

# ENROLLMENT(S)

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(5)

# COUNCIL OF THE DISTRICT OF COLUMBIA

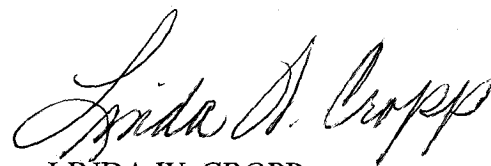
## NOTICE

### D.C. LAW 12-39

#### "Human Rights Amendment Act of 1997".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-34, on first and second readings, June 3, 1997 and July 1, 1997, respectively. Following the signature of the Mayor on July 18, 1997, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-143, and published in the August 22, 1997, edition of the D.C. Register (Vol. 44 page 4856) and transmitted to Congress on September 3, 1997 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-39, effective October 23, 1997.



LINDA W. CROPP  
Chairman of the Council

#### Dates Counted During the 30-day Congressional Review Period:

Sept.	3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25,26, 29,30
Oct.	1,2,3,6,7,8,9,20,21,22

AN ACT  
D.C. ACT 12-143

Codification  
District of  
Columbia  
Code  
1998 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 18, 1997

To amend the Human Rights Act of 1977 to establish a mandatory mediation process prior to the formal investigation of a complaint by the Office of Human Rights, to provide for a period of up to 60 days for completion of the conciliation process after the Office of Human Rights completes its formal investigation, to permit the Commission to order the payment of civil penalties, to provide for a one-year statute of limitations for filing a court action, and to provide for the tolling of the one-year statute of limitations during the pendency of a complaint before the Office of Human Rights.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Human Rights Amendment Act of 1997".

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code §1-2501 *et seq.*), is amended as follows:

(a) Section 304 (D.C. Code §1-2544) is amended as follows:

Section  
1-2544

- (1) The heading is amended to read "Filing of complaints and mediation."
- (2) A new subsection (c) is added to read as follows:

"(c) A mediation program shall be established and all complaints shall be mediated before the Office commences a full investigation. During the mediation the parties shall discuss the issues of the complaint in an effort to reach an agreement that satisfies the interests of all concerned parties. The Office shall grant the parties up to 45 days within which to mediate a complaint. If an agreement is reached during the mediation process, the terms of the agreement shall control resolution of the complaint. If an agreement is not reached, the Office shall proceed with an investigation of the complaint."

(b) Section 306 (D.C. Code § 1-2546) is amended as follows:

Section  
1-2546

(1) Subsection (b) is amended by adding the following sentences at the beginning of the subsection: "If the Office determines that there exists probable cause to believe that the respondent has engaged or is engaging in an unlawful practice, the parties shall attempt to conciliate the complaint. The Office shall grant the parties up to 60 days within which to reach a

**ENROLLED ORIGINAL**

conciliation agreement. If the parties fail to execute a conciliation agreement within the time allowed by the Office, the Office shall certify the case to the Commission for a public hearing."

(2) Subsection (d) is repealed.

(c) Section 313(a) (D.C. Code § 1-2553(a)) is amended as follows:

Section  
1-2553

(1) A new paragraph (5A) is inserted to read as follows:

"(5A) The payment of civil penalties, which shall be deposited in the General Fund, according to the following schedule:

"(A) In an amount not to exceed \$10,000 if the respondent has not been adjudged to have committed any prior unlawful discriminatory practice;

"(B) In an amount not to exceed \$25,000 if the respondent has been adjudged to have committed 1 other unlawful discriminatory practice during the 5-year period ending on the date of the filing of this charge; and

"(C) In an amount not to exceed \$50,000 if the respondent has been adjudged to have committed 2 or more unlawful discriminatory practices during the 7-year period ending on the date of the filing of this charge."

(2) The last sentence of paragraph (6) is amended to read as follows:

"With regard to compensatory damages, civil penalties, and attorneys fees, the Commission shall develop guidelines which shall be submitted to the Council for review prior to implementation."

(d) Section 316(a) (D.C. Code § 1-2556(a)) is amended by adding the following sentence at the end of the subsection: "A private cause of action pursuant to this act shall be filed in a court of competent jurisdiction within 1 year of the unlawful discriminatory practice, or the discovery thereof. The timely filing of a complaint with the Office shall toll the running of the 1 year statute of limitations while the complaint is pending before the Office."

Section  
1-2556

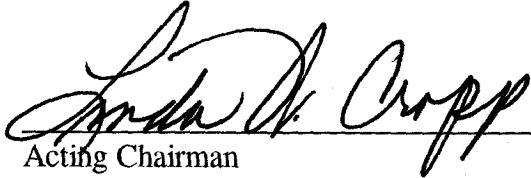
**Sec. 3. Fiscal impact statement.**

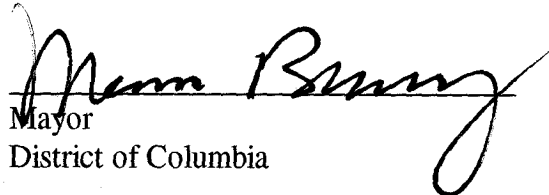
This act will not have any net fiscal impact. Overall, this legislation will enable the Office of Human Rights and the Commission on Human Rights to use resources more efficiently and to resolve cases more quickly through procedural changes such as the adoption of mandatory mediation and conciliation. Therefore, both agencies will be able to concentrate human and financial resources on more difficult cases that take more time to resolve. The result of focusing on resources in this way should be a reduction in case processing times and backlogs.

**Sec. 4.** This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of

**ENROLLED ORIGINAL**

Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Acting Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED: July 18, 1997



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B12-34

| | ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 06-03-97

VOICE VOTE  
RECORDED VOTE ON REQUEST

APPROVED

ALL PRESENT

ABSENT

| | ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]  
Secretary to the Council

July 7, 1997  
Date

| | ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 07-01-97

VOICE VOTE  
RECORDED VOTE ON REQUEST

APPROVED

JARVIS

ABSENT

| | ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

[Signature]  
Secretary to the Council

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Date

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CERTIFICATION RECORD

Secretary to the Council

Date

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Codification  
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**Section  
1-2553**

**Section  
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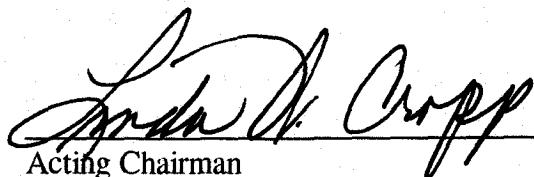
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A handwritten signature in cursive script, reading "Linda A. Cropp", written over a horizontal line.

Acting Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA  
COUNCIL PERIOD TWELVE  
RECORD OF OFFICIAL COUNCIL VOTE

Docket No.

B12-34

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 06-03-97

VOICE VOTE  
RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

July 7, 1997

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 07-01-97

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RECORDED VOTE ON REQUEST

APPROVED

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