 of the County Code, the Office [[of Human Rights]]
24 and its Administrator shall make:

25 (a) Annual reports to the County Executive and the County Council providing a statistical
26 summary of the number, type and disposition of complaints received by the Office.

27 (b) Monthly reports to the Commission briefly describing the factual situation of new
28 cases, and the status and disposition of all other cases.

29

30 The ~~Human Rights~~ Administrator shall make periodic reports to the County
31 Executive, County Council and the Human Rights Commission on the Office's

1 involvement in discrimination education programs and on the extent of its cooperate
2 efforts with governmental and community agencies to combat discrimination.

3 (3) *Liaison with community.* The Office [[of Human Rights]] serves as liaison with the public,
4 government agencies and community groups to develop plans and programs to combat
5 discrimination and assist and cooperate with other local, State and Federal agencies and
6 officials to protect and promote better human relations. The Office [[of Human Rights]]
7 shall work with these agencies and groups in developing educational programs,
8 heightening public awareness of discrimination and of methods of eliminating
9 discrimination. The Office [[of Human Rights]] shall serve as a catalyst in fostering
10 attitudes and beliefs among Howard County citizens which confirm that all individuals
11 have an equal opportunity to pursue their lives free of discrimination.

12 (4) *Executive Secretary.* The ~~Human Rights~~ Administrator serves as Executive Secretary of the
13 Human Rights Commission.

14 (5) *Rules of procedure.* The ~~Human Rights~~ Administrator shall formulate and promulgate rules
15 of procedure necessary to carry out the purposes of this subtitle, pursuant to the
16 Administrative Procedure Act of Howard County (title 2, subtitle 1 of this Code).

17 (6) *Other duties and responsibilities.* The Office [[of Human Rights]] and its Administrator
18 shall perform the statutory duties set forth in this subtitle. The Office [[of Human Rights]]
19 shall perform such other functions as may be prescribed by directive of the County
20 Executive or by law.

21
22 **Section 12.207A. - Unlawful housing practices—Subpoenas; evidence; conciliation; civil**
23 **action.**

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

29 I. Subpoenas, etc.:

30 (a) Right to subpoena. The [[Human Rights]] Administrator and the Human Rights
31 Commission may issue subpoenas and order discovery in aid of investigations and

1 hearings concerning unlawful housing practices. Discovery shall be conducted as
2 expeditiously and inexpensively as possible consistent with the need to obtain relevant
3 evidence.

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

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

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

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

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

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

21 II. Conciliation:

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

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

29 (c) Confidentiality. Except in a proceeding to enforce a conciliation agreement, nothing said
30 or done in the course of conciliation may be made public or used as evidence in a

1 subsequent proceeding under this subtitle without the written consent of the persons
2 concerned.

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

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

15
16 **Section 12.207B. - Same—Complaint; determination; resolution; enforcement.**

17 I. Complaint Process:

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

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

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

28 (1) Acknowledge receipt of the complaint;

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

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

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

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

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

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

15
16 If a determination has not been made within 100 days, the Administrator shall write to the
17 complainant and respondent(s) advising them of the delay and the reasons for the delay.

18
19 **Section 12.208. - Unlawful employment practices.**

20 **III. Exceptions.**

21 (e) Howard County employees. The Office [[of Human Rights]] or the Human Rights
22 Commission may not take action with respect to any allegation of discrimination against
23 the Howard County Government until the aggrieved individual has exhausted all of the
24 individual's administrative remedies pursuant to Article VII of the Howard County Charter
25 and any laws or regulations enacted pursuant to Article VII. Provided that all other
26 requirements of section 12.212 have been met, any time requirements contained in
27 subsection III (a)(2), (b)(3), and (d) of this section shall be stayed pending the outcome of
28 the administrative action required by Article VII of the Howard County Charter.

29
30 **Section 12.209. - Unlawful law enforcement practices.**

1 I. *Definitions.* Words and phrases used in this section shall have their usual meanings except as
2 defined below:

3 (a) Discrimination/discriminatory means acting or failing to act, or unduly delaying any action
4 regarding any person(s) because of:

5 Race,

6 Creed,

7 Religion,

8 Disability,

9 Color,

10 Sex,

11 National origin,

12 Age,

13 Occupation,

14 Marital status,

15 Political opinion,

16 Sexual orientation,

17 Personal appearance,

18 Familial status, or

19 Gender identity or expression

20 in such a way that the person(s) are adversely affected in the area of law enforcement.

21 II. *Authority of Office of Human Rights AND EQUITY To Receive Complaints.* The Office [[of
22 Human Rights]] may receive any citizen's complaint involving discrimination against any law
23 enforcement Officer operating within Howard County if the complaint alleges any of the following
24 categories or complaints that are defined and prohibited by law or regulation:

25 (a) Police harassment; or

26 (b) Excessive use of force in the performance of the Officer's duties; or

27 (c) The Officer's use of language which would demean the inherent dignity of any person.

28 III. *Forwarding of Complaint to Law Enforcement Agency:*

29 (a) *Forward complaints with merit.* If the Administrator of the Office [[of Human Rights]]
30 finds that the allegations in the complaint may have merit, the Administrator shall forward

1 a request for appropriate action to the law enforcement agency involved, with a copy to the
2 State's Attorney.

3 (b) *Contents of request to law enforcement agency.* The request to the law enforcement agency
4 shall contain:

5 (1) The facts concerning the incident;

6 (2) The name of the law enforcement Officer(s) involved;

7 (3) The name and address of the complaining party of all witnesses;

8 (4) A copy of all information compiled by the Office [[of Human Rights]].

9 IV. *Investigation by Law Enforcement Agency.* Upon request of the Office [[of Human Rights]]
10 and when permitted by law, the law enforcement agency shall commence an investigation pursuant
11 to the provisions of Subtitle 1 of Title 3 of the Public Safety Article of the Annotated Code of
12 Maryland, and any other pertinent provisions of law, and upon its completion provide a report of
13 the investigation to the Office [[of Human Rights]].

14
15 **Section 12.212. - Unfair employment practices, unfair public accommodation practices,**
16 **unfair law enforcement practices, unfair financing practices—Complaint, investigation,**
17 **conciliation, decision and order, administrative hearing, subpoena power and enforcement.**

18 **I. Complaint:**

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

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

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

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

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

29 (f) *Withdrawal of complaint.* The complainant may withdraw the complaint at any time by
30 filing written notice with the Office.

31

1
2 **Title 12. Health and Social Services.**

3 **Subtitle 7. Women's Issues.**

4
5 **Section 12.702. - Powers and duties.**

6 (1) The Commission may conduct studies, review progress, recommend action and carry on
7 activities in areas including, but not limited to, the following:

8 (a) Assembling, analyzing and disseminating information which will assist in changing
9 attitudes, eliminating discriminatory behavior and meeting the needs of women and
10 referring individual complaints of discrimination to the Office of Human Rights AND
11 EQUITY.

12 (b) Studying conditions which demonstrate inequalities and unmet needs concerning women
13 and recommending procedures or legislation to remedy them.

14 (c) Giving impetus to expand educational and employment opportunities for women and
15 publicizing activities and services of interest to women.

16 (d) Promoting a positive image of women and securing recognition of their accomplishments.

17 (e) Encouraging qualified women to seek appointive and elective office.

18 (f) Issuing position papers.

19 (2) The County may accept gifts, contributions and bequests of property of any kind on behalf of
20 the Commission.

21 (3) The Commission shall advise the County Government on the solicitation and use of grants to
22 fund programs deemed necessary by the Commission.

23 (4) The Commission shall stimulate and encourage study and review of the status of women and
24 may act as a clearinghouse for women's activities in Howard County.

25
26 **Title 12. Health and Social Services.**

27 **Subtitle 20. Commission for Transitioning Students with Disabilities.**

28
29 **Section 12.2001. - Membership**

30 (a) *Number of members.* The Commission shall consist of a minimum of 22 members and a
31 maximum of 30 members.

1 (b) *Qualifications*. All members shall either reside or work in Howard County.

2 (c) *Membership*. The commission shall be comprised of the following:

3 (1) Ex officio members:

4 (i) Program Head, Transition Services, HCPSS;

5 (ii) Instructional Facilitator, Secondary Education, HCPSS;

6 (iii) Coordinator, Career and Technology Education, HCPSS;

7 (iv) Executive Director, Special Education and Student Services;

8 (v) Parent Coordinator, HCPSS;

9 (vi) Coordinator, School Counseling Services, HCPSS;

10 (vii) Manager, Teacher Recruitment and Retention, HCPSS;

11 (viii) Director, Department of Community Resources and Services, Howard County
12 Government;

13 (ix) ADA Coordinator, Department of Community Resources and Services, Howard
14 County Government;

15 (x) Administrator, Office of Human Resources, Howard County Government;

16 (xi) Administrator, Office of Workforce Development, Howard County Government;

17 (xii) Administrator, Office of Human Rights AND EQUITY, Howard County Government;

18 (xiii) Administrator, Division of Rehabilitation Services, Region V, State of Maryland;

19 (xiv) Representative, Resource Coordination Providers;

20 (xv) Representative, Howard Community College; and

21 (xvi) Manager, Therapeutic Recreation, Department of Recreation and Parks, Howard
22 County Government; and

23 (2) Appointed members of the private sector:

24 (i) Two representatives, Howard County business community;

25 (ii) Three parent representatives;

26 (iii) An individual with a disability; and

27 (iv) Up to eight community members interested in supporting the Commission and its work.

28 (d) *Commission Chairperson*. The Commission shall be chaired jointly by a representative of the
29 Department of Special Education, Howard County Public School System, and a family member of
30 a student with a disability.

1 (e) *Method of appointment.* Each appointed member shall be appointed by the County Executive
2 and confirmed by the County Council.

3 (f) *Staffing.* The Department of Community Resources and Services shall provide staffing for
4 the Commission.

5 (g) *Meetings.* The Commission shall meet at least quarterly.
6

7 **Title 17. Public Protection Services.**

8 **Subtitle 11. Human Trafficking Prevention Coordination Council.**

9 10 **Section 17.1101. - Membership.**

11 (a) *Number of Members.* The Human Trafficking Prevention Coordination Council shall consist
12 of 19 to 23 members.

13 (b) *Membership.* The Council shall be comprised of the following:

14 (1) Ex officio members:

15 (i) The Director of the Department of Community Resources and Services or the
16 Director's designee;

17 (ii) The Administrator of the Office of Human Rights AND EQUITY or the
18 Administrator's designee;

19 (iii) The State's Attorney or the State's Attorney's designee;

20 (iv) The Chief of Police or the Chief's designee;

21 (v) A representative from the Howard County Commission for Women;

22 (vi) The Director of the Department of Social Services or the Director's designee;

23 (vii) The Health Officer or the Health Officer's designee;

24 (viii) The Sheriff or the Sheriff's designee; and

25 (ix) A representative from the Howard County Public School System;

26 (2) Appointed members of the private sector shall include at least:

27 (i) Two representatives from the faith based community;

28 (ii) A representative from HoCo AGAST (Howard County Advocacy Group Against
29 Slavery and Trafficking) or similar grassroots group who provides intervention and
30 advocacy on behalf of human trafficking victims;

31 (iii) A representative from HopeWorks;

- 1 (iv) A representative from Grassroots Crisis Intervention Center;
- 2 (v) A representative from the Howard County General Hospital;
- 3 (vi) Two representatives from the survivor community;
- 4 (vii) One representative from the general public; and
- 5 (viii) One representative from the business community.

6 (c) *Method of Appointment.* Each appointed member shall be appointed by the County Executive
7 and confirmed by the County Council.

8

9 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
10 ***this Act shall become effective 61 days after its enactment.***

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 Russell D. 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.”



HOWARD COUNTY DEPARTMENT OF COUNTY ADMINISTRATION

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■

410-313-2171

Voice/Relay

Lonnie R. Robbins, Chief Administrative Officer
lrobbins@howardcountymd.gov

FAX 410-313-3051

SUBJECT: Council Testimony – Testimony on CB No. ~~48~~ -2020; a Bill renaming the Office of Human Rights to the Office of Human Rights and Equity

TO: Deb Jung
Council Chairperson

FROM: Lonnie R. Robbins
Chief Administrative Officer

The above referenced Council Bill amends the Howard County Code in order to change the name of the Office of Human Rights to be the Office of Human Rights and Equity. This is not a reorganization pursuant to Section 403 of the Howard County Charter.

The Office of Human Rights (OHR) was established in 1975 by the County Executive and County Council and functions pursuant to the Howard County Code, Section 12.200-12.218. The responsibilities of OHR are to investigate complaints of discrimination, to resolve complaints by conference, conciliation or litigation, and to enforce the Howard County Human Rights Law. In addition, the Office's mission articulates that it serves as a catalyst in fostering and encouraging attitudes and beliefs among County residents which confirm that all individuals have an equal opportunity to enjoy a wholesome and productive quality of life and can pursue their lives free of discrimination.

Enhancing the conversation around diversity, equity and inclusion has been a consistent focus within Howard County government and County Executive Calvin Ball. County Executive's transition report suggested "establishing an Office of Diversity, Equity and Inclusion (DEI) in the Executive's Office, as well as a DEI Commission to help the DEI Coordinator in the County Executive's office to make recommendations and execute programs." Further, the Office of Human Rights Review Committee's 2019 Report noted that the Office of Human Rights could grow a culture of equity and inclusion through expanded community outreach and engagement throughout our civic bodies and community.

On Monday, August 24, 2020, County Executive Ball announced a new government position, the Equity and Restorative Practices Manager ("Equity Manager"), whose role will identify any practices or policies needed to ensure equity; recommend and implement training and competency-building; develop strategic community partnerships. Through restorative practices, the Equity Manager will help our community in strengthening relationships and building social connections.

In order to effectuate long-term and systemic change, the Equity Manager will be a permanent, merit-based position and based in the Office of Human Rights. The Equity Manager will work to implement best practices and resources in Howard County government and for the general public to promote a culture of equity and inclusion where individuals from all racial and ethnic identities, religions, ages, nationalities, social and economic status, political perspectives, physical and mental abilities, sexual orientation, gender identity and expression, and personal appearance are able to thrive and have equal

opportunity. Integrating equity work and adding this position aligns appropriately with the functions, powers and duties of the Office of Human Rights.

The Administration remains committed to this goal and integrating equity work within the Office of Human Rights is the integration that further advances the mission of this Office.

Fiscal Impact

The class title for the Equity Manager is a Human Services Specialist III, which is a Grade K position with a salary range of \$62,628.80 - \$113,680.32 annually; however, the position is advertised with a starting salary range of \$62,628 - \$89,670 annual.

cc: Liz Walsh – Council Vice Chairperson
Opel Jones – Councilperson
Christiana Rigby – Councilperson
David Yungmann – Councilperson
Diane Schwartz Jones, Administrator

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 12

Bill No. 418 -2020

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the Howard County Code in order to change the name of the Office of Human Rights to be the Office of Human Rights and Equity; and generally related to the Office of Human Rights.

Introduced and read first time _____, 2020. Ordered posted and hearing scheduled.

By order _____
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2020.

By order _____
Diane Schwartz Jones, Administrator

This Bill was read the third time on _____, 2020 and Passed _____, Passed with amendments _____, Failed _____.

By order _____
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2020 at ___ a.m./p.m.

By order _____
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive _____, 2020

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is amended as follows:

3 By amending the following:

4 Section 4.119 "Ethics and unfair employment practices"

5 Section 6.201 "Department of County Administration"

6 Section 12.201 "Definitions"

7 Section 12.202 "Human Rights Commission"

8 Section 12.205 "Office of Human Rights"

9 Section 12.206 "Function, Powers and Duties of the Office of the Administrator"

10 Section 12.209 "Unlawful employment practices"

11 Section 12.702 "Powers and Duties"

12 Section 12.2001 "Membership"

13 Section 17.1101 "Membership"

14
15 **Title 4. Contracts, Purchasing and Property**

16 **Subtitle 2. Purchasing**

17
18 **Section 4.119. Ethics and fair employment practices.**

19 (a) *Conflict of Interest.* Bidders, vendors, purchasers and County employees involved in the
20 purchasing process shall be governed by the provisions of the Howard County Charter and Howard
21 County law regarding conflict of interest. No vendor shall offer a gratuity to an official or
22 employee of the County. No official or employee shall accept or solicit a gratuity.

23 (b) *Discouragement of Uniform Bidding:*

24 (1) It is the policy of the County to discourage uniform bidding by every possible means and
25 to endeavor to obtain full and open competition on all purchases and sales.

26 (2) No bidder may be a party with other bidders to an agreement to bid a fixed or uniform
27 price.

28 (3) No person may disclose to another bidder, nor may a bidder acquire, prior to the opening
29 of bids, the terms or conditions of a bid submitted by a competitor.

30 (c) *Fair Employment Practices:*

- 1 (1) Bidders, vendors and purchasers may not engage in unlawful employment practices as set
2 forth in subtitle 2 "Human Rights" of title 12 of the Howard County Code, Section 14 of
3 Article 49B of the Annotated Code of Maryland or Sections 703 and 704 of Title VII of
4 the Civil Rights Act of 1964 as amended. Should any bidders, vendors or purchasers
5 engage in such unlawful employment practices, they shall be subject to being declared
6 irresponsible or being debarred pursuant to the provisions of this subtitle.
- 7 (2) The Howard County Office of Human Rights AND EQUITY shall notify the County
8 Purchasing Agent when any bidder is found, by a court of competent jurisdiction, to have
9 engaged in any high unlawful employment practices.
- 10 (3) If any bidder has been declared to be an irresponsible bidder for having engaged in an
11 unlawful employment practice and has been debarred from bidding pursuant to this subtitle,
12 the Howard County Office of Human Rights AND EQUITY shall review the employment
13 practices of such bidder after the period of debarment has expired to determine if violations
14 have been corrected and shall, within 30 days, file a report with the County Purchasing
15 Agent informing the agent of such corrections before such bidder can be declared to be a
16 responsible bidder by the County Purchasing Agent.
- 17 (4) Payment of subcontractors. All contractors shall certify in writing that timely payments
18 have been made to all subcontractors supplying labor and materials in accordance with the
19 contractual arrangements made between the contractor and the subcontractors. No
20 contractor will be paid a second or subsequent progress payment or final payment until
21 such written certification is presented to the County Purchasing Agent.

22
23 **Title 6. County Executive and the Executive Branch.**

24 **Subtitle 2. Administrative Departments and Offices.**

25
26 **Section 6.201. Department of County Administration.**

27 (a) *Department of County Administration.* There is a Department of County Administration. The
28 qualifications of its Director and the nature of its duties and responsibilities are set forth in subtitle
29 4, "Department of County Administration," of [[[this]]] THIS title 6, "County Executive and the
30 Executive Branch," of the Howard County Code.

- 1 (b) *Office of Budget*. There is an Office of Budget. The qualifications of its Administrator and the
2 nature of its duties and responsibilities are set forth in section 22.400A, "Office of Budget," of
3 subtitle 4, "Budget Procedures," of title 22, "General Provisions, Penalties, etc.," of the Howard
4 County Code.
- 5 (c) *Office of Human Rights AND EQUITY*. There is an Office of Human Rights AND EQUITY. The
6 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
7 subtitle 2, "Human Rights," of title 12, "Health and Human Services," of the Howard County Code.
- 8 (d) *Office of Central Services*. There is an Office of Central Services. The qualifications of its
9 Administrator and the nature of its duties and responsibilities are set forth in subtitle 4,
10 "Department of County Administration" of [[[this]]] THIS title 6, "County Executive and the
11 Executive Branch" of the Howard County Code.
- 12 (e) *Office of Human Resources*. There is an Office of Human Resources. The qualifications of its
13 Administrator and the nature of its duties and responsibilities are set forth in subtitle 1, "Human
14 Resources Administration" of title 1 "Human Resources," of the Howard County Code.
- 15 (f) *Office of Public Information*. There is an Office of Public Information. The qualifications of its
16 Administrator and the nature of its duties and responsibilities are set forth in subtitle 4,
17 "Department of County Administration," of [[[this]]] THIS title 6, "County Executive and the
18 Executive Branch," of the Howard County Code.
- 19 (g) *Office of Purchasing*. There is an Office of Purchasing. The qualifications of its Administrator
20 and the nature of its duties and responsibilities are set forth in subtitle 4, "Department of County
21 Administration," of [[[this]]] THIS title 6, "County Executive and the Executive Branch," of the
22 Howard County Code.
- 23 (h) *Office of Community Sustainability*. There is an Office of Community Sustainability. The
24 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
25 subtitle 4, "Department of County Administration" of this title of the Howard County Code.
- 26 (i) *Office of Transportation*. There is an Office of Transportation. The qualifications of its
27 Administrator and the nature of its duties and responsibilities are set forth in subtitle 4,
28 "Department of County Administration" of this title of the Howard County Code.
- 29 (j) *Office of Workforce Development*. There is an Office of Workforce Development. The
30 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
31 subtitle 4, "Department of County Administration" of this title of the Howard County Code.

1
2 **Title 12. Health and Social Services.**

3 **Subtitle 2. Human Rights.**

4
5 **Section 12.201. - Definitions.**

6 Words and phrases used in this subtitle shall have their usual meaning except as defined below:

7 I. *Administrator* means the County Executive's designee appointed to administer the Office of
8 Human Rights AND EQUITY.

9 II. *Affirmative action* means affirmative action ordered pursuant to this subtitle may include, but
10 shall not be limited to:

11 (a) Hiring, reinstating or upgrading of employees, with or without back pay.

12 (b) Admission or restoration of individuals to union membership or training.

13 (c) Granting of a loan or mortgage.

14 (d) Admission of individuals to public accommodations.

15 (e) The rental or sale of housing.

16 (f) The posting of notices as to the requirements of this subtitle and compliance therewith in
17 conspicuous places in the respondent's place of business. The form of the notice shall be
18 prescribed by the Administrator.

19 (g) Provision for or completion of educational programs or training of supervisory or
20 management personnel in the obligations imposed by this subtitle.

21 (h) Provision for or completion of reasonable and economically feasible educational programs
22 or training to promote upward mobility of those classes of employees against whom an
23 employer has been found to have discriminated.

24 (i) An award of damages to be paid by the respondent to the complainant or other person
25 sustaining damages as a result of a violation of this subtitle. The damages shall be
26 determined as to the actual damage or loss.

27 (j) The filing of statistical or other reports with the Commission as to compliance with the
28 provisions of this subtitle or of any order issued hereunder.

29 (k) Adoption and implementation of goals, timetables and other affirmative action deemed
30 appropriate.

31 (l) Any other equitable relief or action that is deemed appropriate.

- 1 III. *Aggrieved individual* means an individual who claims to have been injured by discrimination.
- 2 IV. *Complainant* means any person, including the Commission or its members, who files a charge
3 under section 12.212.
- 4 V. *Commission* means the Human Rights Commission established pursuant to this subtitle.
- 5 VI. *Conciliation agreement* means an agreement between the complainant and the respondent
6 subject to approval by the Human Rights Administrator resolving issues raised by a complaint, or
7 by the investigation of a complaint, and achieved through informal negotiations involving the
8 complainant, the respondent, and the Office of Human Rights AND EQUITY.
- 9 VII. *Familial status*:
- 10 (a) The status of individual(s) under age 18 domiciled with:
- 11 (1) A parent or other individual having legal custody of the individual(s); or
12 (2) A designee of the parent or other individual having legal custody of the individual(s),
13 with written permission from the parent or other individual; or
- 14 (b) The status of being a pregnant woman;
- 15 (c) The status of an individual who is in the process of securing legal custody of an individual
16 under age 18.
- 17 VIII. *Family* includes a single individual.
- 18 IX. *Gender identity or expression* means a gender-related identity or appearance of an individual
19 regardless of the individual's assigned sex at birth.
- 20 X. *Disability* means with respect to an individual:
- 21 (a) A physical or mental impairment which substantially limits one or more of the individual's
22 major life activities; or
- 23 (b) A record of having such an impairment; or
- 24 (c) Being regarded as having such an impairment.
- 25 But the term "disability" does not include current illegal use of or addiction to a controlled
26 substance as defined in section 102 of the Controlled Substance Act (21 U.S.C. 802).
- 27 XI. *Hearing* means an inquiry, forum, investigation or meeting conducted pursuant to this subtitle.
- 28 XII. *Occupation* means the lawful activity of one's life, regardless of income. It includes but is not
29 limited to students, welfare recipients or retired persons.
- 30 XIII. *Office* means the Office of Human Rights AND EQUITY established pursuant to this subtitle.

1 XIV. *Person* means one or more individuals, corporations, partnerships, associations, labor
2 organizations, legal representatives, mutual companies, financial institutions, joint-stock
3 companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, agents, receivers,
4 or fiduciaries, the government of Howard County and its agencies.

5 XV. *Personal appearance* means outward appearance of a person with regard to hair style, facial
6 hair, physical characteristics or manner of dress. It does not relate to a requirement of cleanliness,
7 uniforms or prescribed attire, when uniformly applied, for admittance to a public accommodation
8 or to a class of employees.

9 XVI. *Political opinion* means the opinions of persons relating to:

- 10 Government,
- 11 The conduct of government,
- 12 Political parties,
- 13 Candidates for election, or
- 14 Elected office-holders.

15 XVII. *Respondent* means a person against whom a complaint is filed pursuant to section 12.207B
16 or 12.212 or this subtitle. Respondent includes a person identified during an investigation of a
17 complaint and joined as an additional or substitute respondent.

18 XVIII. *Sexual orientation* means the actual or perceived identification of an individual as to
19 homosexuality, heterosexuality or bisexuality.

20
21 **Section 12.202. - Human Rights Commission.**

22 I. *General Provisions.* General provisions regarding the following are set forth in subtitle 3,
23 "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the
24 Howard County Code.

25 II. *Number of Members.* There is a Human Rights Commission composed of 11 voting members
26 and one nonvoting member.

27 III. *Qualifications:*

- 28 (a) All members shall be residents of Howard County.
- 29 (b) Members of the Commission shall be broadly representative of the citizens of Howard
30 County.
- 31 (c) Members may serve no more than two successive full terms.

1 (d) The nonvoting member shall be a student under the age of 18. The student's term shall be
2 for one year, beginning July 1, and ending June 30.

3 IV. *Executive Secretary.* The Human Rights Administrator or the Administrator's designee shall
4 serve as the Executive Secretary of the Commission and shall attend all meetings and hearings of
5 the Commission and, in addition to the duties specified in this subtitle, shall perform duties as
6 prescribed by the Commission.

7 V. *Legal Advisory, Legal Representative.* The Office of Law shall provide separate legal
8 representation for the Commission and for the Administrator in all hearing or judicial proceedings
9 to which they are party.

10 VI. *Monthly and Additional Meetings.* The Commission shall meet at least 11 times per year and
11 shall conduct each meeting pursuant to its rules of procedure. It may hold additional meetings and
12 hearings provided the Chairperson of the Commission gives the Commission members and the
13 Human Rights Administrator at least three days' written notice.

14 VII. *Quorums; Hearing Panels:*

15 (a) A quorum consists of a simple majority of the current membership of the Commission.

16 (b) Administrative panels holding hearings pursuant to section 12.207B or 12.212.IV of this
17 subtitle consist of at least three members of the Commission.

18 (c) An individual Commissioner who files a complaint pursuant to this section or section
19 12.207B or section 12.212 of this subtitle shall not participate, except as a complainant, in
20 any administrative hearing of the Commission arising from the Commissioner's complaint.

21 VIII. *Oaths and Subpoenas.* The Commission may administer oaths and issue subpoenas in the
22 administration and enforcement of its authorized surveys and studies, hearings on patterns of
23 discrimination and administrative hearings using the same standards and procedures provided in
24 section 12.207A or 12.212.V.

25 IX. *Duties and Responsibilities.* The Human Rights Commission shall carry out all duties and
26 responsibilities assigned to it by law.

27 (a) *Civil rights policy.* The Commission shall be responsible for recommending a civil rights
28 policy to the County Executive and the County Council concurrently.

29 (b) *Studies and surveys.* The Commission shall have the authority to make surveys and studies
30 concerning human rights, conditions, and problems. It may publish reports, make
31 recommendations and, in every way possible, promote human rights in Howard County.

- 1 (c) *Filing of complaint—Discriminatory practices and patterns of conduct.* The Commission
2 or individual Commissioner(s) shall have the authority to file a complaint when the
3 Commission or Commissioner(s) have reasonable cause to believe the existence of a
4 pattern or practice of discrimination unlawful under the provisions of this subtitle.
5 Complaints filed under this subsection shall be processed in the same manner as complaints
6 filed under section 12.207A or 12.212 of this subtitle. If the Commission files a complaint
7 under the provisions of this section any administrative hearing on the complaint shall be
8 heard by the Howard County Board of Appeals.
- 9 (d) *Hearings—Patterns of discrimination.* The Commission shall have the authority to hold an
10 immediate hearing regarding patterns of discrimination which are not the subject matter of
11 a complaint filed pursuant to section 12.207A or 12.212 of this subtitle. The purpose of the
12 hearing is to resolve the problem promptly by gathering facts and making
13 recommendations to appropriate persons. The recommendations of the Commission, in
14 these instances, do not constitute any binding order upon any person.
- 15 (e) *Administrative hearings.* The Commission shall hold administrative hearings pursuant to
16 section 12.207A or 12.212 of this subtitle.
- 17 (f) *Informing the citizens.* The Commission shall have the authority to inform the citizens of
18 Howard County of practices and patterns of conduct which may be discriminatory.
- 19 (g) *Decisions and orders.* The Commission may issue decisions and orders pursuant to section
20 12.207B or 12.212 of this subtitle.
- 21 (h) *Affirmative action.* The Commission may order affirmative action pursuant to section
22 12.207B or 12.212 of this subtitle.
- 23 (i) *Action in circuit court.* The Commission may bring an action in circuit court to enforce
24 compliance with a decision and order issued pursuant to section 12.207B or 12.212 of this
25 subtitle.
- 26 (j) *Appointment of Human Rights Administrator.* The Commission shall assist the Chief
27 Administrative Officer and the County Executive on the appointment of the Human Rights
28 Administrator.
- 29 (k) *Budget.* The Commission shall submit to the County Executive a timely budget request for
30 expenses necessary to carry out the provisions of this subtitle. It shall review the budget of
31 the Office [[of Human Rights]] before that budget is submitted to the County Executive.

1 The Commission may comment on its own budget and that of the Office [[of Human
2 Rights]] at any time in the budget process.

3 (l) *Review monthly reports.* The Commission shall review the monthly reports prepared by
4 the Human Rights Administrator pursuant to section 12.206 of this subtitle.

5 (m) *Annual and other reports.* In addition to the annual report, the County Executive or the
6 County Council may require the Commission to make interim reports. The interim reports
7 shall not contain the identities of parties to cases which have been reconciled or are
8 pending. Subject to section 22.1000 of the County Code, on or before February 28 of each
9 year the Commission shall make an annual report to the County Executive and the County
10 Council. The report shall:

11 (i) Outline the activities of the Commission during the previous calendar year.

12 (ii) Identify actions or programs undertaken during the prior calendar year.

13 (iii) Identify other matters relevant to the authorized activities of the Commission.

14 (iv) Report on the cause of and means of eliminating discrimination.

15 (v) Contain recommendations for further legislation as needed.

16 (n) *Confidential information.* To the extent permitted by the State Public Information Act, and
17 unless required otherwise by section 12.214 of this subtitle, the Commission shall hold
18 confidential any information that would tend to disclose the identity of a complainant
19 and/or respondent.

20 (o) At the directive of the County Executive or by resolution of the County Council, the Human
21 Rights Commission shall review and make recommendations on any matter related to
22 human rights.

23 (p) When performing an advisory function under this subtitle, as defined in the State Open
24 Meetings Act, the Commission may meet in closed session if permitted to do so under the
25 State Open Meetings Act.

26
27 **Section 12.205. - Office of Human Rights AND EQUITY.**

28 I. *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2,
29 "Administrative Departments and Offices," of title 6, "County Executive and the Executive
30 Branch," of the Howard County Code.

1 II. *Head.* The Human Rights Administrator shall head the Office [[of Human Rights]]. The Chief
2 Administrative Officer shall exercise administrative supervision over the Office [[of Human
3 Rights]].

4 III. *Qualifications of Human Rights Administrator.* The Human Rights Administrator shall have
5 thorough knowledge of the types of discrimination and methods and techniques for eliminating it,
6 including considerable knowledge of County, State and Federal laws regarding discrimination in
7 such areas as housing, employment, public accommodations, law enforcement, financing and
8 related fields. The Administrator shall have had at least five years of experience in human relations
9 or a related field, one year of which shall have dealt with investigating and/or conciliating
10 complaints of discrimination, and two years of which shall have included managerial or
11 administrative experience.

12
13 **Section 12.206. - Functions, powers and duties of the Office of the Administrator.**

14 I. *Duties and Responsibilities:*

15 (1) *Administration/enforcement of human rights law.* The Office [[of Human Rights]] is
16 responsible for administering and enforcing the provisions of Howard County Human
17 Rights Law, including, but not limited to:

- 18 (a) Investigating complaints of discrimination to determine whether a violation of the
19 Howard County Human Rights Law has occurred.
20 (b) Attempting to eliminate violations of the Human Rights Law by conference,
21 conciliation and persuasion.

22 (2) *Reports.* Subject to section 22.1000 of the County Code, the Office [[of Human Rights]]
23 and its Administrator shall make:

- 24 (a) Annual reports to the County Executive and the County Council providing a statistical
25 summary of the number, type and disposition of complaints received by the Office.
26 (b) Monthly reports to the Commission briefly describing the factual situation of new
27 cases, and the status and disposition of all other cases.

28
29 The Human Rights Administrator shall make periodic reports to the County
30 Executive, County Council and the Human Rights Commission on the Office's

1 involvement in discrimination education programs and on the extent of its cooperate
2 efforts with governmental and community agencies to combat discrimination.

3 (3) *Liaison with community.* The Office [[of Human Rights]] serves as liaison with the public,
4 government agencies and community groups to develop plans and programs to combat
5 discrimination and assist and cooperate with other local, State and Federal agencies and
6 officials to protect and promote better human relations. The Office [[of Human Rights]]
7 shall work with these agencies and groups in developing educational programs,
8 heightening public awareness of discrimination and of methods of eliminating
9 discrimination. The Office [[of Human Rights]] shall serve as a catalyst in fostering
10 attitudes and beliefs among Howard County citizens which confirm that all individuals
11 have an equal opportunity to pursue their lives free of discrimination.

12 (4) *Executive Secretary.* The Human Rights Administrator serves as Executive Secretary of the
13 Human Rights Commission.

14 (5) *Rules of procedure.* The Human Rights Administrator shall formulate and promulgate rules
15 of procedure necessary to carry out the purposes of this subtitle, pursuant to the
16 Administrative Procedure Act of Howard County (title 2, subtitle 1 of this Code).

17 (6) *Other duties and responsibilities.* The Office [[of Human Rights]] and its Administrator
18 shall perform the statutory duties set forth in this subtitle. The Office [[of Human Rights]]
19 shall perform such other functions as may be prescribed by directive of the County
20 Executive or by law.

21
22 **Section 12.209. - Unlawful law enforcement practices.**

23 I. *Definitions.* Words and phrases used in this section shall have their usual meanings except as
24 defined below:

25 (a) *Discrimination/discriminatory* means acting or failing to act, or unduly delaying any action
26 regarding any person(s) because of:

27 Race,

28 Creed,

29 Religion,

30 Disability,

31 Color,

1 Sex,
2 National origin,
3 Age,
4 Occupation,
5 Marital status,
6 Political opinion,
7 Sexual orientation,
8 Personal appearance,
9 Familial status, or
10 Gender identity or expression

11 in such a way that the person(s) are adversely affected in the area of law enforcement.

12 II. *Authority of Office of Human Rights AND EQUITY To Receive Complaints.* The Office [[of
13 Human Rights]] may receive any citizen's complaint involving discrimination against any law
14 enforcement Officer operating within Howard County if the complaint alleges any of the following
15 categories or complaints that are defined and prohibited by law or regulation:

- 16 (a) Police harassment; or
- 17 (b) Excessive use of force in the performance of the Officer's duties; or
- 18 (c) The Officer's use of language which would demean the inherent dignity of any person.

19 III. *Forwarding of Complaint to Law Enforcement Agency:*

20 (a) *Forward complaints with merit.* If the Administrator of the Office [[of Human Rights]]
21 finds that the allegations in the complaint may have merit, the Administrator shall forward
22 a request for appropriate action to the law enforcement agency involved, with a copy to the
23 State's Attorney.

24 (b) *Contents of request to law enforcement agency.* The request to the law enforcement agency
25 shall contain:

- 26 (1) The facts concerning the incident;
- 27 (2) The name of the law enforcement Officer(s) involved;
- 28 (3) The name and address of the complaining party of all witnesses;
- 29 (4) A copy of all information compiled by the Office [[of Human Rights]].

30 IV. *Investigation by Law Enforcement Agency.* Upon request of the Office [[of Human Rights]]
31 and when permitted by law, the law enforcement agency shall commence an investigation pursuant

1 to the provisions of Subtitle 1 of Title 3 of the Public Safety Article of the Annotated Code of
2 Maryland, and any other pertinent provisions of law, and upon its completion provide a report of
3 the investigation to the Office [[of Human Rights]].

4
5 **Title 12. Health and Social Services.**

6 **Subtitle 7. Women's Issues.**

7
8 **Section 12.702. - Powers and duties.**

9 (1) The Commission may conduct studies, review progress, recommend action and carry on
10 activities in areas including, but not limited to, the following:

11 (a) Assembling, analyzing and disseminating information which will assist in changing
12 attitudes, eliminating discriminatory behavior and meeting the needs of women and
13 referring individual complaints of discrimination to the Office of Human Rights AND
14 EQUITY.

15 (b) Studying conditions which demonstrate inequalities and unmet needs concerning women
16 and recommending procedures or legislation to remedy them.

17 (c) Giving impetus to expand educational and employment opportunities for women and
18 publicizing activities and services of interest to women.

19 (d) Promoting a positive image of women and securing recognition of their accomplishments.

20 (e) Encouraging qualified women to seek appointive and elective office.

21 (f) Issuing position papers.

22 (2) The County may accept gifts, contributions and bequests of property of any kind on behalf of
23 the Commission.

24 (3) The Commission shall advise the County Government on the solicitation and use of grants to
25 fund programs deemed necessary by the Commission.

26 (4) The Commission shall stimulate and encourage study and review of the status of women and
27 may act as a clearinghouse for women's activities in Howard County.

28
29 **Title 12. Health and Social Services.**

30 **Subtitle 20. Commission for Transitioning Students with Disabilities.**

31

1 **Section 12.2001. - Membership**

2 (a) *Number of members.* The Commission shall consist of a minimum of 22 members and a
3 maximum of 30 members.

4 (b) *Qualifications.* All members shall either reside or work in Howard County.

5 (c) *Membership.* The commission shall be comprised of the following:

6 (1) Ex officio members:

7 (i) Program Head, Transition Services, HCPSS;

8 (ii) Instructional Facilitator, Secondary Education, HCPSS;

9 (iii) Coordinator, Career and Technology Education, HCPSS;

10 (iv) Executive Director, Special Education and Student Services;

11 (v) Parent Coordinator, HCPSS;

12 (vi) Coordinator, School Counseling Services, HCPSS;

13 (vii) Manager, Teacher Recruitment and Retention, HCPSS;

14 (viii) Director, Department of Community Resources and Services, Howard County
15 Government;

16 (ix) ADA Coordinator, Department of Community Resources and Services, Howard
17 County Government;

18 (x) Administrator, Office of Human Resources, Howard County Government;

19 (xi) Administrator, Office of Workforce Development, Howard County Government;

20 (xii) Administrator, Office of Human Rights AND EQUITY, Howard County Government;

21 (xiii) Administrator, Division of Rehabilitation Services, Region V, State of Maryland;

22 (xiv) Representative Resource Coordination Providers;

23 (xv) Representative, Howard Community College; and

24 (xvi) Manager Therapeutic Recreation, Department of Recreation and Parks, Howard
25 County Government; and

26 (2) Appointed members of the private sector:

27 (i) Two representatives, Howard County business community;

28 (ii) Three parent representatives;

29 (iii) An individual with a disability; and

30 (iv) Up to eight community members interested in supporting the Commission and its work.

1 (d) *Commission Chairperson.* The Commission shall be chaired jointly by a representative of the
2 Department of Special Education, Howard County Public School System, and a family member of
3 a student with a disability.

4 (e) *Method of appointment.* Each appointed member shall be appointed by the County Executive
5 and confirmed by the County Council.

6 (f) *Staffing.* The Department of Community Resources and Services shall provide staffing for
7 the Commission.

8 (g) *Meetings.* The Commission shall meet at least quarterly.

9
10 **Title 17. Public Protection Services.**

11 **Subtitle 11. Human Trafficking Prevention Coordination Council.**

12
13 **Section 17.1101. - Membership.**

14 (a) *Number of Members.* The Human Trafficking Prevention Coordination Council shall consist
15 of 19 to 23 members.

16 (b) *Membership.* The Council shall be comprised of the following:

17 (1) Ex officio members:

18 (i) The Director of the Department of Community Resources and Services or the
19 Director's designee;

20 (ii) The Administrator of the Office of Human Rights AND EQUITY or the
21 Administrator's designee;

22 (iii) The State's Attorney or the State's Attorney's designee;

23 (iv) The Chief of Police or the Chief's designee;

24 (v) A representative from the Howard County Commission for Women;

25 (vi) The Director of the Department of Social Services or the Director's designee;

26 (vii) The Health Officer or the Health Officer's designee;

27 (viii) The Sheriff or the Sheriff's designee; and

28 (ix) A representative from the Howard County Public School System;

29 (2) Appointed members of the private sector shall include at least:

30 (i) Two representatives from the faith based community;

1 (ii) A representative from HoCo AGAST (Howard County Advocacy Group Against
2 Slavery and Trafficking) or similar grassroots group who provides intervention and
3 advocacy on behalf of human trafficking victims;

4 (iii) A representative from HopeWorks;

5 (iv) A representative from Grassroots Crisis Intervention Center;

6 (v) A representative from the Howard County General Hospital;

7 (vi) Two representatives from the survivor community;

8 (vii) One representative from the general public; and

9 (viii) One representative from the business community.

10 (c) *Method of Appointment.* Each appointed member shall be appointed by the County Executive
11 and confirmed by the County Council.

12
13 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
14 *this Act shall become effective 61 days after its enactment.*



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:

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.”

**Office of the County Auditor
Auditor's Analysis - Revised**

Council Bill No. 48-2020

Introduced: September 8, 2020

Auditor: Rebecca Gold

Fiscal Impact:

There will be minimal rebranding costs as a result of this legislation.

The Office of Human Rights (the Office) has indicated they will purchase new stationary (estimated cost \$100) and install new signage (estimated cost \$500) to reflect the proposed name change.

Purpose:

Council Bill 48-2020 proposes to amend the County Code to change the name of the Office of Human Rights to the Office of Human Rights and Equity in order to better align with its mission.

Other Comments:

NOTE: The County Auditor informed the Administration of several references to the "Office of Human Rights" in the County Code (specifically, in sections 12.207B, 12.208, and 12.212) which were not included in CB48-2020. The Administration indicated these would be addressed in amendments as needed.

The Administrator of the Office of Human Rights indicated that a recently created equity manager position would assist with the Office's new focus on restorative practices. Funding for this outreach position (Human Services Specialist I - Position Control Number 010021) was approved in the Fiscal Year 2020 Operating Budget.

The approved FY 2021 Operating Budget included a \$4,000 increase in personnel costs for the Human Services Specialist I position. This information was provided to the Council by the County Auditor during the review of the FY 2021 Budget.

Office of the County Auditor
Auditor's Analysis

Council Bill No. 48-2020

Introduced: September 8, 2020

Auditor: Rebecca Gold

Fiscal Impact:

There is no expected fiscal impact of this legislation.

This is a technical change to the title of an Office.

Purpose:

Council Bill 48-2020 proposes to amend the County Code to change the name of the Office of Human Rights (the Office) to the Office of Human Rights and Equity in order to better align with its mission.

Other Comments:

NOTE: The County Auditor informed the Administration of several references to the “Office of Human Rights” in the County Code (specifically, in sections 12.207B, 12.208, and 12.212) which were not included in CB48-2020. The Administration indicated these would be addressed in amendments as needed.

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HOWARD COUNTY DEPARTMENT OF COUNTY ADMINISTRATION

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Ellicott City, Maryland 21043

410-313-2171

Voice/Relay

Lonnie R. Robbins, Chief Administrative Officer
lrobbins@howardcountymd.gov

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SUBJECT: Council Testimony – Testimony on CB No. __-2020; a Bill renaming the Office of Human Rights to the Office of Human Rights and Equity

TO: Deb Jung
Council Chairperson

FROM: Lonnie R. Robbins
Chief Administrative Officer

The above referenced Council Bill amends the Howard County Code in order to change the name of the Office of Human Rights to be the Office of Human Rights and Equity. This is not a reorganization pursuant to Section 403 of the Howard County Charter.

The Office of Human Rights (OHR) was established in 1975 by the County Executive and County Council and functions pursuant to the Howard County Code, Section 12.200-12.218. The responsibilities of OHR are to investigate complaints of discrimination, to resolve complaints by conference, conciliation or litigation, and to enforce the Howard County Human Rights Law. In addition, the Office's mission articulates that it serves as a catalyst in fostering and encouraging attitudes and beliefs among County residents which confirm that all individuals have an equal opportunity to enjoy a wholesome and productive quality of life and can pursue their lives free of discrimination.

Enhancing the conversation around diversity, equity and inclusion has been a consistent focus within Howard County government and County Executive Calvin Ball. County Executive's transition report suggested "establishing an Office of Diversity, Equity and Inclusion (DEI) in the Executive's Office, as well as a DEI Commission to help the DEI Coordinator in the County Executive's office to make recommendations and execute programs." Further, the Office of Human Rights Review Committee's 2019 Report noted that the Office of Human Rights could grow a culture of equity and inclusion through expanded community outreach and engagement throughout our civic bodies and community.

On Monday, August 24, 2020, County Executive Ball announced a new government position, the Equity and Restorative Practices Manager ("Equity Manager"), whose role will identify any practices or policies needed to ensure equity; recommend and implement training and competency-building; develop strategic community partnerships. Through restorative practices, the Equity Manager will help our community in strengthening relationships and building social connections.

In order to effectuate long-term and systemic change, the Equity Manager will be a permanent, merit-based position and based in the Office of Human Rights. The Equity Manager will work to implement best practices and resources in Howard County government and for the general public to promote a culture of equity and inclusion where individuals from all racial and ethnic identities, religions, ages, nationalities, social and economic status, political perspectives, physical and mental abilities, sexual orientation, gender identity and expression, and personal appearance are able to thrive and have equal

opportunity. Integrating equity work and adding this position aligns appropriately with the functions, powers and duties of the Office of Human Rights.

The Administration remains committed to this goal and integrating equity work within the Office of Human Rights is the integration that further advances the mission of this Office.

Fiscal Impact

The class title for the Equity Manager is a Human Services Specialist III, which is a Grade K position with a salary range of \$62,628.80 - \$113,680.32 annually; however, the position is advertised with a starting salary range of \$62,628 - \$89,670 annual.

cc: Liz Walsh – Council Vice Chairperson
Opel Jones – Councilperson
Christiana Rigby – Councilperson
David Yungmann – Councilperson
Diane Schwartz Jones, Administrator