

Office of the County Auditor

Auditor's Analysis

Council Bill No. 3-2024

Introduced: January 2, 2024

Auditors: Diane Zagorski-Kelly

Fiscal Impact:

We are unable to determine a fiscal impact to this legislation as we cannot predict the potential damages that may be awarded through a decision and order of the County's Human Rights Commission to future complainants.

The Deputy Administrator of the Office of Human Resources has stated that there have been no damage awards issued to complainants employed by Howard County Government in Fiscal Years 2021 through 2024.

According to the Human Rights and Equity Administrator (Administrator), no additional staff members, materials, or equipment would be required as a result of this legislation.

Purpose:

Council Bill 3-2024 proposes to place a limit on the amount of damages that may be granted to a complainant for unlawful employment practices as follows:

- \$50,000 for employers with 15 to 100 employees
- \$100,000 for employers with 101 to 200 employees
- \$200,000 for employers with 201 to 500 employees
- \$300,000 for employers with over 501 employees

Other Comments:

According to the Administrator, an amendment will be filed to include a limit on the amount of damages that may be granted for employers with between 5 and 14 employees to limit damages in accordance with Section 12.217 of the proposed legislation. *We have an open inquiry to confirm the dollar threshold limit for damage payouts from employers with between 5 and 14 employees.*

The Circuit Court of Howard County already applies the limit on damages for unlawful employment practices in accordance with §20.1009(b)3 in the State Government Article of the Annotated Code of Maryland that matches the limits currently proposed in Council Bill 3-2024.