

(e) (6) [In case of an award of] IF back pay IS AWARDED under paragraph (3) of this subsection, interim [earning] EARNINGS or amounts [earned] EARNABLE with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable.

11A.

(a) (1) When a complaint is filed under § 11 of this subtitle, a complainant OR RESPONDENT may elect to have the claims asserted in the complaint determined in a civil action brought by the Commission on the complainant's behalf, if:

(i) The Commission finds the respondent has engaged in, or is engaging in a discriminatory act; and

(ii) There is a failure to reach an agreement for the remedy and elimination of the discriminatory act.

(2) The election authorized under paragraph (1) of this subsection shall be made not later than 30 days after the complainant or respondent receives service under § 11(a)(2) of this subtitle.

(3) If an election is not made under paragraph (1) of this subsection, the Commission shall provide an opportunity for a hearing as provided under § 11(a)(3) of this subtitle.

(b) When a complaint is filed under § 11 of this subtitle, the Commission may elect to have the claims asserted in the complaint determined in a civil action brought on the Commission's own behalf, if:

(1) The Commission finds the respondent has engaged in, or is engaging in a discriminatory act; and

(2) There is a failure to reach an agreement for the remedy and elimination of the discriminatory act.

(c) (1) If a complainant OR RESPONDENT makes an election under subsection (a) of this section, that [individual] PARTY shall give notice of the election to the Commission and to all other complainants and respondents.

(2) If the Commission makes an election under subsection (b) of this section, the Commission shall give notice of the election to all complainants and respondents.