

(B) IN ANY DISCRIMINATION CASE IN WHICH AN AGENCY, OFFICER OR EMPLOYEE OF THE STATE OF MARYLAND IS A RESPONDENT, THE RULES, PROCEDURES, POWERS, RIGHTS AND REMEDIES WHICH ARE APPLICABLE IN SUCH A CASE SHALL BE THOSE WHICH ARE APPLICABLE IN A DISCRIMINATION CASE IN WHICH A PRIVATE PERSON IS THE RESPONDENT. HOWEVER, NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, (1) AN AWARD OF MONETARY RELIEF OR DAMAGES IS NOT AVAILABLE AS A REMEDY IN ANY DISCRIMINATION CASE IN WHICH AN AGENCY, OFFICER, OR EMPLOYEE OF THE STATE OF MARYLAND IS A RESPONDENT, AND (2) THE COMMISSION MAY NOT ACT UPON A COMPLAINT MADE BY OR ON BEHALF OF A STATE EMPLOYEE UNTIL THAT EMPLOYEE HAS EXHAUSTED ALL AVAILABLE REMEDIES UNDER THE CODE OF FAIR PRACTICES. IN DISCRIMINATION CASES IN WHICH AN AGENCY, OFFICER OR EMPLOYEE IS A RESPONDENT, THE POWER OF THE HUMAN RELATIONS COMMISSION INCLUDES THE AUTHORITY TO SEEK INJUNCTIVE RELIEF OR JUDICIAL ENFORCEMENT OF ITS ORDERS AGAINST SUCH RESPONDENTS.

(C) IN A DISCRIMINATION CASE IN WHICH THE HUMAN RELATIONS COMMISSION, OR A MEMBER, OFFICER OR EMPLOYEE OF THE COMMISSION IS A RESPONDENT, THE GOVERNOR SHALL SPECIALLY DESIGNATE A PERSON TO PERFORM THE FUNCTIONS USUALLY PERFORMED BY THE PERSON WHO IS THE RESPONDENT.

[If the Commission has received reliable information from any individual or individuals, and after a proper investigation by the Commission, it shall be determined by the Commission that an officer or employee of a State agency, department or board has engaged in discrimination in hiring, firing, or any other type of activity against any person because of race, creed, color, sex, age, national origin, marital status, or physical or mental handicap unrelated in nature and extent so as to reasonably preclude the performance of the employment, and if the Commission is unsuccessful in resolving the complaint, then the Commission shall report such act to the Governor, and he shall review the case and findings of the Commission. If the Governor is satisfied that an act of discrimination has taken place, he shall remove or suspend the officer or employee or take such action as he deems appropriate under the circumstances. Provided, however, that any removal, suspension, or other action affecting any officer or employee who is covered by the State merit system shall be subject to all rules and regulations pertaining thereto. The authority of the Commission relating to discrimination in State agencies, boards or departments shall be limited to investigation, conciliation, mediation and reporting to the Governor as provided in this section.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1977.

Approved May 26, 1977.