

SENATE No. 915

By Ms. Jacques, a petition (accompanied by bill, Senate, No. 915) of Cheryl A. Jacques, Robert E. Travaglini, Linda J. Melconian and other members of the General Court for legislation relative to complaints of sexual harassment and other forms of discrimination. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT RELATIVE TO COMPLAINTS OF SEXUAL HARASSMENT AND OTHER FORMS OF DISCRIMINATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 5 of chapter 151B of the General Laws, as
2 appearing in the 1996 Official Edition, is hereby amended by
3 striking out, in line 173, the words "six months" and inserting in
4 place thereof the words:— 300 days.

1 SECTION 2. Section 9 of said chapter 151B, as so appearing, is
2 hereby amended by striking the first paragraph, and inserting in
3 place thereof, the following paragraph:—

4 The provisions of this chapter shall be construed liberally for
5 the accomplishment of the purposes thereof, and any law inconsis-
6 tent with any provision hereof shall not apply, but nothing con-
7 tained in this chapter shall be deemed to repeal any provision of
8 any other law of this commonwealth relating to discrimination;
9 but, as to acts declared unlawful by section 4, the administrative
10 procedure provided in this chapter under section 5 shall, while
11 pending, be exclusive; and the final determination on the merits
12 shall exclude any other civil action, based on the same grievance
13 of the individual concerned.

1 SECTION 3. Section 1C of chapter 214 of the General Laws, as
2 so appearing, is hereby amended by striking out the second sen-
3 tence and inserting in place thereof the following three sen-

4 tences:— The superior court shall have the jurisdiction to enforce
5 this right and to award the damages and other relief provided in
6 the third paragraph of section 9 of chapter 151B. Any such action
7 shall be commenced in the superior court within the time allowed
8 by said section 9 of said chapter 151B. No claim under this
9 section that is also actionable under the provisions of
10 chapter 151B or chapter 151C shall be brought in superior court
11 unless a complaint was timely filed with the Massachusetts com-
12 mission against discrimination pursuant to said chapter 151B.

1 SECTION 4. Section 1 shall apply only to claims arising after
2 the effective date of this act. Sections 2 and 3 shall apply to such
3 claims and to claims pending on the effective date of this act.