

COSTELLO

Introduced by: Councilmember Sneed

Henry, Burnett, Young, Sca, DORSEY, Ceder

Prepared by: Department of Legislative Reference

Dullak

Date: March 28, 2017

Stokes

Referred to: LABOR Committee

Clarke

Also referred for recommendation and report to municipal agencies listed on reverse.

P.C. 3.1026  
Parker

CITY COUNCIL 17-0043

A BILL ENTITLED

*[Handwritten signature]*  
E.P.

AN ORDINANCE concerning

**Labor and Employment – Displaced Service Workers Protection**

FOR the purpose of requiring successor entities taking over certain terminated service contracts to retain employees who worked on the previous contracts under certain conditions; requiring the disclosure of information when service contracts are terminated in certain circumstances; prohibiting retaliation against workers for seeking assistance from, or cooperating with, the Wage Commission; empowering the Wage Commission to issue subpoenas and administer oaths; defining certain terms; establishing certain penalties; and generally relating to the protection of displaced service workers.

By adding

Article 11 - Labor and Employment  
Section(s) 18-1 to 18-9, to be under the new subtitle designation,  
"Subtitle 18. Displaced Service Workers Protection"  
Baltimore City Code  
(Edition 2000)

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**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

Baltimore City Public School System

Baltimore Development Corporation

City Solicitor

Comptroller's Office

Department of Audits

Department of Finance

Department of General Services

Department of Housing and Community Development

Department of Human Resources

Department of Planning

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Department of Public Works

Department of Real Estate

Department of Recreation and Parks

Department of Transportation

Fire Department

Health Department

Mayor's Office of Employment Development

Mayor's Office of Human Services

Mayor's Office of Information Technology

Office of the Mayor

Police Department

Other: \_\_\_\_\_

Other: \_\_\_\_\_

**Boards and Commissions**

Board of Estimates

Board of Ethics

Board of Municipal and Zoning Appeals

Comm. for Historical and Architectural Preservation

Commission on Sustainability

Employees' Retirement System

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_



CITY OF BALTIMORE  
ORDINANCE **17-028**  
Council Bill 17-0048

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Introduced by: Councilmembers Sneed, Henry, President Young, Councilmembers Scott, Dorsey,  
Cohen, Pinkett, Stokes, Burnett, Bullock, Reisinger, Costello, Clarke  
Introduced and read first time: April 3, 2017  
Assigned to: Labor Committee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: June 5, 2017

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AN ORDINANCE CONCERNING

**Labor and Employment – Displaced Service Workers Protection**

FOR the purpose of requiring successor entities taking over certain terminated service contracts to retain employees who worked on the previous contracts under certain conditions; requiring the disclosure of information when service contracts are terminated in certain circumstances; prohibiting retaliation against workers for seeking assistance from, or cooperating with, the Wage Commission; empowering the Wage Commission to issue subpoenas and administer oaths; defining certain terms; establishing certain penalties; and generally relating to the protection of displaced service workers.

BY adding

Article 11 - Labor and Employment  
Section(s) 18-1 to 18-9, to be under the new subtitle designation,  
“Subtitle 18. Displaced Service Workers Protection”  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 11. Labor and employment**

**SUBTITLE 18. DISPLACED SERVICE WORKERS PROTECTION.**

**§18-1. DEFINITIONS.**

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.



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1 (B) *AFFECTED EMPLOYEE.*

2 "AFFECTED EMPLOYEE" MEANS A SERVICE EMPLOYEE PERFORMING WORK FOR AN ENTITY  
3 THAT IS BEING, OR HAS BEEN, TERMINATED AS A SERVICE PROVIDER AND IS BEING  
4 REPLACED WITH A SUCCESSOR ENTITY PERFORMING SIMILAR SERVICES AT THE SAME SITE.

5 (C) *AWARDING AUTHORITY.*

6 (1) "AWARDING AUTHORITY" MEANS ANY PERSON THAT AWARDS OR ENTERS INTO A  
7 SERVICE CONTRACT OR SUBCONTRACT WITH A CONTRACTOR TO BE PERFORMED IN  
8 THE CITY.

9 (2) "AWARDING AUTHORITY" INCLUDES THE CITY OF BALTIMORE AND ANY  
10 GOVERNMENTAL UNIT, AGENCY, OR OTHER ENTITY AS TO WHICH THE CITY HAS  
11 THE POWER TO LEGISLATE.

12 (D) *CONTRACTOR.*

13 "CONTRACTOR" MEANS ANY PERSON, INCLUDING A SUBCONTRACTOR, THAT:

14 (1) ENTERS INTO A SERVICE CONTRACT TO PERFORM WORK IN THE CITY; AND

15 (2) EMPLOYS MORE THAN 20 EMPLOYEES.

16 (E) *COMMISSION.*

17 "COMMISSION" MEANS THE WAGE COMMISSION ESTABLISHED BY § 2-1 {"COMMISSION  
18 ESTABLISHED"} OF THIS ARTICLE, OR THE COMMISSION'S DESIGNEE.

19 (F) *PERSON.*

20 "PERSON" MEANS:

21 (1) AN INDIVIDUAL;

22 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, LLC, OR OTHER ENTITY OF  
23 ANY KIND; OR

24 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR  
25 REPRESENTATIVE OF ANY KIND.

26 (G) *SERVICE CONTRACT.*

27 "SERVICE CONTRACT" MEANS A CONTRACT BETWEEN AN AWARDING AUTHORITY AND A  
28 CONTRACTOR TO PROVIDE SECURITY, JANITORIAL, BUILDING MAINTENANCE, OR FOOD  
29 PREPARATION IN A FACILITY LOCATED IN THE CITY THAT IS USED AS A:

30 (1) PRIVATE ELEMENTARY OR SECONDARY SCHOOL;

31 (2) PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY;



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- 1  
2 (3) CONVENTION, SPORTS, OR ENTERTAINMENT INSTITUTION, SUCH AS A MUSEUM,  
3 CASINO, CONVENTION CENTER, ARENA, STADIUM, OR MUSIC HALL;  
4  
5 (4) MULTI-FAMILY RESIDENTIAL BUILDING OR COMPLEX WITH MORE THAN 30 UNITS;  
6  
7 (5) COMMERCIAL BUILDING OR OFFICE BUILDING OCCUPYING MORE THAN 50,000  
8 SQUARE FEET;  
9  
10 (6) INDUSTRIAL FACILITY, SUCH AS A PHARMACEUTICAL LABORATORY, RESEARCH  
11 AND DEVELOPMENT FACILITY, OR PRODUCT FABRICATION FACILITY; OR  
12  
13 (7) DISTRIBUTION CENTER.

14 (H) *SERVICE EMPLOYEE.*

15 (1) "SERVICE EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED ON A FULL- OR PART-TIME  
16 BASIS AS A:

- 17 (I) (+) BUILDING SERVICE EMPLOYEE, INCLUDING A JANITOR, SECURITY OFFICER,  
18 GROUNDSKEEPER, CONCIERGE, DOOR STAFFER, MAINTENANCE TECHNICIAN,  
19 HANDYMAN, SUPERINTENDENT, ELEVATOR OPERATOR, WINDOW CLEANER, OR  
20 BUILDING ENGINEER; OR  
21  
22 (II) (2) FOOD SERVICE WORKER, INCLUDING A CAFETERIA ATTENDANT, LINE  
23 ATTENDANT, COOK, BUTCHER, BAKER, SERVER, CASHIER, CATERING WORKER,  
24 DINING ATTENDANT, DISHWASHER, OR MERCHANDISE VENDOR.

25 (2) "SERVICE EMPLOYEE" DOES NOT INCLUDE:

- 26 (I) A MANAGERIAL OR CONFIDENTIAL EMPLOYEE; OR  
27  
28 (II) AN EMPLOYEE WHO WORKS IN AN EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL  
29 CAPACITY.

30 (I) *SUCCESSOR ENTITY.*

31 "SUCCESSOR ENTITY" MEANS AN ENTITY THAT:

- 32 (1) IS AWARDED A SERVICE CONTRACT TO PROVIDE, IN WHOLE OR IN PART, SERVICES  
33 THAT ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED TO THE AWARDING  
AUTHORITY AT ANY TIME DURING THE PREVIOUS 90 DAYS;  
34  
35 (2) HAS PURCHASED OR ACQUIRED CONTROL OF A PROPERTY LOCATED IN THE CITY  
WHERE SERVICE EMPLOYEES WERE EMPLOYED AT ANY TIME DURING THE PREVIOUS  
90 DAYS; OR  
36  
37 (3) TERMINATES A SERVICE CONTRACT AND, WITHIN 90 DAYS OF THE TERMINATION,  
HIRES SERVICE EMPLOYEES AS ITS DIRECT EMPLOYEES TO PERFORM SERVICES THAT



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1 ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED UNDER THE TERMINATED  
2 SERVICE CONTRACT.

3 § 18-2. RULES AND REGULATIONS.

4 (A) *COMMISSION TO ADOPT.*

5 THE COMMISSION MAY ADOPT RULES AND REGULATIONS TO IMPLEMENT THIS SUBTITLE.

6 (B) *FILING WITH LEGISLATIVE REFERENCE.*

7 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED  
8 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

9 § 18-3. TRANSITION EMPLOYMENT PERIOD.

10 (A) *AWARDING AUTHORITY RESPONSIBILITIES.*

11 AT LEAST 15 DAYS BEFORE A SERVICE CONTRACT IS TERMINATED, AN AWARDING  
12 AUTHORITY MUST:

- 13 (1) REQUEST THAT THE TERMINATED CONTRACTOR PROVIDE IF THE AWARDING  
14 AUTHORITY A COMPLETE LIST OF THE NAME, DATE OF HIRE, AND JOB  
15 CLASSIFICATION OF EACH AFFECTED EMPLOYEE;
- 16 (2) GIVE THE SUCCESSOR ENTITY A COMPLETE LIST OF THE NAME, DATE OF HIRE, AND  
17 JOB CLASSIFICATION OF EACH AFFECTED EMPLOYEE; AND
- 18 (3) EXCEPT IN THE CASE OF A SERVICE CONTRACT AT A FACILITY USED AS A PUBLIC  
19 UNIVERSITY, ENSURE THAT A WRITTEN NOTICE TO ALL AFFECTED EMPLOYEES  
20 DESCRIBING THE PENDING TERMINATION OF THE SERVICE CONTRACT AND THE  
21 EMPLOYEE RIGHTS PROVIDED BY THIS SUBTITLE IS CONSPICUOUSLY POSTED AT  
22 ANY AFFECTED WORK SITE.

23 (B) *SUCCESSOR ENTITY RESPONSIBILITIES.*

- 24 (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SUCCESSOR ENTITY MUST  
25 OFFER TO RETAIN, AND, IF THE OFFER IS ACCEPTED, ACTUALLY RETAIN, EACH  
26 AFFECTED EMPLOYEE AT AN AFFECTED SITE FOR 90 DAYS OR UNTIL THE SUCCESSOR  
27 ENTITY NO LONGER PROVIDES SERVICES AT THE COVERED LOCATION, WHICHEVER IS  
28 EARLIER.
- 29 (2) THE NO LESS THAN 10 DAYS BEFORE IT COMMENCES WORK AT AN AFFECTED SITE, THE  
30 SUCCESSOR ENTITY MUST GIVE EACH AFFECTED EMPLOYEE A WRITTEN OFFER OF  
31 EMPLOYMENT FOR THE 90-DAY TRANSITION PERIOD AND SEND A COPY TO THE  
32 EMPLOYEE'S COLLECTIVE BARGAINING REPRESENTATIVE, IF ANY. EACH OFFER MUST:
- 33 (i) ALLOW THE EMPLOYEE AT LEAST 10 DAYS AFTER RECEIVING THE NOTICE TO  
34 ACCEPT THE OFFER; AND



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1 (II) STATE THE DATE BY WHICH THE AFFECTED EMPLOYEE MUST ACCEPT THE  
2 OFFER.

3 (3) A SUCCESSOR ENTITY MAY RETAIN LESS THAN ALL OF THE AFFECTED EMPLOYEES  
4 DURING THE 90-DAY TRANSITION PERIOD IF THE SUCCESSOR ENTITY:

5 (I) FINDS THAT FEWER SERVICE EMPLOYEES ARE REQUIRED TO PERFORM THE  
6 WORK THAN THE TERMINATED CONTRACTOR HAD EMPLOYED;

7 (II) RETAINS SERVICE EMPLOYEES BY SENIORITY WITHIN EACH JOB  
8 CLASSIFICATION;

9 (III) MAINTAINS A PREFERENTIAL HIRING LIST OF THOSE EMPLOYEES NOT  
10 RETAINED; AND

11 (IV) HIRES ANY ADDITIONAL SERVICE EMPLOYEES FROM THE LIST, IN ORDER OF  
12 SENIORITY, UNTIL ALL AFFECTED SERVICE EMPLOYEES HAVE BEEN OFFERED  
13 EMPLOYMENT.

14 (4) AT THE END OF THE 90-DAY TRANSITION EMPLOYMENT PERIOD, THE SUCCESSOR  
15 ENTITY MUST PERFORM A WRITTEN PERFORMANCE EVALUATION FOR EACH EMPLOYEE  
16 RETAINED PURSUANT TO THIS SECTION. IF THE EMPLOYEE'S PERFORMANCE DURING  
17 THE 90-DAY TRANSITION EMPLOYMENT PERIOD IS SATISFACTORY, THE SUCCESSOR  
18 ENTITY MUST OFFER THE EMPLOYEE CONTINUED EMPLOYMENT UNDER THE TERMS AND  
19 CONDITIONS ESTABLISHED BY THE SUCCESSOR ENTITY.

20 (5) DURING THE 90-DAY TRANSITION PERIOD, THE SUCCESSOR ENTITY MAY NOT  
21 DISCHARGE A SERVICE EMPLOYEE RETAINED UNDER THIS SECTION WITHOUT JUST  
22 CAUSE.

23 **§ 18-4. {Reserved}**

24 **§ 18-5. NOT A BAR TO CONTRACT TERMINATION.**

25 THIS SUBTITLE DOES NOT LIMIT THE ABILITY OF AN AWARDDING AUTHORITY TO TERMINATE A  
26 SERVICE CONTRACT OR REPLACE A CONTRACTOR WITH ANOTHER CONTRACTOR.

27 **§ 18-6. RETALIATION PROHIBITED.**

28 (A) AN EMPLOYER MAY NOT DISCHARGE OR REDUCE THE COMPENSATION OF ANY EMPLOYEE  
29 FOR:

30 (1) MAKING A COMPLAINT TO THE COMMISSION ALLEGING A VIOLATION OF THIS  
31 SUBTITLE; OR

32 (2) PARTICIPATING IN ANY OF THE COMMISSION'S PROCEEDINGS CONCERNING AN  
33 ALLEGED VIOLATION OF THIS SUBTITLE.

34 (B) IF THE COMMISSION FINDS THAT AN EMPLOYER HAS VIOLATED SUBSECTION (A) OF THIS  
35 SECTION IT MAY, PURSUANT TO THE PROCEDURES PROVIDED IN § 18-7 {"ENFORCEMENT



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1 PROCEDURES"}}, ORDER APPROPRIATE RESTITUTION OR THE REINSTATEMENT OF THE  
2 EMPLOYEE WITH BACKPAY TO THE DATE OF THE VIOLATION.

3 § 18-7. ENFORCEMENT PROCEDURES.

4 (A) *FILING COMPLAINTS.*

5 ANY PERSON SUBJECTED TO A PRACTICE IN VIOLATION OF THIS SUBTITLE, OR ANY GROUP  
6 OR PERSON SEEKING TO ENFORCE THIS SUBTITLE, MAY FILE A WRITTEN COMPLAINT WITH  
7 THE COMMISSION.

8 (B) *COMPLAINT REQUIREMENTS.*

9 A COMPLAINT FILED UNDER THIS SECTION MUST:

- 10 (1) BE FILED WITHIN 1 YEAR OF THE ALLEGED VIOLATION;  
11 (2) BE FILED UNDER OATH; AND  
12 (3) INCLUDE:  
13 (I) THE PARTICULARS OF THE ALLEGED VIOLATION;  
14 (II) THE NAME AND ADDRESS OF THE PERSON ALLEGED TO HAVE COMMITTED THE  
15 VIOLATION; AND  
16 (III) ANY OTHER INFORMATION REQUIRED BY THE COMMISSION.

17 (C) *COMPLAINTS BY COMMISSION.*

18 THE COMMISSION MAY, ACTING ON ITS OWN INITIATIVE AND WITHOUT ANY COMPLAINT  
19 FROM AN EMPLOYEE, FILE A COMPLAINT AGAINST AN EMPLOYER WHENEVER THE  
20 COMMISSION HAS REASONABLE CAUSE TO BELIEVE THAT THE EMPLOYER IS OR HAS BEEN  
21 IN VIOLATION OF THIS SUBTITLE.

22 (D) *INVESTIGATION FOR PROBABLE CAUSE.*

23 AFTER THE FILING OF A COMPLAINT, EITHER BY A PERSON CLAIMING TO BE AGGRIEVED AS  
24 SET FORTH ABOVE OR BY THE COMMISSION, THE COMMISSION MUST:

- 25 (1) INVESTIGATE THE FACTS ALLEGED IN THE COMPLAINT; AND  
26 (2) MAKE A FINDING OF PROBABLE CAUSE OR LACK OF PROBABLE CAUSE FOR THE  
27 COMPLAINT.

28 (E) *SUBPOENAS; OATHS.*

29 (1) IN ENFORCING THIS SUBTITLE, THE COMMISSION MAY:



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1 (I) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE AND TESTIMONY OF  
2 WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND  
3 DOCUMENTS RELATING TO PAYROLL RECORDS, OR OTHERWISE NECESSARY FOR  
4 HEARINGS, INVESTIGATIONS, OR PROCEEDINGS; AND

5 (II) ADMINISTER OATHS, SUBJECT TO THE PENALTIES FOR PERJURY, TO ALL  
6 WITNESSES.

7 (2) ANY SUBPOENA ISSUED UNDER THIS SUBSECTION SHALL BE SERVED BY:

8 (I) THE SHERIFF OF BALTIMORE CITY OR ANY OF THE SHERIFF'S DEPUTIES; OR

9 (II) ANY OTHER PERSON AUTHORIZED BY THE MARYLAND RULES OF PROCEDURE  
10 TO EFFECTUATE IN PERSONAM SERVICE.

11 (F) *SUBPOENA ENFORCEMENT.*

12 (1) IN CASE OF DISOBEDIENCE TO A SUBPOENA, THE COMMISSION MAY APPLY TO A COURT  
13 OF APPROPRIATE JURISDICTION FOR AN ORDER REQUIRING THE ATTENDANCE AND  
14 TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND  
15 DOCUMENTS.

16 (2) THE COURT, IN CASE OF CONTUMACY OR REFUSAL TO OBEY ANY SUBPOENA ISSUED  
17 UNDER THIS SECTION, AFTER NOTICE TO THE PERSON SUBPOENAED, AND UPON FINDING  
18 THAT THE ATTENDANCE OR TESTIMONY OF THE WITNESSES OR THE PRODUCTION OF  
19 THE BOOKS, PAPERS, RECORDS, AND DOCUMENTS, AS THE CASE MAY BE, IS RELEVANT  
20 OR NECESSARY FOR A HEARING, INVESTIGATION, OR PROCEEDING OF THE COMMISSION,  
21 MAY ISSUE AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF THE SOUGHT  
22 WITNESSES AND THE PRODUCTION OF THE SOUGHT BOOKS, PAPERS, RECORDS, AND  
23 DOCUMENTS, OR ANY OF THEM.

24 (3) ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY THE COURT  
25 AS CONTEMPT THEREOF.

26 (G) *DISMISSAL FOR LACK OF PROBABLE CAUSE.*

27 IF THE COMMISSION FINDS THAT THE COMPLAINT LACKS PROBABLE CAUSE, THEN IT MUST  
28 DISMISS THE COMPLAINT AND MAIL COPIES OF ITS FINDING TO THE RESPONDENT AND  
29 COMPLAINANT.

30 (H) *PROBABLE CAUSE CONFERENCE; SETTLEMENT AGREEMENT.*

31 (1) IF THE COMMISSION FINDS PROBABLE CAUSE FOR THE COMPLAINT, THE COMMISSION  
32 MUST ATTEMPT, BY MEANS OF CONFERENCE, TO:

33 (I) PERSUADE THE RESPONDENT TO CEASE AND DESIST ITS ILLEGAL ACTION;

34 (II) REINSTATE ANY AFFECTED EMPLOYEES TO THEIR FORMER POSITIONS UNDER  
35 THE CONDITIONS REQUIRED BY §18-3(B) {"TRANSITION EMPLOYMENT PERIOD:  
36 SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE; AND



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1 (III) PAY ANY AFFECTED EMPLOYEES ALL WAGES AND OTHER COMPENSATION  
2 OWED FOR THE PERIOD OF TIME THAT THEY WERE UNLAWFULLY TERMINATED,  
3 AS PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE.

4 (2) ANY AGREEMENT REACHED BETWEEN THE RESPONDENT AND THE COMMISSION MUST  
5 BE REDUCED TO WRITING AND A COPY OF THE AGREEMENT MUST BE FURNISHED TO  
6 THE COMPLAINANT AND THE RESPONDENT.

7 (1) *FINAL ORDER.*

8 (1) THE COMMISSION MAY ISSUE A FINAL ORDER ON ITS OWN MOTION IF:

9 (I) THE COMMISSION AND THE RESPONDENT FAIL TO REACH AN AGREEMENT  
10 WITHIN 30 DAYS OF THE DATE SET FOR THE PROBABLE CAUSE CONFERENCE, OR

11 (II) THE RESPONDENT FAILS TO MEET ITS OBLIGATIONS UNDER AN AGREEMENT  
12 WITH THE COMMISSION WITHIN THE TIME SPECIFIED IN THE AGREEMENT.

13 (2) A FINAL ORDER ISSUED UNDER THIS SUBSECTION MAY:

14 (I) REQUIRE THE REINSTATEMENT OF THE SERVICE EMPLOYEE OR EMPLOYEES  
15 WRONGFULLY TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION  
16 EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS  
17 SUBTITLE;

18 (II) REQUIRE THE RESPONDENT TO PAY EACH SERVICE EMPLOYEE WRONGFULLY  
19 TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION EMPLOYMENT PERIOD:  
20 SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE HIS OR HER LOST  
21 WAGES AND OTHER COMPENSATION TO THE DATE OF THE VIOLATION, AS  
22 PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE; AND

23 (III) DIRECT THE CESSATION OF ALL PRACTICES BY THE RESPONDENT WHICH ARE  
24 CONTRARY TO THE PROVISIONS OF THIS SUBTITLE OR THE RULES AND  
25 REGULATIONS OF THE COMMISSION.

26 (3) A COPY OF AN ORDER ISSUED UNDER THIS SUBTITLE MUST BE FURNISHED TO THE  
27 RESPONDENT BY REGISTERED MAIL WITHIN 3 DAYS OF ITS ISSUANCE.

28 (1) *JUDICIAL AND APPELLATE REVIEW.*

29 (1) A RESPONDENT AGGRIEVED BY AN ORDER OF THE COMMISSION MAY SEEK JUDICIAL  
30 REVIEW OF THAT ORDER BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN  
31 ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

32 (2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO  
33 THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF  
34 PROCEDURE.



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1 (K) REFERRAL TO SOLICITOR.

2 IF, WITHIN 30 DAYS OF THE ISSUANCE OF A FINAL ORDER UNDER SUBSECTION (I) OF THIS  
3 SECTION, THE RESPONDENT HAS FAILED TO COMPLY WITH THE ORDER, THE COMMISSION  
4 MAY CERTIFY THE PROCEEDINGS TO THE CITY SOLICITOR AND REQUEST THAT THE  
5 SOLICITOR PETITION THE CIRCUIT COURT OF BALTIMORE CITY TO ENFORCE THE ORDER.

6 §18-8. PENALTIES AND FINES.

7 (A) IN GENERAL.

8 THE COMMISSION MAY ORDER ANY CONTRACTOR OR SUCCESSOR ENTITY WHO COMMITS A  
9 VIOLATION OF THIS SUBTITLE TO:

- 10 (1) PAY TO THE EMPLOYEE OR EMPLOYEES IMPACTED THE WAGES AND OTHER  
11 COMPENSATION LOST AS A RESULT OF THE CONTRACTOR'S VIOLATION OF §18-3,  
12 WITH INTEREST COMPUTED AT 10% PER ANNUM ON WAGES AND OTHER MONETARY  
13 COMPENSATION DUE; AND
- 14 (2) REINSTATE AN EMPLOYEE OR EMPLOYEES UNDER THE CONDITIONS REQUIRED BY  
15 §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY  
16 RESPONSIBILITIES"} OF THIS SUBTITLE.

17 (B) FINES.

18 (1) ANY SUCCESSOR ENTITY THAT VIOLATES THIS SUBTITLE SHALL FORFEIT AND PAY TO  
19 THE CITY OF BALTIMORE A PENALTY AS FOLLOWS:

- 20 (I) FOR A 1ST OFFENSE, \$250 FOR EACH VIOLATION;  
21 (II) FOR A 2ND OFFENSE, \$500 FOR EACH VIOLATION; AND  
22 (III) FOR EACH SUBSEQUENT OFFENSE, \$1,000 FOR EACH VIOLATION.

23 (2) EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE.

24 §18-9. SEVERABILITY.

25 ALL PROVISIONS OF THIS SUBTITLE ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD,  
26 PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS  
27 INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR  
28 CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE  
29 PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.


30 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance  
31 are not law and may not be considered to have been enacted as a part of this or any prior  
32 Ordinance.

33 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30<sup>th</sup> day  
34 after the date it is enacted.



Council Bill 17-0048

Certified as duly passed this \_\_\_\_\_ day of JUN 12, 2017

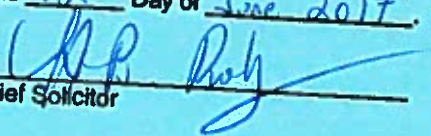
  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of JUN 12 2017

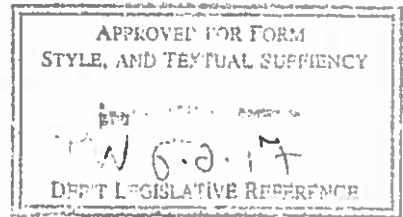
  
\_\_\_\_\_  
Chief Clerk

Approved this 13 day of June, 2017

  
\_\_\_\_\_  
Mayor, Baltimore City

Approved For Form and Legal Sufficiency  
This 12<sup>th</sup> Day of June 2017.  
  
\_\_\_\_\_  
Chief Solicitor





AMENDMENTS TO COUNCIL BILL 17-0048  
(1<sup>st</sup> Reader Copy)

By: Councilmember Sneed  
{To be offered on the Council Floor}

**Amendment No. 1**

On page 3, in line 11, insert a new paragraph designation “(1)”; and, on that same page, in line 13, strike “(1)” and substitute “(1)”; and, in line 17, strike “(2)” and substitute “(11)”; and, after line 19, insert:

“(2) “SERVICE EMPLOYEE” DOES NOT INCLUDE:

(I) A MANAGERIAL OR CONFIDENTIAL EMPLOYEE ; OR

(II) AN EMPLOYEE WHO WORKS IN AN EXECUTIVE , ADMINISTRATIVE , OR PROFESSIONAL CAPACITY.”.

**Amendment No. 2**

On page 4, in line 8, strike “IT” and substitute “THE AWARDING AUTHORITY”.

**Amendment No. 3**

On page 4, in line 24, strike “THE” and substitute “NO LESS THAN 10 DAYS BEFORE IT COMMENCES WORK AT AN AFFECTED SITE . THE”; and, on that same page, in line 25, after “EMPLOYMENT”, insert “FOR THE 90-DAY TRANSITION PERIOD”.

**ADOPTED**







FORMATTED BY DLR

Tw 6.2.17

AMENDMENTS TO COUNCIL BILL 17-0048  
(1<sup>st</sup> Reader Copy)

By: The Labor Committee  
{To be offered on the Council Floor}

**Amendment No. 1**

On page 3, in line 11, insert a new paragraph designation “(1)”; and, on that same page, in line 13, strike “(1)” and substitute “(1)”; and, in line 17, strike “(2)” and substitute “(II)”; and, after line 19, insert:

“(2) “SERVICE EMPLOYEE” DOES NOT INCLUDE:

(I) A MANAGERIAL OR CONFIDENTIAL EMPLOYEE ; OR

(II) AN EMPLOYEE WHO WORKS IN AN EXECUTIVE , ADMINISTRATIVE , OR PROFESSIONAL CAPACITY.”.

**Amendment No. 2**

On page 4, in line 8, strike “IT” and substitute “THE SUCCESSOR ENTITY”.

**Amendment No. 3**

On page 4, in line 24, strike “THE” and substitute “BY THE 90<sup>TH</sup> DAY AS SPECIFIED IN § 18-3(B)(1) OF THIS SUBTITLE. THE”.

**FAILED**

PAILED



# BALTIMORE CITY COUNCIL LABOR COMMITTEE VOTING RECORD

DATE: May 18, 2017

BILL NUMBER: 17-0048

BILL TITLE: Labor and Employment – Displaced Service Workers Protection

MOTION BY: Costello      SECONDED BY: Henry

- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION


| NAME                       | YEAS                                | NAYS                     | ABSENT                   | ABSTAIN                  |
|----------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Sneed, Shannon, Chair      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stokes, Robert, Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Costello, Eric             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Henry, Bill                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Clarke, Mary Pat           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| <b>TOTALS</b>              | <u>5</u>                            | <u>—</u>                 | <u>—</u>                 | <u>—</u>                 |

CHAIRPERSON: Shannon Sneed

COMMITTEE STAFF: Marguerite M. Currin      Initials: m.c.

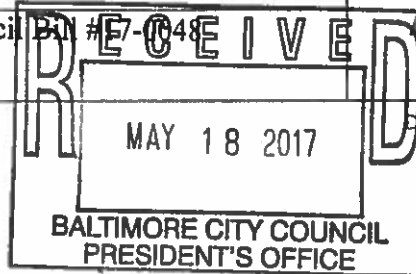




|             |                       |  |  |   |
|-------------|-----------------------|--|--|---|
| <b>FROM</b> | NAME & TITLE          | Henry Raymond, Director <i>[Signature]</i>     | CITY of<br><b>BALTIMORE</b><br><br><b>MEMO</b> |  |
|             | AGENCY NAME & ADDRESS | Department of Finance<br>469 City Hall         |  |   |
|             | SUBJECT               | Finance Response to City Council Bill #17-0048 |  |   |

**TO**

The Honorable President and Members of the City Council  
Room 400, City Hall



DATE:  
May 18, 2017

The Department of Finance supports the smooth transition from one City service contract to another at the expiration of the contract term, including, when desirable, the hiring of employees who gained valuable knowledge and experience during the performance of the expiring contract. However, the Department of Finance opposes Council Bill #17-0048 as it is currently written, as it would tend to reduce competition on City contracts, and raise prices unnecessarily.

An additional contractually or legally required process that increases administrative burden and reduces the ability of a City vendor to control its own business practices would tend to reduce competition. This Council Bill would add administrative requirements in tracking employees during the initial months of the contract term, in a process or system that is unlikely to currently exist in most small businesses. Additionally, the vendors would need to pay for internal or external resources to defend claims submitted by employees who are not retained after the initial period required, if they disagree with the performance evaluation. Finally, an outgoing vendor may have bid on other contracts with the plan to reassign its current work force to the newly awarded contract. This Council Bill may reduce the stability of the vendors' workforces, and restrict their ability to plan for upcoming awards. All of these issues would tend to reduce the attractiveness of the City contracting opportunities, and therefore reduce competition. A reduction in competition tends to increase the contract costs to the City.

Additionally, this requirement may make it more difficult for the City to replace a poorly performing vendor, as the vendor hired to replace it will be required to take on the employees of that terminated vendor for the initial months of the contract. In some cases, this may require the successor vendor to hire the personnel who are the cause of the poor performance and contract termination.

In our experience, newly awarded vendors on service contracts, such as for janitorial services and the management of food service operations, already make an effort to hire current employees, as it is a convenient pool of trained prospective employees, in the event the vendor requires additional staffing beyond its current employees. The Department of Finance makes an attempt to structure the timing of those new awards to allow for the transition, when feasible. As an example, the vendor Volume Services, Inc. d/b/a Centerplate was awarded the food service operation contract at the Baltimore Convention Center, which had previously been held by Aramark Corporation. Centerplate hired approximately 75% of the employees who had been working on the expiring contract.

*UF*





The Honorable President and Members of the City Council  
May 17, 2017  
Page 2 of 2


As an alternative to making these requirements enforceable against vendors on City contracts, Department of Finance recommends that we include a clause in solicitation documents to inform vendors that, if awarded, they have the right to post notice, at any City facilities that would be impacted by the transition, of the new award and an offer to interview for employment. Additionally, we support the requirement that a list of current employees be provided to the successor vendor, so that they are able to make offers of employment when desirable. This could also be included in service contracts.

The Finance Department has reviewed Council Bill 17-0048 and takes an unfavorable position on this legislation.

cc: Erin Sher Smyth, City Purchasing Agent  
Tamara Robert, Deputy City Purchasing Agent





|      |                       |   |   |   |
|------|-----------------------|---|---|---|
| FROM | Name & Title          | Steve Sharkey, Director   | CITY OF<br>BALTIMORE<br><br><b>MEMO</b> |  |
|      | Agency Name & Address | Department of General Services<br>800 Abel Wolman Municipal Building                                      |   |   |
|      | Subject               | <b>Report on City Council Bill 17-00048 – Labor and Employment – Displaced Service Workers Protection</b> |   |   |

**TO:** The Honorable Chairwoman and Members  
of the Labor Committee  
Room 409, City Hall 100 N. Holliday Street  
Baltimore, Maryland 21202

**DATE:** May 18, 2017

**Re:** City Council Bill 17-0048 – Labor and Employment – Displaced Service Workers Protection

Dear Chairwoman Sneed and Members of the Labor Committee:

The Department of General Services reviewed City Council Bill 17-0048 - Labor and Employment - Displaced Service Workers Protection as introduced by Councilwoman Sneed. CCB 17-0048 purposes requiring successor entities taking over certain terminated service contracts to retain employees who worked on the previous contracts under certain conditions; requiring the disclosure of information when service contracts are terminated in certain circumstances; prohibiting retaliation against workers for seeking assistance from, or cooperating with, the Wage Commission; empowering the Wage Commission to issue subpoenas and administer oaths; defining certain terms; establishing certain penalties; and generally relating to the protection of displaced service workers.

After thorough consideration the Department of General Services takes **no position** regarding City Council Bill 17-0048. The Department sees the potential upside of the bill with regards to a vendor's ability to more easily hire staff already familiar with the work and properties in which they perform building maintenance or security. This benefit to vendors may increase vendor competition and improve outcomes for the City.

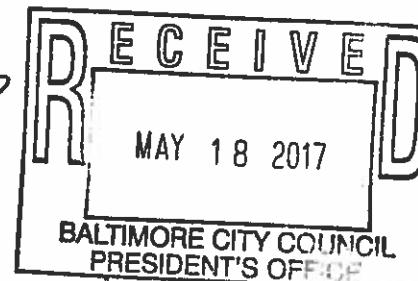
However, the Department can also see a scenario where vendors are discouraged by the additional regulations which lead to less competition for City contracts and lower performance. Under this scenario, the Department can envision contract swapping in collusion between two poorly performing contractors rotating the same staff.

Due to the potential for either a substantial upside or downside for our contracted vendors, the Department believes it is prudent to take no position on City Council Bill 17-0048 - Labor and Employment - Displaced Service Workers Protection as introduced by Councilwoman Sneed in hopes that these concerns are considered by the committee.

SS:rpt

*NO position*

  
STEVE SHARKEY  
DIRECTOR





CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

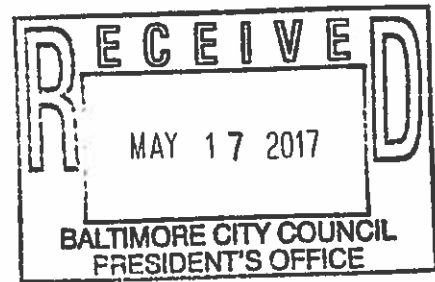


DEPARTMENT OF LAW

101 City Hall  
Baltimore, Maryland 21202

May 15, 2017

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202



Re: City Council Bill 17-0048 – Labor and Employment – Displaced Service Workers Protection

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0048 for form and legal sufficiency. This bill is for the purpose requiring successor entities that take over certain terminated service contracts to retain employees who worked on the previous contracts under certain circumstance. The bill also requires that the terminated contractor provide the successor contractor with the names and other information regarding affected employees. The successor contractor must retain the affected employees for 90 days. After 90 days, if their performance is satisfactory the successor employer must make an offer of employment to those affected employees under the terms and conditions set by the successor employer. The bill prohibits retaliation against workers for seeking assistance from, or cooperating with, the Wage Commission with respect to violations of the bill and empowers the Wage Commission to enforce its provisions using the procedures in the bill.

There are several jurisdictions across the country that have enacted similar legislation. These types of laws have not gone unchallenged. See *Rhode Island Hosp. Assoc. v. City of Providence*, 775 F.Supp. 2d 416 (2011) and *Washington Serv. Contrac. Coalition v. District of Columbia*, 54 F. 3d 811(1995). Challenges to these types of laws have been based on preemption by the NLRA or claims of violation of the Contracts Clause of the U.S. Constitution. To date, these laws have not been invalidated by any court as preempted by the NLRA or in violation of the Contracts clause. This is however an evolving legal issue and the courts could trend in a different direction in the future.

The Law Department does have some amendments to clarify certain parts of the bill.

1. In Sec. 18-1(h), to further clarify the definition of “service employee” insert “(3) “Service employee” does not include a managerial or confidential employee; an employee who works in an executive, administrative or professional capacity or; an employee who earns more than \$30 per hour.”
2. In Sec. 18-3(1), clarify to whom the list must be submitted.

*Fav w/ Amend*





3. In Sec. 1803(B)(2), is there a time period within which the written offer must be provided i.e. "no later than X days after the 90 day period?"

Accordingly, with the inclusion of the amendments noted herein, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,


*Elena R. DiPietro*

Elena. R. DiPietro  
Chief Solicitor

cc: David Ralph, Acting City Solicitor  
Kyron Banks, Mayor's Legislative Liaison  
Hilary Ruley, Chief Solicitor  
Victor Tervalva, Chief Solicitor  
Jennifer Landis, Assistant Solicitor





|             |                                  |  |                                     |   |
|-------------|----------------------------------|--|-------------------------------------|---|
| <b>FROM</b> | <b>NAME &amp; TITLE</b>          | Jill P. Carter, Director   | CITY of<br>BALTIMORE<br><b>MEMO</b> |  |
|             | <b>AGENCY NAME &amp; ADDRESS</b> | Office of Civil Rights & Wage Enforcement<br>7 E. Redwood Street, 9 <sup>th</sup> Floor 410-396-3141 |                                     |   |
|             | <b>SUBJECT</b>                   | City Council Bill 17-0048<br>Labor & Employment – Displaced Service Workers Protection               |                                     |   |

DATE: May 17, 2017

**TO** The Honorable Councilwoman, Shannon Sneed  
Chair, Labor Committee, Baltimore City Council  
Room 500 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

On behalf of the Baltimore City Office of Civil Rights and Wage Enforcement (OCRWE), I appreciate the opportunity to weigh in on the above reference bill.

Currently, the Wage Commission enforces Prevailing and Living Wage Laws on contracts awarded by the City of Baltimore. Enforcement includes the review of certified payrolls followed by investigation for misclassification and overtime if a discrepancy is determined. In addition to the review of certified payrolls, the Wage Commission also investigates complaints from individuals that believe they are paid unfair wages. The Enforcement of Living Wage service contracts falls within the purview of our office, thereby the monitoring of the Displaced Service Workers would prove for a seamless transition.

Many Baltimore residents are paid wages which are insufficient to provide adequate maintenance for themselves and their families. Such wages impair the health, efficiency, and well-being of the persons employed and of their families. When workers are fired in mass with short notice it adds to the extreme financial stress and causes disruption to the lives of workers and their families. This in turn can place strain on local social services and government budgets as well.

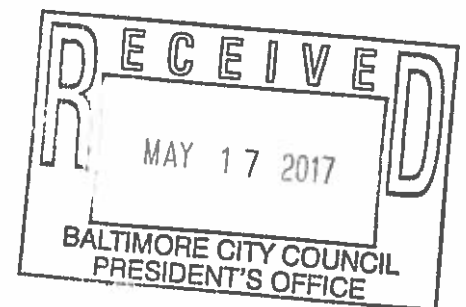
The Wage Commission supports City Council Bill 17-0048, Displace Service Workers Protection, because it is designed to prevent the harmful impact on workers and their families that can occur when a work force is dismissed with short notice. The bill promotes high road contracting and quality standards within the service contracting industry and provides existing workers with a period of certainty during which they can demonstrate their performance to the new employer.

As the agency that will enforce City Council Bill 17-0048, Displace Service Workers Protection, we anticipate minimal disruption on staff and enforcement procedures. The Office of Civil Rights and Wage Enforcement has a genuine interest in passing Displacement Worker Protection.

Position: **FAVORABLE**

JPC:mm

cc: Kyron Banks, Legislative Liaison to City Council  
Sheila Wyche, Secretary, Mayor's Office of Government Relations  
Natawna B. Austin, Executive Secretary



F





**HEARING NOTES**

**Bill: 17-0048**

**Labor and Employment - Displaced Service Workers Protection**

**Committee:** Labor  
**Chaired By:** Councilmember Sharon Sneed  
**Hearing Date:** Thursday, May 18, 2017  
**Time (Beginning):** 5:05 PM  
**Time (Ending):** 6:30 PM  
**Location:** Clarence "Du" Burns Chamber  
**Total Attendance:** Approximately 105

**Committee Members in Attendance:**

- Sharon Sneed
- Robert Stokes
- Mary Pat Clarke
- Bill Henry
- Eric Costello

|  |   |  |   |
|--|---|--|---|
| <b>Bill Synopsis in the file?</b> .....                                | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no            | <input type="checkbox"/> n/a            |
| <b>Attendance sheet in the file?</b> .....                             | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no            | <input type="checkbox"/> n/a            |
| <b>Agency reports read?</b> .....                                      | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no            | <input type="checkbox"/> n/a            |
| <b>Hearing televised or audio-digitally recorded?</b> .....            | <input type="checkbox"/> yes            | <input checked="" type="checkbox"/> no | <input type="checkbox"/> n/a            |
| <b>Certification of advertising/posting notices in the file?</b> ..... | <input type="checkbox"/> yes            | <input type="checkbox"/> no            | <input checked="" type="checkbox"/> n/a |
| <b>Evidence of notification to property owners?</b> .....              | <input type="checkbox"/> yes            | <input type="checkbox"/> no            | <input checked="" type="checkbox"/> n/a |
| <b>Final vote taken at this hearing?</b> .....                         | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no            | <input type="checkbox"/> n/a            |
| <b>Motioned by:</b> .....  | Councilmember Costello                  |  |   |
| <b>Seconded by:</b> .....  | Councilmember Henry                     |  |   |
| <b>Final Vote:</b> .....   | Fav. with Amendments                    |  |   |

**Major Speakers**

*(This is not an attendance record.)*

- Elena DiPietro, Law Department
- Roxie Herbekian, UNITED HERE, Local 7
- Angela Featherstone, Food Service Worker



- Vonzella Barnes, Public Area Cleaner
  - Iona Somerville, Security Officer
  - Clarence Haskett, Vendor
  - Jaime Contreras, 32BJ SEIU
  - Reverend Brian Murray, BRIDGE Maryland, Inc.
  - Father Ty Hullinger, St. Anthony of Padua
  - Corey Payne, Graduate Student
  - Valerie Ervin, **Montgomery County** and Working Families Party
  - Liz Carey, Our Revolution of Baltimore City
- 

### Major Issues Discussed

1. The representative from the Law Department discussed their proposed amendments.
  2. A committee member made a motion to withdraw the Finance Department's agency report from the bill file due to how late it was submitted for review and a second was made by another committee member; but the motion was later withdrawn.
  3. Several councilmembers expressed their frustration about how "untimely" some agency reports are being submitted for review; extreme late nesses in some cases.
  4. Another motion was made by a committee member to define the **Finance Department's report** as, "**An Unapproved Report**," but to retain it in the bill file. The motion was seconded and approved by four committee members; one committee member abstained; therefore motion passed.
  5. The committee heard testimony from eleven (11) speakers; all in support of the legislation. There are copies of the written testimony received in the bill file. Some highlights of discussion and/or concerns were:
    - Problems incurred by becoming a Displaced Service Workers:
      - Exposed to job loss
      - Must reapply to get job
      - Is an ethical issue
      - Families are struggling for employment
      - Loses job when he/she have not did anything wrong!
    - Positive Outcomes for Displaced Service Workers and/or Contractors if legislation passes:
      - Provides stability and job security
      - Having job security they deserve!
      - Will "right" a historic "wrong!"
      - Experienced workers – and contributions of service workers
    - Other Jurisdictions
      - Other jurisdictions have passed similar legislation and are doing fine (no complaints or issues at hand) – some data/statistics was given regarding same
      - **Also, See Further Study Below**
  6. Vote taken.
-

**Further Study**

Was further study requested?

Yes  No

If yes, describe.

1. Montgomery County adopted a similar bill in the year 2012 – **the representative from Montgomery County is to provide the paperwork used for tracking the success of the bill.**

---

**Committee Vote:**

S. Sneed: ..... Yea  
R. Stokes: ..... Yea  
M. Clarke: ..... Yea  
B. Henry: ..... Yea  
E. Costello: ..... Yea

---

*M. Currin*  
Marguerite M. Currin, Committee Staff

Date: May 21, 2017

cc: Bill File  
OCS Chrono File





**Copies of written testimony attached**



**Testimony Presented to the Baltimore City Council Labor Committee**  
By Angela Featherstone, Food Service Worker at Camden Yards  
Council Bill 17-0048: Labor and Employment – Displaced Service Workers Protection  
May 18, 2017

My name is Angela Featherstone. I live at 34 South Exeter Street and I am a banquet server for Delaware North, a contracted food service company at Camden Yards. I am an active member of my church, the Central Church of Christ. My mother and I live together and support each other to make ends meet.

Although I currently work for Delaware North, this is not the first time that I have worked at Camden Yards. I used to work the night shift as a Security Guard for Admiral Security Company. From 2006 to 2009, I helped to protect and secure Oriole Park. I was good at my job. I avoided trouble and always showed up for work on time. I loved being around the Orioles fans who would come to watch the games. I made enough money to support myself and help my mom.

But in 2008, rumors began to circulate that Admiral Security had lost its contract. We learned from the company in November that the rumors were true. On January 30<sup>th</sup>, 2009, the company told me that I would not need to report to work the next night because our contract would expire. Eleven of my coworkers and I all lost our jobs that night.

I tried calling Admiral to look for another job elsewhere, but none were available. I began looking for other jobs and drawing unemployment. Little did I know that my search for work would last an entire year. It was a struggle to pay my bills. The rent was extremely high and we were forced to make many of our payments late. It was also distressing to receive late notices from BG&E because my mother and I would lose our home if we were unable to pay for utilities.

The next year I was relieved to finally find work with Delaware North and I am happy to be back at Camden Yards. But unfortunately, Delaware North is also a contractor, just like Admiral Security. That means I could lose my job just as easily if a new contractor were to take over. I am happy at work and I do my job well. It is not fair that I might have to go through the stress of unemployment just because a contractor loses its contract. That's why I am asking the council to pass the Displaced Service Worker Protection Ordinance in Baltimore. Working families in Baltimore should be able to support themselves and shouldn't be thrown out into the streets because of sour business deals. Thank You.





Corey Payne

Johns Hopkins University, Class of 2017

Student Activist, Students for a Democratic Society / Student-Labor Action Coalition

It is clear to all of us at Johns Hopkins that subcontracted workers are important members of our campus community. In addition to the outstanding services that they provide, they are regular, friendly faces in a university environment that often offers too few. As a freshman, I remember looking forward to my meals in the dining hall because I had developed friendships with many of the workers there. They would ask me how my day was going, how I did on the exam I had that morning, or why I wasn't there yesterday for lunch. They looked out for me and made me feel like part of a community. One of the quintessential aspects of dorm living at Hopkins is getting to know which security officers guard which buildings and who has shifts at your own front door. In my sophomore year, I would pick up a soda from the dining hall on my way home every Wednesday for the officer out front—she had a long shift that evening and had worked all day at her second job beforehand. She always had a story or a joke; she was happy to see us even during her toughest days. She made us feel safe and at home.

These types of stories are not unique to me. Countless students have built relationships with the contract workers at Hopkins. Having people around who know you and know the campus makes you feel at home even when you are thousands of miles away for the first time. This familiarity is of the utmost importance to us and it is one of the main reasons why **more than one thousand students** at Johns Hopkins have signed petitions, attended demonstrations, and volunteered their time over the past nine months with the Student-Labor Action Coalition (SLAC). SLAC is currently pressuring the university administration to implement policies giving contract workers greater equality with direct employees. One of SLAC's goals, which has received this widespread support from the student body, is displaced worker protection.

This goal emerged out of a situation in the summer of 2016 where the university administration threatened to change security contractors. This change put the jobs and the newly earned healthcare benefits of security workers at risk. Suddenly, the futures for hundreds of employees and members of the Hopkins community were uncertain. Students worked together with the security officers' union, SEIU 32BJ, to fight back against the change. We were ultimately successful, but nothing is preventing a similar situation from arising in the future. With a displaced worker protection policy enacted, Hopkins would have been able to switch contract companies without threatening the jobs of hundreds of security officers. Such a policy would have allowed for workers to continue in their roles in our community while also offering Hopkins the freedom to choose a company that best meets its needs.

SLAC is currently collecting survey data from contract workers at Hopkins. While the study is still ongoing, we have found that nearly all of the contract workers surveyed are Black Baltimoreans. In a city and at an institution with strong legacies of racism and classism, this bill presents an opportunity to begin to right an historical wrong.

On behalf of the over one thousand Johns Hopkins students who have supported our efforts, I strongly urge you to pass this bill. Doing so would give workers more certainty in their employment, guarantee greater stability in their incomes, and ensure that the communities we have built together will not be disrupted at a moment's notice.





**HEALTH  
CARE** for  
the  
**HOMELESS**

**Testimony of Eric Colchamiro, MPA  
Director of Government Relations**

for the

**Baltimore City Council: Labor Committee**

on

**Bill 17-0048 – Displaced Worker Protection Ordinance**

May 18, 2017  
Baltimore City Council Chambers  
Baltimore, MD





Chairwoman Sneed and Members of the Committee. My name is Eric Colchamiro, and I am Director of Government Relations for Health Care for the Homeless. Thank you for the opportunity to submit testimony in support of Bill 17-0048, the Displaced Worker Protection Ordinance.

Health Care for the Homeless is a nonprofit federally qualified health center that works to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy and community engagement.

The Displaced Worker Protection Ordinance would require incoming subcontractors to retain an existing workforce for a 90-day transition period when a service contract changes hands between companies, is outsourced or is brought in-house. The ordinance would ensure that experienced service employees are not unfairly replaced, and that a workforce is not dismissed en masse with little to no notice. It would ensure essential stability for sub-contracted workers and their families during changes in ownership.

Displaced worker protection legislation has passed in cities and states across the country, starting with Washington, D.C., more than 20 years ago. Research shows it to be a commonsense and effective regulation. For the incoming subcontractor, it saves on hiring and training and leverages the skills and expertise that experienced workers possess. Just as importantly, it protects these workers, who tend to be among our most vulnerable citizens.

The population we serve at Health Care for the Homeless is highly vulnerable, comprised of individuals living very much at the margins—in terms of housing, income and health, and all of which are very much interrelated. A person cannot maintain health without housing, housing without income, income without health, and so on. As such at Health Care for the Homeless, we provide integrated, whole-person care.

But the effectiveness of the care we provided is limited by the deep and pervasive poverty that exists in Baltimore City, exacerbated by a dearth of affordable housing and jobs that pay livable wages. The Displaced Worker Protection Ordinance offers one vital source of protection and stability for Baltimore's most vulnerable citizens. We urge the Council to pass this ordinance requiring incoming subcontractors to retain existing workforces for a 90-day transition period—and so provide vital stability for Baltimore's workers, protecting them from the devastating and untenable circumstances of a life in poverty, including homelessness.

Thank you, again, for the opportunity to submit testimony. If you have any questions, please do not hesitate to contact me at [ecolchamiro@hchmd.org](mailto:ecolchamiro@hchmd.org) or 443-703-1165.



**Testimony Presented to the Baltimore City Council Labor Committee**  
By Clarence Haskett, Vendor at Camden Yards  
Council Bill 17-0048: Labor and Employment – Displaced Service Workers Protection  
May 18, 2017

My name is Clarence Haskett, but everyone calls me “Fancy Clancy”. I have worked serving beer to Orioles fans since 1974. During that time, I developed some flashy pouring techniques that earned me my nickname and some pretty significant local fame. Michael Phelps, Cal Ripken Jr., and Maryland Senate President Mike Miller all know me by name. This is true not just because I am number one in sales at Camden Yards since 2005, it is true because I have been extremely successful in developing relationships at the ballpark.

If there is one thing you should understand about beer vending at Camden Yards it is this: fans *care* who they buy their beer from. They have a relationship with the vendors and the vendors have a relationship with the fans. I have eaten meals with some customers and even attended some of their weddings and bar mitzvahs. Michael Phelps knows me because I used to serve beer at O’s games when *he* was a kid. Our work isn’t about continuing to sell beer. It’s about maintaining a relationship with the baseball fans at Camden Yards.

That is why the need for the Displaced Service Worker Protection Ordinance is so crucial in Baltimore. We have worked hard to make our city a great place for tourism and hospitality. Customer service is the key to our industry. When we serve fans in the stadium, we are the face of Baltimore to countless visitors. We are the ones who make sure that they have a great time and keep coming back. We don’t need an environment where some new company could come out of nowhere and replace us all. We need a comfortable work environment where we can continue to do our jobs the best way we know how. I urge the Baltimore City Council to pass the Displaced Service Worker Protection Ordinance in order to provide job security to some of our city’s hardest working people.

Thank You.





Testimony Presented to the Baltimore City Council  
Council Bill 17-0048: Labor and Employment – Displaced Service Workers Protection  
May 18, 2017

I am **in favor** of Council Bill 17-0048, to create a Baltimore Displaced Service Workers Protection Ordinance.

My name is Doreen Hicks. I am a 45-year-old mother and wife. I have worked in the housekeeping/custodial field in Maryland for at least 30yrs of my life. I volunteer with the United workers. I work cleaning Camden Yards and M and T Bank stadiums. After workers won a living wage and we won a union contract it became the best job I have ever had had. The Maryland Stadium Authority decided to change cleaning contractors in 2016. I have worked in the same location since September 2008 and was fortunate that the new contractor rehired myself and coworkers. Had they not hired me that wonderful job would have no longer been mine. I would have had to go and apply for another second job knowing that I already have a full-time job.

Right now, in Baltimore, subcontracted service workers have no legal right to keep their jobs when contracts change hands – as they frequently do. This leaves workers like security guards, janitors and food service workers exposed to losing their jobs or being forced to reapply for their own positions.

Baltimore City Council should pass the Displaced Worker Protection Ordinance to require incoming subcontractors to retain the existing workforce for a ninety-day transition period. This law would create stability and job security for workers and ensure uninterrupted service by experienced workers for facility and building owners, and their tenants and customers.

I feel that the loss of income is the deciding factor in weather a family has to move in with other family and crowd their house. They will lose their belongings that they worked long and hard to acquire. On more than one occasion I have lived with family, as I got older friends have taken me in. It is heart breaking to have lost all of your belongings and have to move in with another person and crowd another person's home when you had your own. It makes you feel like you did something wrong when all you did was work to make your ends meet. Displacement is depressing and a symptom that our rights to work with dignity are being violated.

Laws to protect displaced workers are common, effective and legally sound. The first such law was passed in Washington, DC in 1994. Since then, at least twelve cities have passed similar laws, including Providence, RI; Philadelphia, PA and New York, NY. Similar laws have also been passed by counties, including Montgomery County, MD. At the state level, California passed the Displaced Janitor Opportunity Act in 2001. At the federal level, President Obama issued an Executive Order to protect subcontracted federal government employees in 2009.

I urge you to protect jobs in Baltimore by passing Council Bill 17-0048. Thank you.

Doreen Hicks







**Council Bill:** City Council Bill 17-0048 – “Displaced Service Workers Protection”

**Committee:** Labor Committee

Councilmember Shannon Sneed, Chair

**Position:** SUPPORT

**Date:** May 15, 2017

Rev. Ty Hullinger, Interfaith Worker Justice of Maryland

Interfaith Worker Justice of Maryland represents clergy and congregational members of over 50 Maryland houses of worship who advocate for worker justice issues. We strongly support **City Council Bill 17-0048 – Labor and Employment - Displaced Service Workers Protection** because as faith leaders in our local community, we believe that the displacement of workers is always an ethical issue and that we have a moral obligation to address the root causes of the displacement of workers in our society.

Our holy teachings and texts speak urgently and passionately to the demands of justice and fairness for all workers:

*“You shall not exploit a poor and needy hired servant, whether one of your own kindred or one of the resident aliens who live in your land, within your gates. (Deuteronomy 24:14)*

*“Give, therefore, full measure and weight in all your dealings, and do not deprive people of what is rightfully theirs...” (Holy Qur’an, 7:85) and “When you hire, compensate the workers and treat them fairly.” (A Manual of Hadith)*

Service workers are indispensable to the well-being of their companies and to our city. When companies allow workers to be displaced through the subcontracting process, this also displaces their knowledge, passion and skills. Worker displacement hurts Baltimore as service sector jobs were promised to be good replacements for the higher paying jobs in manufacturing and industry that our city lost. When we tolerate cycles of displacement of service workers, we are breaking our promise to them that they would have jobs to support their families.

Our working and worshipping families have been living paycheck to paycheck for far too long, they do not need the additional disgrace of living job to job. Without the protections of this needed legislation, working families will continue to struggle for employment without displacement. Baltimore deserves better. We urge you to support and pass this needed legislation so our service workers will have the job security they deserve.

Please contact Rev. Ty Hullinger at (410) 488-0400 if you have any additional questions.

###



## **Testimony of Walter Butler**

### **Security Officer**

### **Labor Committee – Displaced Service Workers Protection, 17-0048**

**May 18 2017**

My name is Walter Butler, I'm a member of 32BJ SEIU and I live in West Baltimore. I used to work as a security officer keeping tenants and the public safe at 750 East Pratt.

But when a new company, Assured Protection came in and replaced my employer, I lost my job even though I was always told that I was doing good work.

It pulled the rug right out from under me.

I'm a single father with two sons and this job had been my primary income source. It allowed me to spend time with my 11 year old.

It's not just unfair that I lost my job through no fault of my own, but now I have to work multiple jobs which takes me away from my very critical role as a father.

I'm missing out on my son's life experiences.

It's important for me to have time with my son so he has someone he can look up to.

It means the world to me to be in my son's life. I need to be a part of his growth and development.

It's unfair that companies come in with no intention of hiring you - waste your time when you could be making arrangements for other employment.

Contracted workers already struggle to pay bills, take care of families. If a company is allowed to displace us, it makes a difficult situation much harder.





# 1199SEIU

## United Healthcare Workers East

**PRESIDENT**  
George Gresham

**SECRETARY TREASURER**  
Maria Costaneda

**EXECUTIVE VICE-PRESIDENTS**  
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Rona Shapiro  
Neva Shillingford  
Milly Silva  
Veronica Turner  
Laurie Vallone  
Estela Vazquez

**STATEMENT OF RICARRA JONES**  
**1199SEIU UNITED HEALTH CARE WORKERS EAST**  
**IN SUPPORT OF DISPLACED SERVICE WORKERS**  
**PROTECTION**  
**BILL # 17-0048**  
**BEFORE THE LABOR COMMITTEE**  
**May 18, 2017**

**VICE-PRESIDENTS AT LARGE**  
Mark Bergen  
Gerard Cadet  
Rickey Elliott  
Dala Ewart  
Tim Foley  
Pearl Granat  
Vanessa Johnson  
Pat Uppold  
Barbara Rosenthal  
Helen Schaub  
Allan Sherman  
Minerva Solla  
Katherine Taylor  
Celia Wcislo

**VICE-PRESIDENTS**  
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Shaywaal Amin  
Ronnie Babb  
Carolyn Brooks  
Sally Cabral  
Donald Crosswell  
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Camille Edwards  
Jerry Fishbein  
Vladimir Fortunny  
Jennifer Foster-Epps  
Roy Garcia  
Frances Gentle  
Ericka Gomez  
Derek Grate, Sr.  
Rebecca Gutman  
Ruth Heller  
Kwal Kin (David) Ho  
Todd Hobler  
Antonio Howell  
Herbert Jean-Baptiste  
Brian Joseph  
Keith Joseph  
Maria Kercado  
Tyrek Lee  
Rosa Lomuscio  
Winslow Luna  
Coraminita Mahr  
Dalton Mayfield  
Rhina Molina  
Robert Moore \*  
Aida Morales  
Isaac Norley  
Vasper Phillips  
Bruce Popper  
Lawrence M. Porter  
Rhadames Rivera  
Victor Rivera  
Rene R. Ruiz  
Claunce St. Hilaire  
James Scordato  
John Seales  
Berta Silva  
Patricia Smith  
Greg Speller  
Claire Thompson  
Oscar Torres Fernandez  
Kathy Tucker  
Antoinette Turner  
Ana Vazquez  
Julio Vives  
Lisa Wallace  
Margaret West-Allen  
Daine Williams  
Cynthia Wolff  
Gladys Wrenick

**GENERAL COUNSEL**  
Daniel J. Ratner

**CHIEF FINANCIAL OFFICER &  
DIRECTOR OF ADMINISTRATION**  
Michael Cooperman

\* Acting

Chairman Sneed and members of the Labor Committee:

1199SEIU represents over 9,000 health care workers in Maryland. We represent workers at almost every stage of the health care delivery process, both in long term care facilities and hospitals.

As healthcare workers, we are excited to be joined in the call to support a law that would create stability and job security for workers and ensure uninterrupted service by experienced workers for facility and building owners, and their tenants and customers.

We understand the importance of having experienced workers, who are more likely to be trained and are familiar with the building which enables them to be more attentive to unusual happenings and to be more effective in emergency situations. There are similar in laws in numerous jurisdictions because responsible contractors routinely retain incumbent staff to save on hiring and training, provide continuity to clients and to utilize workers' skills and experience.

Subcontracted workers play a vital role in Baltimore's hospitality industry and we know the City of Baltimore has an interest in promoting the continued growth of its hospitality industry through policies that foster excellent, uninterrupted service to consumers. Baltimore also has an interest in promoting access to good, stable jobs for its residents so that more Baltimoreans can become homeowners, provide for their families, save for the future, give back to their communities, and contribute taxes.

We respectfully urge a favorable report for Bill #17-0048.

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PRINCIPAL  
HEADQUARTERS**  
310 West 43rd St.  
New York, NY 10036  
(212) 582-1890  
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Albany, NY 12210  
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**BALTIMORE, MARYLAND**  
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Baltimore, MD 21201  
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Fax (410) 332-1895

**MASSACHUSETTS**  
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Fax (617) 474-7150

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14645 NW 77th Avenue, Ste. #201  
Miami Lakes, FL 33014  
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**GOVERNEUR**  
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Fax (315) 287-7226

**HICKSVILLE**  
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Hicksville, NY 11801  
Tel. (516) 542-1115  
Fax (516) 542-0919

**NEW JERSEY**  
555 Route 1 South, 3rd Fl.  
Iselin, NJ 08830  
Tel. (732) 287-8113  
Fax (732) 287-8117

**ROCHESTER**  
259 Monroe Ave., Suite 220  
Rochester, NY 14607  
Tel. (585) 244-0830  
Fax (585) 244-0956

**SYRACUSE**  
250 South Clinton, Suite 200  
Syracuse, NY 13202  
Tel. (315) 424-1743  
Fax (315) 479-6716

**WHITE PLAINS**  
99 Church St.  
White Plains, NY 10601  
Tel. (914) 993-6700  
Fax (914) 993-6714



## **Testimony Talking Points on Baltimore Displaced Worker Protection Ordinance**

Chairman Sneed and members of the committee. Thank you for the opportunity to speak today about the importance of the passage of Bill 17-008, the Displaced Service Workers Protection Act.

I am a former two-term member of the Montgomery County Council and was the sponsor of Bill 19-12 Human Rights and Civil Liberties-Displaced Service Workers that passed the Montgomery County Council and became law in Sept of 2012.

I had first-hand experience of the problems that Bill 17-008 is attempting to address. A well-known Montgomery County business located in my Councilmanic district decided to end its contract with a subcontractor and fire all of the building service workers in one fell swoop. The unfairness of this decision and the disruption to workers, their families and our community was not lost on me and it became a problem in search of a solution.

When SEIU Local 32-BJ approached me with legislation that would resolve this issue I signed on as the sponsor of the legislation.

The building and food service contracting industry can be volatile for all involved – contractors, clients, tenants, workers and the community. Contracts are competitively bid and commonly feature short termination notice requirements that allow contractors to be easily dismissed and replaced.

Right now, in Baltimore, subcontracted service workers have no legal right to keep their jobs when contracts change hands – as they frequently do. This leaves workers like security guards, janitors and food service workers exposed to losing their jobs or being forced to reapply for their own positions.

The Baltimore City Council will become a leader in the region by passing the Displaced Worker Protection Act to require incoming subcontractors to retain the existing workforce for a ninety-day transition period.

This law creates stability and job security for workers and ensures uninterrupted service by experienced workers for facility and building owners, and their tenants and customers.

The law would cover contracted service workers who perform security, janitorial, building maintenance and food service jobs at locations such as educational institutions, convention centers, casinos, stadiums, residential buildings, commercial buildings, industrial facilities and distribution centers.

Subcontracted workers play a vital role in Baltimore's hospitality industry. They are often the face of our city to visiting tourists, as they serve meals and drinks, clean and maintain facilities, provide security, and serve customers at our sports arenas and cultural institutions. The City of

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### **Testimony in support of the Displaced Worker Act**

On behalf of CASA, I write to express our strong support for the Displaced Worker Protection Act. This legislation would provide stability and job security for workers and ensure uninterrupted service by experienced workers for the large businesses that depend on them as security guards, janitors, and other service employees. CASA represents over 4,000 Baltimore City residents, the majority of whom are low-wage workers. For hundreds of our members, this legislation could be a critical step toward securing the job stability necessary to support a family and participate in job training programs to advance their skills and employment opportunities.

We support this legislation because it is good for workers and it is good for Baltimore. The services industry is vital to our local economy. Some of our largest industry sectors, including the tourism and health care sectors, are dependent on the services of thousands of Baltimore workers who would benefit from this legislation. When Baltimore workers win, our major industries and their clients, patients, and customers win. The building and food service contracting industry can be volatile for all involved – contractors, clients, tenants, workers and the general public. Contracts are competitively bid on and commonly feature short termination notice requirements that allow contractors to be easily dismissed and replaced.

As a nonprofit organization serving low wage workers in Baltimore, we see the direct impact of this volatile job market every day. Right now, in Baltimore, subcontracted service workers have no legal right to keep their jobs when contracts change hands – as they frequently do. This leaves workers like security guards, janitors and food service workers exposed to losing their jobs or being forced to reapply for their own positions. In the meantime, the workers are not able to support their families or plan to further their own advancement by enrolling in ESL, GED, and other training programs, because they cannot predict how long they will be in their current job, with their current schedule and level of income.

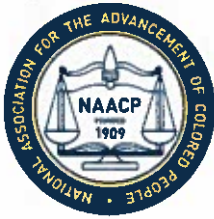
Baltimore City Council should pass the Displaced Worker Protection Act to require incoming subcontractors to retain the existing workforce for a ninety-day transition period. Responsible contractors already do this, because retaining incumbent staff saves on hiring and training, provides continuity to clients and to utilize workers' skills and experience. This legislation would encourage sound business practices and increase overall stability among subcontracted service jobs.

The Displaced Worker Protection Act would be good for workers and good for Baltimore. We strongly urge a favorable report.

Sincerely,  
Elizabeth Alex, Regional Director  
CASA  
[ealex@wearecasa.org](mailto:ealex@wearecasa.org)







WWW.NAACP.ORG

# NAACP

## **Testimony Presented to the Labor Committee of the Baltimore City Council**

**Re:** Council Bill 17-0048, Labor and Employment – Displaced Service Workers Protection  
**Position:** Support  
**Date:** May 18, 2017

Dear Chairwoman Shannon Sneed,

As President of the Baltimore City Branch of the National Association for the Advancement of Colored People (NAACP), I am writing to offer testimony in support of Council Bill 17-0048, which would create a Displaced Service Workers Protection Ordinance.

The NAACP is the nation's oldest, largest and most widely recognized grassroots-based civil rights organization, with more than a half-million members and supporters throughout the United States. The Baltimore City Branch of the NAACP was founded on April 4, 1912. Our principal objective is to ensure the political, educational, social and economic equality of minority group citizens of United States and eliminate race prejudice. The NAACP seeks to remove all barriers of racial discrimination through the democratic processes.

I strongly support the enactment of a Displaced Service Worker Protection Ordinance to increase job security for the thousands of subcontracted janitors, security guards, and food service workers in Baltimore City. Right now, these workers have no legal protection to keep their jobs when contracts change hands, leaving them exposed to losing their jobs or being forced to reapply for their own positions.

Subcontracted service employees work hard every day to earn a living and support their families. Many of these workers are African-American. Sudden layoffs impact low-wage workers of color the hardest. As a city, we should protect job security so that workers have a stable foundation for supporting their families. Workers deserve at least a ninety-day transition period when a subcontractor changes and the incoming company will be performing the same work.

Laws to protect displaced workers are common, effective and legally sound. Similar laws have already been enacted in Washington, DC and Montgomery County, Maryland and other jurisdictions. In addition, President Obama issued an Executive Order to protect subcontracted federal government employees in 2009.

I urge you to protect job security in Baltimore by passing Council Bill 17-0048.

Sincerely,

Tessa Hill-Aston  
President, Baltimore City Branch NAACP





# CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDEE LIST

Committee: Labor

Date: Thursday, May 18, 2017

Time: 5:00 PM

Place

Subject: Ordinance - Labor and Employment - Displaced Service Workers Protection Act

PLEASE PRINT

**IF YOU WANT TO TESTIFY PLEASE**

| FIRST NAME | LAST NAME               | ST. # | ADDRESS/ORGANIZATION NAME |    |
|------------|-------------------------|-------|---------------------------|----|
| John       | Doe                     | 100   | North Charles Street      | 21 |
| Tarvine    | Cookman                 |       | 5610 30th St              |    |
| Nonella    | Parker                  |       | White Local 7             | 2  |
| Rene       | Herbertson              |       | " "                       | 2  |
| Amela      | <del>Featherstone</del> |       | 34 S. Ecker St.           | 21 |
| Tajana     | Sommerville             |       | 3035                      |    |
| King       | Carney                  |       | Revelst                   |    |
|            |                         |       |                           |    |
|            |                         |       |                           |    |
|            |                         |       |                           |    |
|            |                         |       |                           |    |





# CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE

Committee: Labor

Date: Thursday, May 18, 2017

Time: 5:00 PM

Place

Subject: Ordinance - Labor and Employment - Displaced Service Workers Protection

PLEASE PRINT

**IF YOU WANT TO TESTIFY PLEASE**

| FIRST NAME | LAST NAME | ST. # | ADDRESS/ORGANIZATION NAME |    |
|------------|-----------|-------|---------------------------|----|
| John       | Doe       | 100   | North Charles Street      | 21 |
| Cory       | Payne     | 108   | W. University             | 21 |
| Fe. Fry    | HILFINGER | 4414  | FRANKFORD                 | 21 |
| Rev Brian  | Murray    | 404   | S Hanover St              | 21 |
| LeARENNE   | HASKETT   |       | Clendenen Yards           |    |
| VALENE     | ERVIN     | 2221  | MARYLAND AVE              | 21 |
|            |           |       |                           |    |
|            |           |       |                           |    |
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|            |           |       |                           |    |

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CITY OF BALTIMORE

CATHERINE D. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

## BILL SYNOPSIS

Committee: Labor

Bill 17-0048

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### Labor and Employment – Displaced Service Workers Protection

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**Sponsor:** Councilmembers Sneed and Henry, et al.

**Introduced:** April 3, 2017

**Purpose:**

FOR the purpose of requiring successor entities taking over certain terminated service contracts to retain employees who worked on the previous contracts under certain conditions; requiring the disclosure of information when service contracts are terminated in certain circumstances; prohibiting retaliation against workers for seeking assistance from, or cooperating with, the Wage Commission; empowering the Wage Commission to issue subpoenas and administer oaths; defining certain terms; establishing certain penalties; and generally relating to the protection of displaced service workers.

**Effective:** On the 30<sup>th</sup> day after the date it is enacted.

**Hearing Date/Time/Location:** Thursday, May 18, 2017/5:00 PM/Council Chambers

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### Agency Reports

Department of Law  
Wage Commission  
Department of Finance

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## Analysis

### Current Law

Baltimore City's Article 11 – Labor and Employment outlines the definitions, rules, statutes, policies, enforcement power, penalties and fines (if deemed) for employers located in the City of Baltimore who hires two (2) or more employees. Also defined in the Article are:

- **The Wage Commission**
  - the Article outlines the general powers and duties of the Commission,
  - the Commission is responsible for the administration and proper operation of the minimum wage law
  - and it is unlawful and a violation(s) for any of said employers to violate the rules and regulations of the Commission
- **Labor Peace Agreements for Hotel Projects**

Article 11 does not pertain to employers of the United States, any State, or any political subdivision thereof.

Other laws pertaining to Labor and Employment matters are as follows:

- *The Federal Fair Labor Standards Act*
- *Maryland Wage and Hour Law (Title 3, Subtitle 4 of the State Labor and Employment Article)*
- *Minimum Wage Act of the State of Maryland*
- *Maryland Rules of Procedure*
- *National Labor Relations Act*

Other city agencies listed in Article 11 who are part of the processes include:

- *The Community Relations Commission,*
- *Sheriff's Office, and the*
- *States' Attorney Office*

### Background

If approved Council Bill 17-0048 would add a new subtitle to Article 11 entitled, Displaced Service Workers Protection. The law:

- Outlines the definition for “service contracts, service employees ,and successor entity,”
- **mandates** the contractors and/or subcontractor (**referred to as successor entity**) who has more than 20 employees who enters into a service contract:
  1. that will replace a previous contractor/subcontractor who have been terminated and was performing similar services at the same site; **or**
  2. has purchase or acquire control of a property in the City where Service Workers were employed within 90 days; **or**
  3. terminates a contract and within 90 days hires other service employees to perform services that are similar to those provided under the terminated contract -

‘the successor entity must offer to retain each affected service employee who worked under the previous contract. And if the employee(s) accepts the offer, the successor entity must retain him/her at that site for at least 90 days or until the entity no longer provides services at that site; whichever is earlier.’”

The rules and regulations therein are enforced by the Wage Commission.

**Additional Information**

**Fiscal Note:** Not Available

**Information Source(s):** City Code, Council Bill 17-0048 and all agency reports received as of this writing.

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Analysis by: *Marguerite M. Currin* Marguerite M. Currin Direct Inquiries to: 443-984-3485  
Analysis Date: May 16, 2017

17-0048

AGENCY REPORTS

None received as of this writing

**17-0048**

**AGENCY REPORTS**

**None received as of this writing**



**CITY OF BALTIMORE  
COUNCIL BILL 17-0048  
(First Reader)**

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Introduced by: Councilmembers Sneed, Henry, President Young, Councilmembers Scott, Dorsey,  
Cohen, Pinkett, Stokes, Burnett, Bullock, Reisinger, Costello, Clarke

Introduced and read first time: April 3, 2017

Assigned to: Labor Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Wage Commission, Department of  
Finance

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Labor and Employment – Displaced Service Workers Protection**

3 FOR the purpose of requiring successor entities taking over certain terminated service contracts to  
4 retain employees who worked on the previous contracts under certain conditions; requiring  
5 the disclosure of information when service contracts are terminated in certain circumstances;  
6 prohibiting retaliation against workers for seeking assistance from, or cooperating with, the  
7 Wage Commission; empowering the Wage Commission to issue subpoenas and administer  
8 oaths; defining certain terms; establishing certain penalties; and generally relating to the  
9 protection of displaced service workers.

10 BY adding

11 Article 11 - Labor and Employment  
12 Section(s) 18-1 to 18-9, to be under the new subtitle designation,  
13 “Subtitle 18. Displaced Service Workers Protection”  
14 Baltimore City Code  
15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
17 Laws of Baltimore City read as follows:

18 **Baltimore City Code**

19 **Article 11. Labor and employment**

20 **SUBTITLE 18. DISPLACED SERVICE WORKERS PROTECTION.**

21 **§18-1. DEFINITIONS.**

22 (A) *IN GENERAL.*

23 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 17-0048**

1 (B) *AFFECTED EMPLOYEE.*

2 "AFFECTED EMPLOYEE" MEANS A SERVICE EMPLOYEE PERFORMING WORK FOR AN ENTITY  
3 THAT IS BEING, OR HAS BEEN, TERMINATED AS A SERVICE PROVIDER AND IS BEING  
4 REPLACED WITH A SUCCESSOR ENTITY PERFORMING SIMILAR SERVICES AT THE SAME SITE.

5 (C) *AWARDING AUTHORITY.*

6 (1) "AWARDING AUTHORITY" MEANS ANY PERSON THAT AWARDS OR ENTERS INTO A  
7 SERVICE CONTRACT OR SUBCONTRACT WITH A CONTRACTOR TO BE PERFORMED IN  
8 THE CITY.

9 (2) "AWARDING AUTHORITY" INCLUDES THE CITY OF BALTIMORE AND ANY  
10 GOVERNMENTAL UNIT, AGENCY, OR OTHER ENTITY AS TO WHICH THE CITY HAS  
11 THE POWER TO LEGISLATE.

12 (D) *CONTRACTOR.*

13 "CONTRACTOR" MEANS ANY PERSON, INCLUDING A SUBCONTRACTOR, THAT:

14 (1) ENTERS INTO A SERVICE CONTRACT TO PERFORM WORK IN THE CITY; AND

15 (2) EMPLOYS MORE THAN 20 EMPLOYEES.

16 (E) *COMMISSION.*

17 "COMMISSION" MEANS THE WAGE COMMISSION ESTABLISHED BY § 2-1 {"COMMISSION  
18 ESTABLISHED"} OF THIS ARTICLE, OR THE COMMISSION'S DESIGNEE.

19 (F) *PERSON.*

20 "PERSON" MEANS:

21 (1) AN INDIVIDUAL;

22 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, LLC, OR OTHER ENTITY OF  
23 ANY KIND; OR

24 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR  
25 REPRESENTATIVE OF ANY KIND.

26 (G) *SERVICE CONTRACT.*

27 "SERVICE CONTRACT" MEANS A CONTRACT BETWEEN AN AWARDING AUTHORITY AND A  
28 CONTRACTOR TO PROVIDE SECURITY, JANITORIAL, BUILDING MAINTENANCE, OR FOOD  
29 PREPARATION IN A FACILITY LOCATED IN THE CITY THAT IS USED AS A:

30 (1) PRIVATE ELEMENTARY OR SECONDARY SCHOOL;

31 (2) PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY;

**Council Bill 17-0048**

- 1
- 2 (3) CONVENTION, SPORTS, OR ENTERTAINMENT INSTITUTION, SUCH AS A MUSEUM,
- 3 CASINO, CONVENTION CENTER, ARENA, STADIUM, OR MUSIC HALL;
- 4
- 5 (4) MULTI-FAMILY RESIDENTIAL BUILDING OR COMPLEX WITH MORE THAN 30 UNITS;
- 6
- 7 (5) COMMERCIAL BUILDING OR OFFICE BUILDING OCCUPYING MORE THAN 50,000
- 8 SQUARE FEET;
- 9
- 10 (6) INDUSTRIAL FACILITY, SUCH AS A PHARMACEUTICAL LABORATORY, RESEARCH
- 11 AND DEVELOPMENT FACILITY, OR PRODUCT FABRICATION FACILITY; OR
- 12
- 13 (7) DISTRIBUTION CENTER.

14 (H) *SERVICE EMPLOYEE.*

15 "SERVICE EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED ON A FULL- OR PART-TIME BASIS

16 AS A:

- 17 (1) BUILDING SERVICE EMPLOYEE, INCLUDING A JANITOR, SECURITY OFFICER,
- 18 GROUNDSKEEPER, CONCIERGE, DOOR STAFFER, MAINTENANCE TECHNICIAN,
- 19 HANDYMAN, SUPERINTENDENT, ELEVATOR OPERATOR, WINDOW CLEANER, OR
- 20 BUILDING ENGINEER; OR
- 21
- 22 (2) FOOD SERVICE WORKER, INCLUDING A CAFETERIA ATTENDANT, LINE ATTENDANT,
- 23 COOK, BUTCHER, BAKER, SERVER, CASHIER, CATERING WORKER, DINING
- 24 ATTENDANT, DISHWASHER, OR MERCHANDISE VENDOR.

25 (I) *SUCCESSOR ENTITY.*

26 "SUCCESSOR ENTITY" MEANS AN ENTITY THAT:

- 27 (1) IS AWARDED A SERVICE CONTRACT TO PROVIDE, IN WHOLE OR IN PART, SERVICES
- 28 THAT ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED TO THE AWARDING
- 29 AUTHORITY AT ANY TIME DURING THE PREVIOUS 90 DAYS;
- 30
- 31 (2) HAS PURCHASED OR ACQUIRED CONTROL OF A PROPERTY LOCATED IN THE CITY
- 32 WHERE SERVICE EMPLOYEES WERE EMPLOYED AT ANY TIME DURING THE PREVIOUS
- 33 90 DAYS; OR
- 34
- 35 (3) TERMINATES A SERVICE CONTRACT AND, WITHIN 90 DAYS OF THE TERMINATION,
- 36 HIRES SERVICE EMPLOYEES AS ITS DIRECT EMPLOYEES TO PERFORM SERVICES THAT
- 37 ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED UNDER THE TERMINATED
- 38 SERVICE CONTRACT.

39 **§ 18-2. RULES AND REGULATIONS.**

40 (A) *COMMISSION TO ADOPT.*

41 THE COMMISSION MAY ADOPT RULES AND REGULATIONS TO IMPLEMENT THIS SUBTITLE.

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1 (B) *FILING WITH LEGISLATIVE REFERENCE.*

2 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED  
3 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

4 § 18-3. **TRANSITION EMPLOYMENT PERIOD.**

5 (A) *AWARDING AUTHORITY RESPONSIBILITIES.*

6 AT LEAST 15 DAYS BEFORE A SERVICE CONTRACT IS TERMINATED, AN AWARDING  
7 AUTHORITY MUST:

8 (1) REQUEST THAT THE TERMINATED CONTRACTOR PROVIDE IT A COMPLETE LIST OF  
9 THE NAME, DATE OF HIRE, AND JOB CLASSIFICATION OF EACH AFFECTED  
10 EMPLOYEE;

11 (2) GIVE THE SUCCESSOR ENTITY A COMPLETE LIST OF THE NAME, DATE OF HIRE, AND  
12 JOB CLASSIFICATION OF EACH AFFECTED EMPLOYEE; AND

13 (3) EXCEPT IN THE CASE OF A SERVICE CONTRACT AT A FACILITY USED AS A PUBLIC  
14 UNIVERSITY, ENSURE THAT A WRITTEN NOTICE TO ALL AFFECTED EMPLOYEES  
15 DESCRIBING THE PENDING TERMINATION OF THE SERVICE CONTRACT AND THE  
16 EMPLOYEE RIGHTS PROVIDED BY THIS SUBTITLE IS CONSPICUOUSLY POSTED AT  
17 ANY AFFECTED WORK SITE.

18 (B) *SUCCESSOR ENTITY RESPONSIBILITIES.*

19 (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SUCCESSOR ENTITY MUST  
20 OFFER TO RETAIN, AND, IF THE OFFER IS ACCEPTED, ACTUALLY RETAIN, EACH  
21 AFFECTED EMPLOYEE AT AN AFFECTED SITE FOR 90 DAYS OR UNTIL THE SUCCESSOR  
22 ENTITY NO LONGER PROVIDES SERVICES AT THE COVERED LOCATION, WHICHEVER IS  
23 EARLIER.

24 (2) THE SUCCESSOR ENTITY MUST GIVE EACH AFFECTED EMPLOYEE A WRITTEN OFFER OF  
25 EMPLOYMENT AND SEND A COPY TO THE EMPLOYEE'S COLLECTIVE BARGAINING  
26 REPRESENTATIVE, IF ANY. EACH OFFER MUST:

27 (I) ALLOW THE EMPLOYEE AT LEAST 10 DAYS AFTER RECEIVING THE NOTICE TO  
28 ACCEPT THE OFFER; AND

29 (II) STATE THE DATE BY WHICH THE AFFECTED EMPLOYEE MUST ACCEPT THE  
30 OFFER.

31 (3) A SUCCESSOR ENTITY MAY RETAIN LESS THAN ALL OF THE AFFECTED EMPLOYEES  
32 DURING THE 90-DAY TRANSITION PERIOD IF THE SUCCESSOR ENTITY:

33 (I) FINDS THAT FEWER SERVICE EMPLOYEES ARE REQUIRED TO PERFORM THE  
34 WORK THAN THE TERMINATED CONTRACTOR HAD EMPLOYED;

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1 (II) RETAINS SERVICE EMPLOYEES BY SENIORITY WITHIN EACH JOB  
2 CLASSIFICATION;

3 (III) MAINTAINS A PREFERENTIAL HIRING LIST OF THOSE EMPLOYEES NOT  
4 RETAINED; AND

5 (IV) HIRES ANY ADDITIONAL SERVICE EMPLOYEES FROM THE LIST, IN ORDER OF  
6 SENIORITY, UNTIL ALL AFFECTED SERVICE EMPLOYEES HAVE BEEN OFFERED  
7 EMPLOYMENT.

8 (4) AT THE END OF THE 90-DAY TRANSITION EMPLOYMENT PERIOD, THE SUCCESSOR  
9 ENTITY MUST PERFORM A WRITTEN PERFORMANCE EVALUATION FOR EACH EMPLOYEE  
10 RETAINED PURSUANT TO THIS SECTION. IF THE EMPLOYEE'S PERFORMANCE DURING  
11 THE 90-DAY TRANSITION EMPLOYMENT PERIOD IS SATISFACTORY, THE SUCCESSOR  
12 ENTITY MUST OFFER THE EMPLOYEE CONTINUED EMPLOYMENT UNDER THE TERMS AND  
13 CONDITIONS ESTABLISHED BY THE SUCCESSOR ENTITY.

14 (5) DURING THE 90-DAY TRANSITION PERIOD, THE SUCCESSOR ENTITY MAY NOT  
15 DISCHARGE A SERVICE EMPLOYEE RETAINED UNDER THIS SECTION WITHOUT JUST  
16 CAUSE.

17 § 18-4. *{Reserved}*

18 § 18-5. NOT A BAR TO CONTRACT TERMINATION.

19 THIS SUBTITLE DOES NOT LIMIT THE ABILITY OF AN AWARING AUTHORITY TO TERMINATE A  
20 SERVICE CONTRACT OR REPLACE A CONTRACTOR WITH ANOTHER CONTRACTOR.

21 § 18-6. RETALIATION PROHIBITED.

22 (A) AN EMPLOYER MAY NOT DISCHARGE OR REDUCE THE COMPENSATION OF ANY EMPLOYEE  
23 FOR:

24 (1) MAKING A COMPLAINT TO THE COMMISSION ALLEGING A VIOLATION OF THIS  
25 SUBTITLE; OR

26 (2) PARTICIPATING IN ANY OF THE COMMISSION'S PROCEEDINGS CONCERNING AN  
27 ALLEGED VIOLATION OF THIS SUBTITLE.

28 (B) IF THE COMMISSION FINDS THAT AN EMPLOYER HAS VIOLATED SUBSECTION (A) OF THIS  
29 SECTION IT MAY, PURSUANT TO THE PROCEDURES PROVIDED IN § 18-7 {"ENFORCEMENT  
30 PROCEDURES"}, ORDER APPROPRIATE RESTITUTION OR THE REINSTATEMENT OF THE  
31 EMPLOYEE WITH BACKPAY TO THE DATE OF THE VIOLATION.

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1 § 18-7. ENFORCEMENT PROCEDURES.

2 (A) *FILING COMPLAINTS.*

3 ANY PERSON SUBJECTED TO A PRACTICE IN VIOLATION OF THIS SUBTITLE, OR ANY GROUP  
4 OR PERSON SEEKING TO ENFORCE THIS SUBTITLE, MAY FILE A WRITTEN COMPLAINT WITH  
5 THE COMMISSION.

6 (B) *COMPLAINT REQUIREMENTS.*

7 A COMPLAINT FILED UNDER THIS SECTION MUST:

8 (1) BE FILED WITHIN 1 YEAR OF THE ALLEGED VIOLATION;

9 (2) BE FILED UNDER OATH; AND

10 (3) INCLUDE:

11 (i) THE PARTICULARS OF THE ALLEGED VIOLATION;

12 (ii) THE NAME AND ADDRESS OF THE PERSON ALLEGED TO HAVE COMMITTED THE  
13 VIOLATION; AND

14 (iii) ANY OTHER INFORMATION REQUIRED BY THE COMMISSION.

15 (C) *COMPLAINTS BY COMMISSION.*

16 THE COMMISSION MAY, ACTING ON ITS OWN INITIATIVE AND WITHOUT ANY COMPLAINT  
17 FROM AN EMPLOYEE, FILE A COMPLAINT AGAINST AN EMPLOYER WHENEVER THE  
18 COMMISSION HAS REASONABLE CAUSE TO BELIEVE THAT THE EMPLOYER IS OR HAS BEEN  
19 IN VIOLATION OF THIS SUBTITLE.

20 (D) *INVESTIGATION FOR PROBABLE CAUSE.*

21 AFTER THE FILING OF A COMPLAINT, EITHER BY A PERSON CLAIMING TO BE AGGRIEVED AS  
22 SET FORTH ABOVE OR BY THE COMMISSION, THE COMMISSION MUST:

23 (1) INVESTIGATE THE FACTS ALLEGED IN THE COMPLAINT; AND

24 (2) MAKE A FINDING OF PROBABLE CAUSE OR LACK OF PROBABLE CAUSE FOR THE  
25 COMPLAINT.

26 (E) *SUBPOENAS; OATHS.*

27 (1) IN ENFORCING THIS SUBTITLE, THE COMMISSION MAY:

28 (i) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE AND TESTIMONY OF  
29 WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND  
30 DOCUMENTS RELATING TO PAYROLL RECORDS, OR OTHERWISE NECESSARY FOR  
31 HEARINGS, INVESTIGATIONS, OR PROCEEDINGS; AND



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1 (II) ADMINISTER OATHS, SUBJECT TO THE PENALTIES FOR PERJURY, TO ALL  
2 WITNESSES.

3 (2) ANY SUBPOENA ISSUED UNDER THIS SUBSECTION SHALL BE SERVED BY:

4 (I) THE SHERIFF OF BALTIMORE CITY OR ANY OF THE SHERIFF'S DEPUTIES; OR

5 (II) ANY OTHER PERSON AUTHORIZED BY THE MARYLAND RULES OF PROCEDURE  
6 TO EFFECTUATE IN PERSONAM SERVICE.

7 (F) *SUBPOENA ENFORCEMENT.*

8 (1) IN CASE OF DISOBEDIENCE TO A SUBPOENA, THE COMMISSION MAY APPLY TO A COURT  
9 OF APPROPRIATE JURISDICTION FOR AN ORDER REQUIRING THE ATTENDANCE AND  
10 TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND  
11 DOCUMENTS.

12 (2) THE COURT, IN CASE OF CONTUMACY OR REFUSAL TO OBEY ANY SUBPOENA ISSUED  
13 UNDER THIS SECTION, AFTER NOTICE TO THE PERSON SUBPOENAED, AND UPON FINDING  
14 THAT THE ATTENDANCE OR TESTIMONY OF THE WITNESSES OR THE PRODUCTION OF  
15 THE BOOKS, PAPERS, RECORDS, AND DOCUMENTS, AS THE CASE MAY BE, IS RELEVANT  
16 OR NECESSARY FOR A HEARING, INVESTIGATION, OR PROCEEDING OF THE COMMISSION,  
17 MAY ISSUE AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF THE SOUGHT  
18 WITNESSES AND THE PRODUCTION OF THE SOUGHT BOOKS, PAPERS, RECORDS, AND  
19 DOCUMENTS, OR ANY OF THEM.

20 (3) ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY THE COURT  
21 AS CONTEMPT THEREOF.

22 (G) *DISMISSAL FOR LACK OF PROBABLE CAUSE.*

23 IF THE COMMISSION FINDS THAT THE COMPLAINT LACKS PROBABLE CAUSE, THEN IT MUST  
24 DISMISS THE COMPLAINT AND MAIL COPIES OF ITS FINDING TO THE RESPONDENT AND  
25 COMPLAINANT.

26 (H) *PROBABLE CAUSE CONFERENCE; SETTLEMENT AGREEMENT.*

27 (1) IF THE COMMISSION FINDS PROBABLE CAUSE FOR THE COMPLAINT, THE COMMISSION  
28 MUST ATTEMPT, BY MEANS OF CONFERENCE, TO:

29 (I) PERSUADE THE RESPONDENT TO CEASE AND DESIST ITS ILLEGAL ACTION;

30 (II) REINSTATE ANY AFFECTED EMPLOYEES TO THEIR FORMER POSITIONS UNDER  
31 THE CONDITIONS REQUIRED BY §18-3(B) {"TRANSITION EMPLOYMENT PERIOD:  
32 SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE; AND

33 (III) PAY ANY AFFECTED EMPLOYEES ALL WAGES AND OTHER COMPENSATION  
34 OWED FOR THE PERIOD OF TIME THAT THEY WERE UNLAWFULLY TERMINATED,  
35 AS PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE.

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1 (2) ANY AGREEMENT REACHED BETWEEN THE RESPONDENT AND THE COMMISSION MUST  
2 BE REDUCED TO WRITING AND A COPY OF THE AGREEMENT MUST BE FURNISHED TO  
3 THE COMPLAINANT AND THE RESPONDENT.

4 (I) *FINAL ORDER.*

5 (1) THE COMMISSION MAY ISSUE A FINAL ORDER ON ITS OWN MOTION IF:

6 (I) THE COMMISSION AND THE RESPONDENT FAIL TO REACH AN AGREEMENT  
7 WITHIN 30 DAYS OF THE DATE SET FOR THE PROBABLE CAUSE CONFERENCE, OR

8 (II) THE RESPONDENT FAILS TO MEET ITS OBLIGATIONS UNDER AN AGREEMENT  
9 WITH THE COMMISSION WITHIN THE TIME SPECIFIED IN THE AGREEMENT.

10 (2) A FINAL ORDER ISSUED UNDER THIS SUBSECTION MAY:

11 (I) REQUIRE THE REINSTATEMENT OF THE SERVICE EMPLOYEE OR EMPLOYEES  
12 WRONGFULLY TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION  
13 EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS  
14 SUBTITLE;

15 (II) REQUIRE THE RESPONDENT TO PAY EACH SERVICE EMPLOYEE WRONGFULLY  
16 TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION EMPLOYMENT PERIOD:  
17 SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE HIS OR HER LOST  
18 WAGES AND OTHER COMPENSATION TO THE DATE OF THE VIOLATION, AS  
19 PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE; AND

20 (III) DIRECT THE CESSATION OF ALL PRACTICES BY THE RESPONDENT WHICH ARE  
21 CONTRARY TO THE PROVISIONS OF THIS SUBTITLE OR THE RULES AND  
22 REGULATIONS OF THE COMMISSION.

23 (3) A COPY OF AN ORDER ISSUED UNDER THIS SUBTITLE MUST BE FURNISHED TO THE  
24 RESPONDENT BY REGISTERED MAIL WITHIN 3 DAYS OF ITS ISSUANCE.

25 (J) *JUDICIAL AND APPELLATE REVIEW.*

26 (1) A RESPONDENT AGGRIEVED BY AN ORDER OF THE COMMISSION MAY SEEK JUDICIAL  
27 REVIEW OF THAT ORDER BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN  
28 ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

29 (2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO  
30 THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF  
31 PROCEDURE.

32 (K) *REFERRAL TO SOLICITOR.*

33 IF, WITHIN 30 DAYS OF THE ISSUANCE OF A FINAL ORDER UNDER SUBSECTION (I) OF THIS  
34 SECTION, THE RESPONDENT HAS FAILED TO COMPLY WITH THE ORDER, THE COMMISSION  
35 MAY CERTIFY THE PROCEEDINGS TO THE CITY SOLICITOR AND REQUEST THAT THE  
36 SOLICITOR PETITION THE CIRCUIT COURT OF BALTIMORE CITY TO ENFORCE THE ORDER.

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1 **§18-8. PENALTIES AND FINES.**

2 (A) *IN GENERAL.*

3 THE COMMISSION MAY ORDER ANY CONTRACTOR OR SUCCESSOR ENTITY WHO COMMITS A  
4 VIOLATION OF THIS SUBTITLE TO:

5 (1) PAY TO THE EMPLOYEE OR EMPLOYEES IMPACTED THE WAGES AND OTHER  
6 COMPENSATION LOST AS A RESULT OF THE CONTRACTOR'S VIOLATION OF §18-3,  
7 WITH INTEREST COMPUTED AT 10% PER ANNUM ON WAGES AND OTHER MONETARY  
8 COMPENSATION DUE; AND

9 (2) REINSTATE AN EMPLOYEE OR EMPLOYEES UNDER THE CONDITIONS REQUIRED BY  
10 §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY  
11 RESPONSIBILITIES"} OF THIS SUBTITLE.

12 (B) *FINES.*

13 (1) ANY SUCCESSOR ENTITY THAT VIOLATES THIS SUBTITLE SHALL FORFEIT AND PAY TO  
14 THE CITY OF BALTIMORE A PENALTY AS FOLLOWS:

15 (I) FOR A 1ST OFFENSE, \$250 FOR EACH VIOLATION;

16 (II) FOR A 2ND OFFENSE, \$500 FOR EACH VIOLATION; AND

17 (III) FOR EACH SUBSEQUENT OFFENSE, \$1,000 FOR EACH VIOLATION.

18 (2) EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE.

19 **§18-9. SEVERABILITY.**

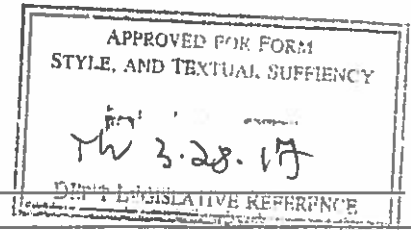
20 ALL PROVISIONS OF THIS SUBTITLE ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD,  
21 PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS  
22 INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR  
23 CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE  
24 PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

25 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
26 are not law and may not be considered to have been enacted as a part of this or any prior  
27 Ordinance.

28 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
29 after the date it is enacted.



**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**



Introduced by: Councilmember Sneed

A BILL ENTITLED

AN ORDINANCE concerning

**Labor and Employment – Displaced Service Workers Protection**

FOR the purpose of requiring successor entities taking over certain terminated service contracts to retain employees who worked on the previous contracts under certain conditions; requiring the disclosure of information when service contracts are terminated in certain circumstances; prohibiting retaliation against workers for seeking assistance from, or cooperating with, the Wage Commission; empowering the Wage Commission to issue subpoenas and administer oaths; defining certain terms; establishing certain penalties; and generally relating to the protection of displaced service workers.

BY adding

Article 11 - Labor and Employment  
Section(s) 18-1 to 18-9, to be under the new subtitle designation,  
“Subtitle 18. Displaced Service Workers Protection”  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 11. Labor and employment**

**SUBTITLE 18. DISPLACED SERVICE WORKERS PROTECTION.**

**§18-1. DEFINITIONS.**

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *AFFECTED EMPLOYEE.*

“AFFECTED EMPLOYEE” MEANS A SERVICE EMPLOYEE PERFORMING WORK FOR AN ENTITY

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

THAT IS BEING, OR HAS BEEN, TERMINATED AS A SERVICE PROVIDER AND IS BEING REPLACED WITH A SUCCESSOR ENTITY PERFORMING SIMILAR SERVICES AT THE SAME SITE.

(C) *AWARDING AUTHORITY.*

- (1) "AWARDING AUTHORITY" MEANS ANY PERSON THAT AWARDS OR ENTERS INTO A SERVICE CONTRACT OR SUBCONTRACT WITH A CONTRACTOR TO BE PERFORMED IN THE CITY.
- (2) "AWARDING AUTHORITY" INCLUDES THE CITY OF BALTIMORE AND ANY GOVERNMENTAL UNIT, AGENCY, OR OTHER ENTITY AS TO WHICH THE CITY HAS THE POWER TO LEGISLATE.

(D) *CONTRACTOR.*

"CONTRACTOR" MEANS ANY PERSON, INCLUDING A SUBCONTRACTOR, THAT:

- (1) ENTERS INTO A SERVICE CONTRACT TO PERFORM WORK IN THE CITY; AND
- (2) EMPLOYS MORE THAN 20 EMPLOYEES.

(E) *COMMISSION.*

"COMMISSION" MEANS THE WAGE COMMISSION ESTABLISHED BY § 2-1 {"COMMISSION ESTABLISHED"} OF THIS ARTICLE, OR THE COMMISSION'S DESIGNEE.

(F) *PERSON.*

"PERSON" MEANS:

- (1) AN INDIVIDUAL;
- (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, LLC, OR OTHER ENTITY OF ANY KIND; OR
- (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

(G) *SERVICE CONTRACT.*

"SERVICE CONTRACT" MEANS A CONTRACT BETWEEN AN AWARDING AUTHORITY AND A CONTRACTOR TO PROVIDE SECURITY, JANITORIAL, BUILDING MAINTENANCE, OR FOOD PREPARATION IN A FACILITY LOCATED IN THE CITY THAT IS USED AS A:

- (1) PRIVATE ELEMENTARY OR SECONDARY SCHOOL;
- (2) PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY;
- (3) CONVENTION, SPORTS, OR ENTERTAINMENT INSTITUTION, SUCH AS A MUSEUM, CASINO, CONVENTION CENTER, ARENA, STADIUM, OR MUSIC HALL;
- (4) MULTI-FAMILY RESIDENTIAL BUILDING OR COMPLEX WITH MORE THAN 30 UNITS;

(5) COMMERCIAL BUILDING OR OFFICE BUILDING OCCUPYING MORE THAN 50,000 SQUARE FEET;

(6) INDUSTRIAL FACILITY, SUCH AS A PHARMACEUTICAL LABORATORY, RESEARCH AND DEVELOPMENT FACILITY, OR PRODUCT FABRICATION FACILITY; OR

(7) DISTRIBUTION CENTER.

(11) *SERVICE EMPLOYEE.*

“SERVICE EMPLOYEE” MEANS AN INDIVIDUAL EMPLOYED ON A FULL- OR PART-TIME BASIS AS A:

(1) BUILDING SERVICE EMPLOYEE, INCLUDING A JANITOR, SECURITY OFFICER, GROUNDSKEEPER, CONCIERGE, DOOR STAFFER, MAINTENANCE TECHNICIAN, HANDYMAN, SUPERINTENDENT, ELEVATOR OPERATOR, WINDOW CLEANER, OR BUILDING ENGINEER; OR

(2) FOOD SERVICE WORKER, INCLUDING A CAFETERIA ATTENDANT, LINE ATTENDANT, COOK, BUTCHER, BAKER, SERVER, CASHIER, CATERING WORKER, DINING ATTENDANT, DISHWASHER, OR MERCHANDISE VENDOR.

(1) *SUCCESSOR ENTITY.*

“SUCCESSOR ENTITY” MEANS AN ENTITY THAT:

(1) IS AWARDED A SERVICE CONTRACT TO PROVIDE, IN WHOLE OR IN PART, SERVICES THAT ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED TO THE AWARDING AUTHORITY AT ANY TIME DURING THE PREVIOUS 90 DAYS;

(2) HAS PURCHASED OR ACQUIRED CONTROL OF A PROPERTY LOCATED IN THE CITY WHERE SERVICE EMPLOYEES WERE EMPLOYED AT ANY TIME DURING THE PREVIOUS 90 DAYS; OR

(3) TERMINATES A SERVICE CONTRACT AND, WITHIN 90 DAYS OF THE TERMINATION, HIRES SERVICE EMPLOYEES AS ITS DIRECT EMPLOYEES TO PERFORM SERVICES THAT ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED UNDER THE TERMINATED SERVICE CONTRACT.

**§ 18-2. RULES AND REGULATIONS.**

(A) *COMMISSION TO ADOPT.*

THE COMMISSION MAY ADOPT RULES AND REGULATIONS TO IMPLEMENT THIS SUBTITLE.

(B) *FILING WITH LEGISLATIVE REFERENCE.*

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

**§ 18-3. TRANSITION EMPLOYMENT PERIOD.**

(A) *AWARDING AUTHORITY RESPONSIBILITIES.*



AT LEAST 15 DAYS BEFORE A SERVICE CONTRACT IS TERMINATED, AN AWARDDING AUTHORITY MUST:

- (1) REQUEST THAT THE TERMINATED CONTRACTOR PROVIDE IT A COMPLETE LIST OF THE NAME, DATE OF HIRE, AND JOB CLASSIFICATION OF EACH AFFECTED EMPLOYEE;
- (2) GIVE THE SUCCESSOR ENTITY A COMPLETE LIST OF THE NAME, DATE OF HIRE, AND JOB CLASSIFICATION OF EACH AFFECTED EMPLOYEE; AND
- (3) EXCEPT IN THE CASE OF A SERVICE CONTRACT AT A FACILITY USED AS A PUBLIC UNIVERSITY, ENSURE THAT A WRITTEN NOTICE TO ALL AFFECTED EMPLOYEES DESCRIBING THE PENDING TERMINATION OF THE SERVICE CONTRACT AND THE EMPLOYEE RIGHTS PROVIDED BY THIS SUBTITLE IS CONSPICUOUSLY POSTED AT ANY AFFECTED WORK SITE.

(B) *SUCCESSOR ENTITY RESPONSIBILITIES.*

- (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SUCCESSOR ENTITY MUST OFFER TO RETAIN, AND, IF THE OFFER IS ACCEPTED, ACTUALLY RETAIN, EACH AFFECTED EMPLOYEE AT AN AFFECTED SITE FOR 90 DAYS OR UNTIL THE SUCCESSOR ENTITY NO LONGER PROVIDES SERVICES AT THE COVERED LOCATION, WHICHEVER IS EARLIER.
- (2) THE SUCCESSOR ENTITY MUST GIVE EACH AFFECTED EMPLOYEE A WRITTEN OFFER OF EMPLOYMENT AND SEND A COPY TO THE EMPLOYEE'S COLLECTIVE BARGAINING REPRESENTATIVE, IF ANY. EACH OFFER MUST:
  - (I) ALLOW THE EMPLOYEE AT LEAST 10 DAYS AFTER RECEIVING THE NOTICE TO ACCEPT THE OFFER; AND
  - (II) STATE THE DATE BY WHICH THE AFFECTED EMPLOYEE MUST ACCEPT THE OFFER.
- (3) A SUCCESSOR ENTITY MAY RETAIN LESS THAN ALL OF THE AFFECTED EMPLOYEES DURING THE 90-DAY TRANSITION PERIOD IF THE SUCCESSOR ENTITY:
  - (I) FINDS THAT FEWER SERVICE EMPLOYEES ARE REQUIRED TO PERFORM THE WORK THAN THE TERMINATED CONTRACTOR HAD EMPLOYED;
  - (II) RETAINS SERVICE EMPLOYEES BY SENIORITY WITHIN EACH JOB CLASSIFICATION;
  - (III) MAINTAINS A PREFERENTIAL HIRING LIST OF THOSE EMPLOYEES NOT RETAINED; AND
  - (IV) HIRES ANY ADDITIONAL SERVICE EMPLOYEES FROM THE LIST, IN ORDER OF SENIORITY, UNTIL ALL AFFECTED SERVICE EMPLOYEES HAVE BEEN OFFERED EMPLOYMENT.
- (4) AT THE END OF THE 90-DAY TRANSITION EMPLOYMENT PERIOD, THE SUCCESSOR ENTITY MUST PERFORM A WRITTEN PERFORMANCE EVALUATION FOR EACH EMPLOYEE RETAINED PURSUANT TO THIS SECTION. IF THE EMPLOYEE'S PERFORMANCE DURING

THE 90-DAY TRANSITION EMPLOYMENT PERIOD IS SATISFACTORY, THE SUCCESSOR ENTITY MUST OFFER THE EMPLOYEE CONTINUED EMPLOYMENT UNDER THE TERMS AND CONDITIONS ESTABLISHED BY THE SUCCESSOR ENTITY.

- (5) DURING THE 90-DAY TRANSITION PERIOD, THE SUCCESSOR ENTITY MAY NOT DISCHARGE A SERVICE EMPLOYEE RETAINED UNDER THIS SECTION WITHOUT JUST CAUSE.

§ 18-4. *{Reserved}*

§ 18-5. NOT A BAR TO CONTRACT TERMINATION.

THIS SUBTITLE DOES NOT LIMIT THE ABILITY OF AN AWARDING AUTHORITY TO TERMINATE A SERVICE CONTRACT OR REPLACE A CONTRACTOR WITH ANOTHER CONTRACTOR.

§ 18-6. RETALIATION PROHIBITED.

- (A) AN EMPLOYER MAY NOT DISCHARGE OR REDUCE THE COMPENSATION OF ANY EMPLOYEE FOR:
- (1) MAKING A COMPLAINT TO THE COMMISSION ALLEGING A VIOLATION OF THIS SUBTITLE; OR
  - (2) PARTICIPATING IN ANY OF THE COMMISSION'S PROCEEDINGS CONCERNING AN ALLEGED VIOLATION OF THIS SUBTITLE.
- (B) IF THE COMMISSION FINDS THAT AN EMPLOYER HAS VIOLATED SUBSECTION (A) OF THIS SECTION IT MAY, PURSUANT TO THE PROCEDURES PROVIDED IN § 18-7 {"ENFORCEMENT PROCEDURES"}, ORDER APPROPRIATE RESTITUTION OR THE REINSTATEMENT OF THE EMPLOYEE WITH BACKPAY TO THE DATE OF THE VIOLATION.

§ 18-7. ENFORCEMENT PROCEDURES.

(A) *FILING COMPLAINTS.*

ANY PERSON SUBJECTED TO A PRACTICE IN VIOLATION OF THIS SUBTITLE, OR ANY GROUP OR PERSON SEEKING TO ENFORCE THIS SUBTITLE, MAY FILE A WRITTEN COMPLAINT WITH THE COMMISSION.

(B) *COMPLAINT REQUIREMENTS.*

A COMPLAINT FILED UNDER THIS SECTION MUST:

- (1) BE FILED WITHIN 1 YEAR OF THE ALLEGED VIOLATION;
- (2) BE FILED UNDER OATH; AND
- (3) INCLUDE:
  - (I) THE PARTICULARS OF THE ALLEGED VIOLATION;
  - (II) THE NAME AND ADDRESS OF THE PERSON ALLEGED TO HAVE COMMITTED THE VIOLATION; AND

(III) ANY OTHER INFORMATION REQUIRED BY THE COMMISSION.

(C) *COMPLAINTS BY COMMISSION.*

THE COMMISSION MAY, ACTING ON ITS OWN INITIATIVE AND WITHOUT ANY COMPLAINT FROM AN EMPLOYEE, FILE A COMPLAINT AGAINST AN EMPLOYER WHENEVER THE COMMISSION HAS REASONABLE CAUSE TO BELIEVE THAT THE EMPLOYER IS OR HAS BEEN IN VIOLATION OF THIS SUBTITLE.

(D) *INVESTIGATION FOR PROBABLE CAUSE.*

AFTER THE FILING OF A COMPLAINT, EITHER BY A PERSON CLAIMING TO BE AGGRIEVED AS SET FORTH ABOVE OR BY THE COMMISSION, THE COMMISSION MUST:

- (1) INVESTIGATE THE FACTS ALLEGED IN THE COMPLAINT; AND
- (2) MAKE A FINDING OF PROBABLE CAUSE OR LACK OF PROBABLE CAUSE FOR THE COMPLAINT.

(E) *SUBPOENAS; OATHS.*

(1) IN ENFORCING THIS SUBTITLE, THE COMMISSION MAY:

- (i) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND DOCUMENTS RELATING TO PAYROLL RECORDS, OR OTHERWISE NECESSARY FOR HEARINGS, INVESTIGATIONS, OR PROCEEDINGS; AND
- (ii) ADMINISTER OATHS, SUBJECT TO THE PENALTIES FOR PERJURY, TO ALL WITNESSES.

(2) ANY SUBPOENA ISSUED UNDER THIS SUBSECTION SHALL BE SERVED BY:

- (i) THE SHERIFF OF BALTIMORE CITY OR ANY OF THE SHERIFF'S DEPUTIES; OR
- (ii) ANY OTHER PERSON AUTHORIZED BY THE MARYLAND RULES OF PROCEDURE TO EFFECTUATE IN PERSONAM SERVICE.

(F) *SUBPOENA ENFORCEMENT.*

(1) IN CASE OF DISOBEDIENCE TO A SUBPOENA, THE COMMISSION MAY APPLY TO A COURT OF APPROPRIATE JURISDICTION FOR AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND DOCUMENTS.

(2) THE COURT, IN CASE OF CONTUMACY OR REFUSAL TO OBEY ANY SUBPOENA ISSUED UNDER THIS SECTION, AFTER NOTICE TO THE PERSON SUBPOENAED, AND UPON FINDING THAT THE ATTENDANCE OR TESTIMONY OF THE WITNESSES OR THE PRODUCTION OF THE BOOKS, PAPERS, RECORDS, AND DOCUMENTS, AS THE CASE MAY BE, IS RELEVANT OR NECESSARY FOR A HEARING, INVESTIGATION, OR PROCEEDING OF THE COMMISSION, MAY ISSUE AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF THE SOUGHT WITNESSES AND THE PRODUCTION OF THE SOUGHT BOOKS, PAPERS, RECORDS, AND DOCUMENTS, OR ANY OF THEM.

(3) ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS CONTEMPT THEREOF.

(G) *DISMISSAL FOR LACK OF PROBABLE CAUSE.*

IF THE COMMISSION FINDS THAT THE COMPLAINT LACKS PROBABLE CAUSE, THEN IT MUST DISMISS THE COMPLAINT AND MAIL COPIES OF ITS FINDING TO THE RESPONDENT AND COMPLAINANT.

(H) *PROBABLE CAUSE CONFERENCE; SETTLEMENT AGREEMENT.*

(1) IF THE COMMISSION FINDS PROBABLE CAUSE FOR THE COMPLAINT, THE COMMISSION MUST ATTEMPT, BY MEANS OF CONFERENCE, TO:

- (I) PERSUADE THE RESPONDENT TO CEASE AND DESIST ITS ILLEGAL ACTION;
- (II) REINSTATE ANY AFFECTED EMPLOYEES TO THEIR FORMER POSITIONS UNDER THE CONDITIONS REQUIRED BY §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE; AND
- (III) PAY ANY AFFECTED EMPLOYEES ALL WAGES AND OTHER COMPENSATION OWED FOR THE PERIOD OF TIME THAT THEY WERE UNLAWFULLY TERMINATED, AS PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE.

(2) ANY AGREEMENT REACHED BETWEEN THE RESPONDENT AND THE COMMISSION MUST BE REDUCED TO WRITING AND A COPY OF THE AGREEMENT MUST BE FURNISHED TO THE COMPLAINANT AND THE RESPONDENT.

(I) *FINAL ORDER.*

(1) THE COMMISSION MAY ISSUE A FINAL ORDER ON ITS OWN MOTION IF:

- (I) THE COMMISSION AND THE RESPONDENT FAIL TO REACH AN AGREEMENT WITHIN 30 DAYS OF THE DATE SET FOR THE PROBABLE CAUSE CONFERENCE, OR
- (II) THE RESPONDENT FAILS TO MEET ITS OBLIGATIONS UNDER AN AGREEMENT WITH THE COMMISSION WITHIN THE TIME SPECIFIED IN THE AGREEMENT.

(2) A FINAL ORDER ISSUED UNDER THIS SUBSECTION MAY:

- (I) REQUIRE THE REINSTATEMENT OF THE SERVICE EMPLOYEE OR EMPLOYEES WRONGFULLY TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE;
- (II) REQUIRE THE RESPONDENT TO PAY EACH SERVICE EMPLOYEE WRONGFULLY TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE HIS OR HER LOST WAGES AND OTHER COMPENSATION TO THE DATE OF THE VIOLATION, AS PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE; AND

(III) DIRECT THE CESSATION OF ALL PRACTICES BY THE RESPONDENT WHICH ARE CONTRARY TO THE PROVISIONS OF THIS SUBTITLE OR THE RULES AND REGULATIONS OF THE COMMISSION.

(3) A COPY OF AN ORDER ISSUED UNDER THIS SUBTITLE MUST BE FURNISHED TO THE RESPONDENT BY REGISTERED MAIL WITHIN 3 DAYS OF ITS ISSUANCE.

(J) *JUDICIAL AND APPELLATE REVIEW.*

(1) A RESPONDENT AGGRIEVED BY AN ORDER OF THE COMMISSION MAY SEEK JUDICIAL REVIEW OF THAT ORDER BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(K) *REFERRAL TO SOLICITOR.*

IF, WITHIN 30 DAYS OF THE ISSUANCE OF A FINAL ORDER UNDER SUBSECTION (I) OF THIS SECTION, THE RESPONDENT HAS FAILED TO COMPLY WITH THE ORDER, THE COMMISSION MAY CERTIFY THE PROCEEDINGS TO THE CITY SOLICITOR AND REQUEST THAT THE SOLICITOR PETITION THE CIRCUIT COURT OF BALTIMORE CITY TO ENFORCE THE ORDER.

**§18-8. PENALTIES AND FINES.**

(A) *IN GENERAL.*

THE COMMISSION MAY ORDER ANY CONTRACTOR OR SUCCESSOR ENTITY WHO COMMITS A VIOLATION OF THIS SUBTITLE TO:

- (1) PAY TO THE EMPLOYEE OR EMPLOYEES IMPACTED THE WAGES AND OTHER COMPENSATION LOST AS A RESULT OF THE CONTRACTOR'S VIOLATION OF §18-3, WITH INTEREST COMPUTED AT 10% PER ANNUM ON WAGES AND OTHER MONETARY COMPENSATION DUE; AND
- (2) REINSTATE AN EMPLOYEE OR EMPLOYEES UNDER THE CONDITIONS REQUIRED BY §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE.

(B) *FINES.*

(1) ANY SUCCESSOR ENTITY THAT VIOLATES THIS SUBTITLE SHALL FORFEIT AND PAY TO THE CITY OF BALTIMORE A PENALTY AS FOLLOWS:

- (I) FOR A 1ST OFFENSE, \$250 FOR EACH VIOLATION;
- (II) FOR A 2ND OFFENSE, \$500 FOR EACH VIOLATION; AND
- (III) FOR EACH SUBSEQUENT OFFENSE, \$1,000 FOR EACH VIOLATION.

(2) EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE.

**§18-9. SEVERABILITY.**

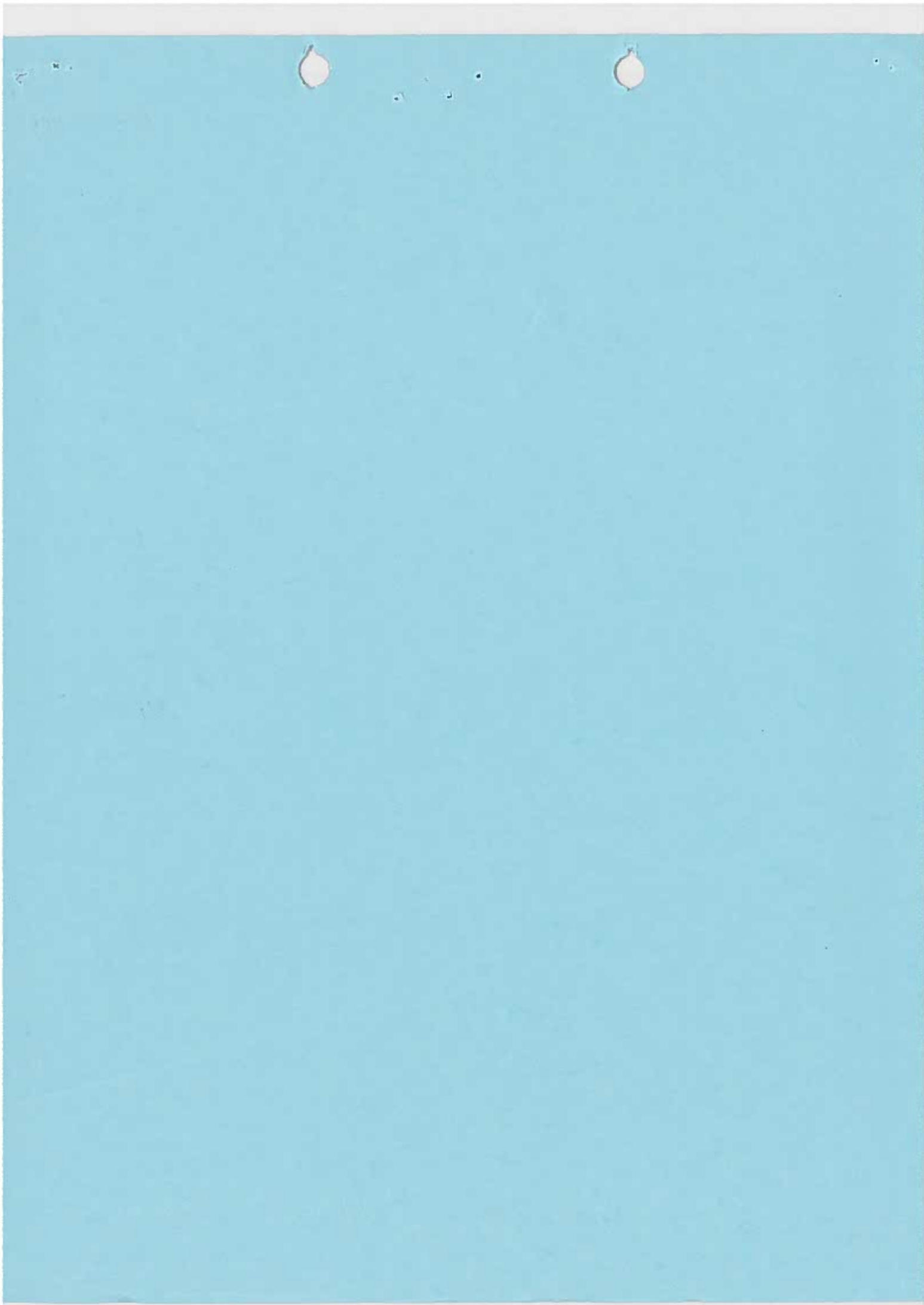
ALL PROVISIONS OF THIS SUBTITLE ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.







ACTION BY THE CITY COUNCIL

APR 03 2017

FIRST READING (INTRODUCTION) \_\_\_\_\_ 20 \_\_\_\_\_

PUBLIC HEARING HELD ON May 18, 2017 \_\_\_\_\_ 20 \_\_\_\_\_

COMMITTEE REPORT AS OF June 5, 2017 \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ FAVORABLE \_\_\_\_\_ UNFAVORABLE X FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

Shannon Smith  
Chair

COMMITTEE MEMBERS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMITTEE MEMBERS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUN 05 2017  
20 \_\_\_\_\_

✓ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.  
\* Labor Committee Amendment Failed

THIRD READING \_\_\_\_\_ JUN 12 2017  
20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

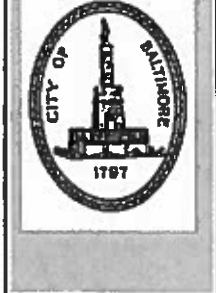
THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

Bud G. Jones  
President

Leandra L. Davis  
Chief Clerk

|      |                       |   |  |
|------|-----------------------|---|--|
| FROM | Name & Title          | Steve Sharkey, Director   | CITY OF<br>BALTIMORE<br><br><b>MEMO</b><br><br> |
|      | Agency Name & Address | Department of General Services<br>800 Abel Wolman Municipal Building                                      |  |
|      | Subject               | <b>Report on City Council Bill 17-00048 – Labor and Employment – Displaced Service Workers Protection</b> |  |

**TO:** The Honorable Chairwoman and Members  
of the Labor Committee  
Room 409, City Hall 100 N. Holliday Street  
Baltimore, Maryland 21202

**DATE:** May 18, 2017

**Re:** City Council Bill 17-0048 – Labor and Employment – Displaced Service Workers Protection

Dear Chairwoman Sneed and Members of the Labor Committee:

The Department of General Services reviewed City Council Bill 17-0048 - Labor and Employment - Displaced Service Workers Protection as introduced by Councilwoman Sneed. CCB 17-0048 purposes requiring successor entities taking over certain terminated service contracts to retain employees who worked on the previous contracts under certain conditions; requiring the disclosure of information when service contracts are terminated in certain circumstances; prohibiting retaliation against workers for seeking assistance from, or cooperating with, the Wage Commission; empowering the Wage Commission to issue subpoenas and administer oaths; defining certain terms; establishing certain penalties; and generally relating to the protection of displaced service workers.

After thorough consideration the Department of General Services takes **no position** regarding City Council Bill 17-0048. The Department sees the potential upside of the bill with regards to a vendor's ability to more easily hire staff already familiar with the work and properties in which they perform building maintenance or security. This benefit to vendors may increase vendor competition and improve outcomes for the City.

However, the Department can also see a scenario where vendors are discouraged by the additional regulations which lead to less competition for City contracts and lower performance. Under this scenario, the Department can envision contract swapping in collusion between two poorly performing contractors rotating the same staff.

Due to the potential for either a substantial upside or downside for our contracted vendors, the Department believes it is prudent to take no position on City Council Bill 17-0048 - Labor and Employment - Displaced Service Workers Protection as introduced by Councilwoman Sneed in hopes that these concerns are considered by the committee.

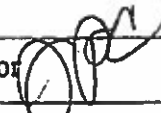

SS:rpt

*No position*

  
STEVE SHARKEY  
DIRECTOR

RECEIVED  
 MAY 18 2017  
 BALTIMORE CITY COUNCIL  
 PRESIDENT'S OFFICE



|             |                       |  |   |   |
|-------------|-----------------------|--|---|---|
| <b>FROM</b> | NAME & TITLE          | Jill P. Carter, Director  | CITY of<br>BALTIMORE<br><br><b>MEMO</b> |  |
|             | AGENCY NAME & ADDRESS | Office of Civil Rights & Wage Enforcement<br>7 E. Redwood Street, 9 <sup>th</sup> Floor 410-396-3141       |   |   |
|             | SUBJECT               | City Council Bill 17-0048<br>Labor & Employment – Displaced Service Workers Protection                     |   |   |

DATE: May 17, 2017

**TO** The Honorable Councilwoman, Shannon Sneed  
Chair, Labor Committee, Baltimore City Council  
Room 500 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

On behalf of the Baltimore City Office of Civil Rights and Wage Enforcement (OCRWE), I appreciate the opportunity to weigh in on the above reference bill.

Currently, the Wage Commission enforces Prevailing and Living Wage Laws on contracts awarded by the City of Baltimore. Enforcement includes the review of certified payrolls followed by investigation for misclassification and overtime if a discrepancy is determined. In addition to the review of certified payrolls, the Wage Commission also investigates complaints from individuals that believe they are paid unfair wages. The Enforcement of Living Wage service contracts falls within the purview of our office, thereby the monitoring of the Displaced Service Workers would prove for a seamless transition.

Many Baltimore residents are paid wages which are insufficient to provide adequate maintenance for themselves and their families. Such wages impair the health, efficiency, and well-being of the persons employed and of their families. When workers are fired in mass with short notice it adds to the extreme financial stress and causes disruption to the lives of workers and their families. This in turn can place strain on local social serves and government budgets as well.

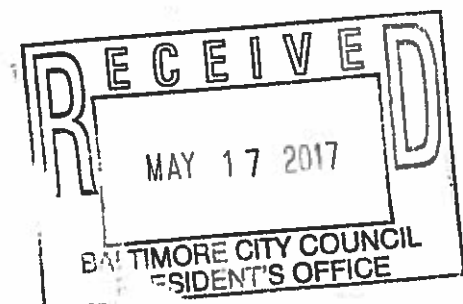
The Wage Commission supports City Council Bill 17-0048, Displace Service Workers Protection, because it is designed to prevent the harmful impact on workers and their families that can occur when a work force is dismissed with short notice. The bill promotes high road contracting and quality standards within the service contracting industry and provides existing workers with a period of certainty during which they can demonstrate their performance to the new employer.

As the agency that will enforce City Council Bill 17-0048, Displace Service Workers Protection, we anticipate minimal disruption on staff and enforcement procedures. The Office of Civil Rights and Wage Enforcement has a genuine interest in passing Displacement Worker Protection.

Position: **FAVORABLE**

JPC:mm

cc: Kyron Banks, Legislative Liaison to City Council  
Sheila Wyche, Secretary, Mayor's Office of Government Relations  
Natawna B. Austin, Executive Secretary







CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

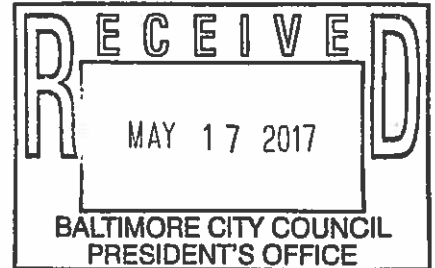


DEPARTMENT OF LAW

101 City Hall  
Baltimore, Maryland 21202

May 15, 2017

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202



Re: City Council Bill 17-0048 – Labor and Employment – Displaced Service Workers Protection

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0048 for form and legal sufficiency. This bill is for the purpose requiring successor entities that take over certain terminated service contracts to retain employees who worked on the previous contracts under certain circumstance. The bill also requires that the terminated contractor provide the successor contractor with the names and other information regarding affected employees. The successor contractor must retain the affected employees for 90 days. After 90 days, if their performance is satisfactory the successor employer must make an offer of employment to those affected employees under the terms and conditions set by the successor employer. The bill prohibits retaliation against workers for seeking assistance from, or cooperating with, the Wage Commission with respect to violations of the bill and empowers the Wage Commission to enforce its provisions using the procedures in the bill.

There are several jurisdictions across the country that have enacted similar legislation. These types of laws have not gone unchallenged. See *Rhode Island Hosp. Assoc. v. City of Providence*, 775 F.Supp. 2d 416 (2011) and *Washington Serv. Contrac. Coalition v. District of Columbia*, 54 F. 3d 811(1995). Challenges to these types of laws have been based on preemption by the NLRA or claims of violation of the Contracts Clause of the U.S. Constitution. To date, these laws have not been invalidated by any court as preempted by the NLRA or in violation of the Contracts clause. This is however an evolving legal issue and the courts could trend in a different direction in the future.

The Law Department does have some amendments to clarify certain parts of the bill.

1. In Sec. 18-1(h), to further clarify the definition of "service employee" insert "(3) "Service employee" does not include a managerial or confidential employee; an employee who works in an executive, administrative or professional capacity or; an employee who earns more than \$30 per hour."
2. In Sec. 18-3(1), clarify to whom the list must be submitted.

*Fav w/ Amend*





3. In Sec. 1803(B)(2), is there a time period within which the written offer must be provided i.e. "no later than X days after the 90 day period?"

Accordingly, with the inclusion of the amendments noted herein, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,

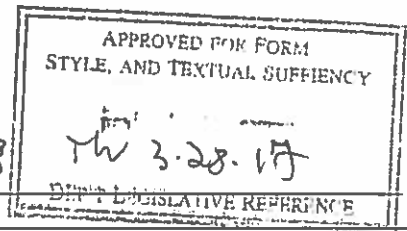
*Elena R. DiPietro*

Elena. R. DiPietro  
Chief Solicitor

cc: David Ralph, Acting City Solicitor  
Kyron Banks, Mayor's Legislative Liaison  
Hilary Ruley, Chief Solicitor  
Victor Tervalo, Chief Solicitor  
Jennifer Landis, Assistant Solicitor



INTRODUCTORY\*  
CITY OF BALTIMORE  
COUNCIL BILL 17-0048



Introduced by: Councilmember Sneed

A BILL ENTITLED

AN ORDINANCE concerning

**Labor and Employment – Displaced Service Workers Protection**

*Labor Law Wage Comm*

FOR the purpose of requiring successor entities taking over certain terminated service contracts to retain employees who worked on the previous contracts under certain conditions; requiring the disclosure of information when service contracts are terminated in certain circumstances; prohibiting retaliation against workers for seeking assistance from, or cooperating with, the Wage Commission; empowering the Wage Commission to issue subpoenas and administer oaths; defining certain terms; establishing certain penalties; and generally relating to the protection of displaced service workers. *Final*

BY adding

Article 11 - Labor and Employment  
Section(s) 18-1 to 18-9, to be under the new subtitle designation,  
“Subtitle 18. Displaced Service Workers Protection”  
Baltimore City Code  
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 11. Labor and employment**

**SUBTITLE 18. DISPLACED SERVICE WORKERS PROTECTION.**

**§18-1. DEFINITIONS.**

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *AFFECTED EMPLOYEE.*

“ AFFECTED EMPLOYEE” MEANS A SERVICE EMPLOYEE PERFORMING WORK FOR AN ENTITY

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

THAT IS BEING, OR HAS BEEN, TERMINATED AS A SERVICE PROVIDER AND IS BEING REPLACED WITH A SUCCESSOR ENTITY PERFORMING SIMILAR SERVICES AT THE SAME SITE.

(C) *AWARDING AUTHORITY.*

- (1) "AWARDING AUTHORITY" MEANS ANY PERSON THAT AWARDS OR ENTERS INTO A SERVICE CONTRACT OR SUBCONTRACT WITH A CONTRACTOR TO BE PERFORMED IN THE CITY.
- (2) "AWARDING AUTHORITY" INCLUDES THE CITY OF BALTIMORE AND ANY GOVERNMENTAL UNIT, AGENCY, OR OTHER ENTITY AS TO WHICH THE CITY HAS THE POWER TO LEGISLATE.

(D) *CONTRACTOR.*

"CONTRACTOR" MEANS ANY PERSON, INCLUDING A SUBCONTRACTOR, THAT:

- (1) ENTERS INTO A SERVICE CONTRACT TO PERFORM WORK IN THE CITY; AND
- (2) EMPLOYS MORE THAN 20 EMPLOYEES.

(E) *COMMISSION.*

"COMMISSION" MEANS THE WAGE COMMISSION ESTABLISHED BY § 2-1 {"COMMISSION ESTABLISHED"} OF THIS ARTICLE, OR THE COMMISSION'S DESIGNEE.

(F) *PERSON.*

"PERSON" MEANS:

- (1) AN INDIVIDUAL;
- (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, LLC, OR OTHER ENTITY OF ANY KIND; OR
- (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

(G) *SERVICE CONTRACT.*

"SERVICE CONTRACT" MEANS A CONTRACT BETWEEN AN AWARDING AUTHORITY AND A CONTRACTOR TO PROVIDE SECURITY, JANITORIAL, BUILDING MAINTENANCE, OR FOOD PREPARATION IN A FACILITY LOCATED IN THE CITY THAT IS USED AS A:

- (1) PRIVATE ELEMENTARY OR SECONDARY SCHOOL;
- (2) PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY;
- (3) CONVENTION, SPORTS, OR ENTERTAINMENT INSTITUTION, SUCH AS A MUSEUM, CASINO, CONVENTION CENTER, ARENA, STADIUM, OR MUSIC HALL;
- (4) MULTI-FAMILY RESIDENTIAL BUILDING OR COMPLEX WITH MORE THAN 30 UNITS;

(5) COMMERCIAL BUILDING OR OFFICE BUILDING OCCUPYING MORE THAN 50,000 SQUARE FEET;

(6) INDUSTRIAL FACILITY, SUCH AS A PHARMACEUTICAL LABORATORY, RESEARCH AND DEVELOPMENT FACILITY, OR PRODUCT FABRICATION FACILITY; OR

(7) DISTRIBUTION CENTER.

(H) *SERVICE EMPLOYEE.*

“SERVICE EMPLOYEE” MEANS AN INDIVIDUAL EMPLOYED ON A FULL- OR PART-TIME BASIS AS A:

(1) BUILDING SERVICE EMPLOYEE, INCLUDING A JANITOR, SECURITY OFFICER, GROUNDSKEEPER, CONCIERGE, DOOR STAFFER, MAINTENANCE TECHNICIAN, HANDYMAN, SUPERINTENDENT, ELEVATOR OPERATOR, WINDOW CLEANER, OR BUILDING ENGINEER; OR

(2) FOOD SERVICE WORKER, INCLUDING A CAFETERIA ATTENDANT, LINE ATTENDANT, COOK, BUTCHER, BAKER, SERVER, CASHIER, CATERING WORKER, DINING ATTENDANT, DISHWASHER, OR MERCHANDISE VENDOR.

(I) *SUCCESSOR ENTITY.*

“SUCCESSOR ENTITY” MEANS AN ENTITY THAT:

(1) IS AWARDED A SERVICE CONTRACT TO PROVIDE, IN WHOLE OR IN PART, SERVICES THAT ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED TO THE AWARDING AUTHORITY AT ANY TIME DURING THE PREVIOUS 90 DAYS;

(2) HAS PURCHASED OR ACQUIRED CONTROL OF A PROPERTY LOCATED IN THE CITY WHERE SERVICE EMPLOYEES WERE EMPLOYED AT ANY TIME DURING THE PREVIOUS 90 DAYS; OR

(3) TERMINATES A SERVICE CONTRACT AND, WITHIN 90 DAYS OF THE TERMINATION, HIRES SERVICE EMPLOYEES AS ITS DIRECT EMPLOYEES TO PERFORM SERVICES THAT ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED UNDER THE TERMINATED SERVICE CONTRACT.

**§ 18-2. RULES AND REGULATIONS.**

(A) *COMMISSION TO ADOPT.*

THE COMMISSION MAY ADOPT RULES AND REGULATIONS TO IMPLEMENT THIS SUBTITLE.

(B) *FILING WITH LEGISLATIVE REFERENCE.*

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

**§ 18-3. TRANSITION EMPLOYMENT PERIOD.**

(A) *AWARDING AUTHORITY RESPONSIBILITIES.*

AT LEAST 15 DAYS BEFORE A SERVICE CONTRACT IS TERMINATED, AN AWARDDING AUTHORITY MUST:

- (1) REQUEST THAT THE TERMINATED CONTRACTOR PROVIDE IT A COMPLETE LIST OF THE NAME, DATE OF HIRE, AND JOB CLASSIFICATION OF EACH AFFECTED EMPLOYEE;
- (2) GIVE THE SUCCESSOR ENTITY A COMPLETE LIST OF THE NAME, DATE OF HIRE, AND JOB CLASSIFICATION OF EACH AFFECTED EMPLOYEE; AND
- (3) EXCEPT IN THE CASE OF A SERVICE CONTRACT AT A FACILITY USED AS A PUBLIC UNIVERSITY, ENSURE THAT A WRITTEN NOTICE TO ALL AFFECTED EMPLOYEES DESCRIBING THE PENDING TERMINATION OF THE SERVICE CONTRACT AND THE EMPLOYEE RIGHTS PROVIDED BY THIS SUBTITLE IS CONSPICUOUSLY POSTED AT ANY AFFECTED WORK SITE.

(B) *SUCCESSOR ENTITY RESPONSIBILITIES.*

- (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SUCCESSOR ENTITY MUST OFFER TO RETAIN, AND, IF THE OFFER IS ACCEPTED, ACTUALLY RETAIN, EACH AFFECTED EMPLOYEE AT AN AFFECTED SITE FOR 90 DAYS OR UNTIL THE SUCCESSOR ENTITY NO LONGER PROVIDES SERVICES AT THE COVERED LOCATION, WHICHEVER IS EARLIER.
- (2) THE SUCCESSOR ENTITY MUST GIVE EACH AFFECTED EMPLOYEE A WRITTEN OFFER OF EMPLOYMENT AND SEND A COPY TO THE EMPLOYEE'S COLLECTIVE BARGAINING REPRESENTATIVE, IF ANY. EACH OFFER MUST:
  - (I) ALLOW THE EMPLOYEE AT LEAST 10 DAYS AFTER RECEIVING THE NOTICE TO ACCEPT THE OFFER; AND
  - (II) STATE THE DATE BY WHICH THE AFFECTED EMPLOYEE MUST ACCEPT THE OFFER.
- (3) A SUCCESSOR ENTITY MAY RETAIN LESS THAN ALL OF THE AFFECTED EMPLOYEES DURING THE 90-DAY TRANSITION PERIOD IF THE SUCCESSOR ENTITY:
  - (I) FINDS THAT FEWER SERVICE EMPLOYEES ARE REQUIRED TO PERFORM THE WORK THAN THE TERMINATED CONTRACTOR HAD EMPLOYED;
  - (II) RETAINS SERVICE EMPLOYEES BY SENIORITY WITHIN EACH JOB CLASSIFICATION;
  - (III) MAINTAINS A PREFERENTIAL HIRING LIST OF THOSE EMPLOYEES NOT RETAINED; AND
  - (IV) HIRES ANY ADDITIONAL SERVICE EMPLOYEES FROM THE LIST, IN ORDER OF SENIORITY, UNTIL ALL AFFECTED SERVICE EMPLOYEES HAVE BEEN OFFERED EMPLOYMENT.
- (4) AT THE END OF THE 90-DAY TRANSITION EMPLOYMENT PERIOD, THE SUCCESSOR ENTITY MUST PERFORM A WRITTEN PERFORMANCE EVALUATION FOR EACH EMPLOYEE RETAINED PURSUANT TO THIS SECTION. IF THE EMPLOYEE'S PERFORMANCE DURING



THE 90-DAY TRANSITION EMPLOYMENT PERIOD IS SATISFACTORY, THE SUCCESSOR ENTITY MUST OFFER THE EMPLOYEE CONTINUED EMPLOYMENT UNDER THE TERMS AND CONDITIONS ESTABLISHED BY THE SUCCESSOR ENTITY.

- (5) DURING THE 90-DAY TRANSITION PERIOD, THE SUCCESSOR ENTITY MAY NOT DISCHARGE A SERVICE EMPLOYEE RETAINED UNDER THIS SECTION WITHOUT JUST CAUSE.

§ 18-4. *{Reserved}*

§ 18-5. NOT A BAR TO CONTRACT TERMINATION.

THIS SUBTITLE DOES NOT LIMIT THE ABILITY OF AN AWARDING AUTHORITY TO TERMINATE A SERVICE CONTRACT OR REPLACE A CONTRACTOR WITH ANOTHER CONTRACTOR.

§ 18-6. RETALIATION PROHIBITED.

- (A) AN EMPLOYER MAY NOT DISCHARGE OR REDUCE THE COMPENSATION OF ANY EMPLOYEE FOR:

- (1) MAKING A COMPLAINT TO THE COMMISSION ALLEGING A VIOLATION OF THIS SUBTITLE; OR
- (2) PARTICIPATING IN ANY OF THE COMMISSION'S PROCEEDINGS CONCERNING AN ALLEGED VIOLATION OF THIS SUBTITLE.

- (B) IF THE COMMISSION FINDS THAT AN EMPLOYER HAS VIOLATED SUBSECTION (A) OF THIS SECTION IT MAY, PURSUANT TO THE PROCEDURES PROVIDED IN § 18-7 {"ENFORCEMENT PROCEDURES"}, ORDER APPROPRIATE RESTITUTION OR THE REINSTATEMENT OF THE EMPLOYEE WITH BACKPAY TO THE DATE OF THE VIOLATION.

§ 18-7. ENFORCEMENT PROCEDURES.

- (A) *FILING COMPLAINTS.*

ANY PERSON SUBJECTED TO A PRACTICE IN VIOLATION OF THIS SUBTITLE, OR ANY GROUP OR PERSON SEEKING TO ENFORCE THIS SUBTITLE, MAY FILE A WRITTEN COMPLAINT WITH THE COMMISSION.

- (B) *COMPLAINT REQUIREMENTS.*

A COMPLAINT FILED UNDER THIS SECTION MUST:

- (1) BE FILED WITHIN 1 YEAR OF THE ALLEGED VIOLATION;
- (2) BE FILED UNDER OATH; AND
- (3) INCLUDE:
  - (I) THE PARTICULARS OF THE ALLEGED VIOLATION;
  - (II) THE NAME AND ADDRESS OF THE PERSON ALLEGED TO HAVE COMMITTED THE VIOLATION; AND

(III) ANY OTHER INFORMATION REQUIRED BY THE COMMISSION.

(C) *COMPLAINTS BY COMMISSION.*

THE COMMISSION MAY, ACTING ON ITS OWN INITIATIVE AND WITHOUT ANY COMPLAINT FROM AN EMPLOYEE, FILE A COMPLAINT AGAINST AN EMPLOYER WHENEVER THE COMMISSION HAS REASONABLE CAUSE TO BELIEVE THAT THE EMPLOYER IS OR HAS BEEN IN VIOLATION OF THIS SUBTITLE.

(D) *INVESTIGATION FOR PROBABLE CAUSE.*

AFTER THE FILING OF A COMPLAINT, EITHER BY A PERSON CLAIMING TO BE AGGRIEVED AS SET FORTH ABOVE OR BY THE COMMISSION, THE COMMISSION MUST:

- (1) INVESTIGATE THE FACTS ALLEGED IN THE COMPLAINT; AND
- (2) MAKE A FINDING OF PROBABLE CAUSE OR LACK OF PROBABLE CAUSE FOR THE COMPLAINT.

(E) *SUBPOENAS; OATHS.*

(1) IN ENFORCING THIS SUBTITLE, THE COMMISSION MAY:

- (I) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND DOCUMENTS RELATING TO PAYROLL RECORDS, OR OTHERWISE NECESSARY FOR HEARINGS, INVESTIGATIONS, OR PROCEEDINGS; AND
- (II) ADMINISTER OATHS, SUBJECT TO THE PENALTIES FOR PERJURY, TO ALL WITNESSES.

(2) ANY SUBPOENA ISSUED UNDER THIS SUBSECTION SHALL BE SERVED BY:

- (I) THE SHERIFF OF BALTIMORE CITY OR ANY OF THE SHERIFF'S DEPUTIES; OR
- (II) ANY OTHER PERSON AUTHORIZED BY THE MARYLAND RULES OF PROCEDURE TO EFFECTUATE IN PERSONAM SERVICE.

(F) *SUBPOENA ENFORCEMENT.*

(1) IN CASE OF DISOBEDIENCE TO A SUBPOENA, THE COMMISSION MAY APPLY TO A COURT OF APPROPRIATE JURISDICTION FOR AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND DOCUMENTS.

(2) THE COURT, IN CASE OF CONTUMACY OR REFUSAL TO OBEY ANY SUBPOENA ISSUED UNDER THIS SECTION, AFTER NOTICE TO THE PERSON SUBPOENAED, AND UPON FINDING THAT THE ATTENDANCE OR TESTIMONY OF THE WITNESSES OR THE PRODUCTION OF THE BOOKS, PAPERS, RECORDS, AND DOCUMENTS, AS THE CASE MAY BE, IS RELEVANT OR NECESSARY FOR A HEARING, INVESTIGATION, OR PROCEEDING OF THE COMMISSION, MAY ISSUE AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF THE SOUGHT WITNESSES AND THE PRODUCTION OF THE SOUGHT BOOKS, PAPERS, RECORDS, AND DOCUMENTS, OR ANY OF THEM.

(3) ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS CONTEMPT THEREOF.

(G) *DISMISSAL FOR LACK OF PROBABLE CAUSE.*

IF THE COMMISSION FINDS THAT THE COMPLAINT LACKS PROBABLE CAUSE, THEN IT MUST DISMISS THE COMPLAINT AND MAIL COPIES OF ITS FINDING TO THE RESPONDENT AND COMPLAINANT.

(H) *PROBABLE CAUSE CONFERENCE; SETTLEMENT AGREEMENT.*

(1) IF THE COMMISSION FINDS PROBABLE CAUSE FOR THE COMPLAINT, THE COMMISSION MUST ATTEMPT, BY MEANS OF CONFERENCE, TO:

- (I) PERSUADE THE RESPONDENT TO CEASE AND DESIST ITS ILLEGAL ACTION;
- (II) REINSTATE ANY AFFECTED EMPLOYEES TO THEIR FORMER POSITIONS UNDER THE CONDITIONS REQUIRED BY §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE; AND
- (III) PAY ANY AFFECTED EMPLOYEES ALL WAGES AND OTHER COMPENSATION OWED FOR THE PERIOD OF TIME THAT THEY WERE UNLAWFULLY TERMINATED, AS PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE.

(2) ANY AGREEMENT REACHED BETWEEN THE RESPONDENT AND THE COMMISSION MUST BE REDUCED TO WRITING AND A COPY OF THE AGREEMENT MUST BE FURNISHED TO THE COMPLAINANT AND THE RESPONDENT.

(I) *FINAL ORDER.*

(1) THE COMMISSION MAY ISSUE A FINAL ORDER ON ITS OWN MOTION IF:

- (I) THE COMMISSION AND THE RESPONDENT FAIL TO REACH AN AGREEMENT WITHIN 30 DAYS OF THE DATE SET FOR THE PROBABLE CAUSE CONFERENCE, OR
- (II) THE RESPONDENT FAILS TO MEET ITS OBLIGATIONS UNDER AN AGREEMENT WITH THE COMMISSION WITHIN THE TIME SPECIFIED IN THE AGREEMENT.

(2) A FINAL ORDER ISSUED UNDER THIS SUBSECTION MAY:

- (I) REQUIRE THE REINSTATEMENT OF THE SERVICE EMPLOYEE OR EMPLOYEES WRONGFULLY TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE;
- (II) REQUIRE THE RESPONDENT TO PAY EACH SERVICE EMPLOYEE WRONGFULLY TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE HIS OR HER LOST WAGES AND OTHER COMPENSATION TO THE DATE OF THE VIOLATION, AS PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE; AND

(III) DIRECT THE CESSATION OF ALL PRACTICES BY THE RESPONDENT WHICH ARE CONTRARY TO THE PROVISIONS OF THIS SUBTITLE OR THE RULES AND REGULATIONS OF THE COMMISSION.

(3) A COPY OF AN ORDER ISSUED UNDER THIS SUBTITLE MUST BE FURNISHED TO THE RESPONDENT BY REGISTERED MAIL WITHIN 3 DAYS OF ITS ISSUANCE.

(J) *JUDICIAL AND APPELLATE REVIEW.*

(1) A RESPONDENT AGGRIEVED BY AN ORDER OF THE COMMISSION MAY SEEK JUDICIAL REVIEW OF THAT ORDER BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(K) *REFERRAL TO SOLICITOR.*

IF, WITHIN 30 DAYS OF THE ISSUANCE OF A FINAL ORDER UNDER SUBSECTION (I) OF THIS SECTION, THE RESPONDENT HAS FAILED TO COMPLY WITH THE ORDER, THE COMMISSION MAY CERTIFY THE PROCEEDINGS TO THE CITY SOLICITOR AND REQUEST THAT THE SOLICITOR PETITION THE CIRCUIT COURT OF BALTIMORE CITY TO ENFORCE THE ORDER.

**§18-8. PENALTIES AND FINES.**

(A) *IN GENERAL.*

THE COMMISSION MAY ORDER ANY CONTRACTOR OR SUCCESSOR ENTITY WHO COMMITS A VIOLATION OF THIS SUBTITLE TO:

- (1) PAY TO THE EMPLOYEE OR EMPLOYEES IMPACTED THE WAGES AND OTHER COMPENSATION LOST AS A RESULT OF THE CONTRACTOR'S VIOLATION OF §18-3, WITH INTEREST COMPUTED AT 10% PER ANNUM ON WAGES AND OTHER MONETARY COMPENSATION DUE; AND
- (2) REINSTATE AN EMPLOYEE OR EMPLOYEES UNDER THE CONDITIONS REQUIRED BY §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE.

(B) *FINES.*

(1) ANY SUCCESSOR ENTITY THAT VIOLATES THIS SUBTITLE SHALL FORFEIT AND PAY TO THE CITY OF BALTIMORE A PENALTY AS FOLLOWS:

- (I) FOR A 1ST OFFENSE, \$250 FOR EACH VIOLATION;
- (II) FOR A 2ND OFFENSE, \$500 FOR EACH VIOLATION; AND
- (III) FOR EACH SUBSEQUENT OFFENSE, \$1,000 FOR EACH VIOLATION.

(2) EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE.

**§18-9. SEVERABILITY.**

ALL PROVISIONS OF THIS SUBTITLE ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.

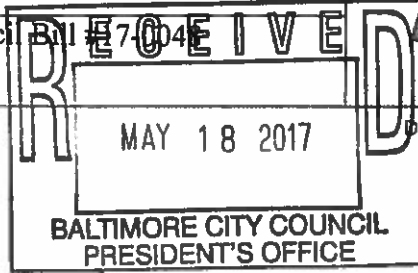


|             |                       |  |                              |             |
|-------------|-----------------------|--|------------------------------|-------------|
| <b>FROM</b> | NAME & TITLE          | Henry Raymond, Director <i>[Signature]</i>     | <b>CITY of<br/>BALTIMORE</b> | <b>MEMO</b> |
|             | AGENCY NAME & ADDRESS | Department of Finance<br>469 City Hall         |                              |             |
|             | SUBJECT               | Finance Response to City Council Bill #17-0048 |                              |             |



**TO**

The Honorable President and  
Members of the City Council  
Room 400, City Hall



DATE:  
May 18, 2017

The Department of Finance supports the smooth transition from one City service contract to another at the expiration of the contract term, including, when desirable, the hiring of employees who gained valuable knowledge and experience during the performance of the expiring contract. However, the Department of Finance opposes Council Bill #17-0048 as it is currently written, as it would tend to reduce competition on City contracts, and raise prices unnecessarily.

An additional contractually or legally required process that increases administrative burden and reduces the ability of a City vendor to control its own business practices would tend to reduce competition. This Council Bill would add administrative requirements in tracking employees during the initial months of the contract term, in a process or system that is unlikely to currently exist in most small businesses. Additionally, the vendors would need to pay for internal or external resources to defend claims submitted by employees who are not retained after the initial period required, if they disagree with the performance evaluation. Finally, an outgoing vendor may have bid on other contracts with the plan to reassign its current work force to the newly awarded contract. This Council Bill may reduce the stability of the vendors' workforces, and restrict their ability to plan for upcoming awards. All of these issues would tend to reduce the attractiveness of the City contracting opportunities, and therefore reduce competition. A reduction in competition tends to increase the contract costs to the City.

Additionally, this requirement may make it more difficult for the City to replace a poorly performing vendor, as the vendor hired to replace it will be required to take on the employees of that terminated vendor for the initial months of the contract. In some cases, this may require the successor vendor to hire the personnel who are the cause of the poor performance and contract termination.

In our experience, newly awarded vendors on service contracts, such as for janitorial services and the management of food service operations, already make an effort to hire current employees, as it is a convenient pool of trained prospective employees, in the event the vendor requires additional staffing beyond its current employees. The Department of Finance makes an attempt to structure the timing of those new awards to allow for the transition, when feasible. As an example, the vendor Volume Services, Inc. d/b/a Centerplate was awarded the food service operation contract at the Baltimore Convention Center, which had previously been held by Aramark Corporation. Centerplate hired approximately 75% of the employees who had been working on the expiring contract.

*VF*





The Honorable President and Members of the City Council  
May 17, 2017  
Page 2 of 2

As an alternative to making these requirements enforceable against vendors on City contracts, Department of Finance recommends that we include a clause in solicitation documents to inform vendors that, if awarded, they have the right to post notice, at any City facilities that would be impacted by the transition, of the new award and an offer to interview for employment. Additionally, we support the requirement that a list of current employees be provided to the successor vendor, so that they are able to make offers of employment when desirable. This could also be included in service contracts.

The Finance Department has reviewed Council Bill 17-0048 and takes an unfavorable position on this legislation.

cc: Erin Sher Smyth, City Purchasing Agent  
Tamara Robert, Deputy City Purchasing Agent



**CITY OF BALTIMORE  
COUNCIL BILL 17-0048  
(First Reader)**

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Introduced by: Councilmembers Sneed, Henry, President Young, Councilmembers Scott, Dorsey,  
Cohen, Pinkett, Stokes, Burnett, Bullock, Reisinger, Costello, Clarke

Introduced and read first time: April 3, 2017

Assigned to: Labor Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Wage Commission, Department of  
Finance

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Labor and Employment – Displaced Service Workers Protection**

3 FOR the purpose of requiring successor entities taking over certain terminated service contracts to  
4 retain employees who worked on the previous contracts under certain conditions; requiring  
5 the disclosure of information when service contracts are terminated in certain circumstances;  
6 prohibiting retaliation against workers for seeking assistance from, or cooperating with, the  
7 Wage Commission; empowering the Wage Commission to issue subpoenas and administer  
8 oaths; defining certain terms; establishing certain penalties; and generally relating to the  
9 protection of displaced service workers.

10 BY adding

11 Article 11 - Labor and Employment  
12 Section(s) 18-1 to 18-9, to be under the new subtitle designation,  
13 "Subtitle 18. Displaced Service Workers Protection"  
14 Baltimore City Code  
15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
17 Laws of Baltimore City read as follows:

18 **Baltimore City Code**

19 **Article 11. Labor and employment**

20 **SUBTITLE 18. DISPLACED SERVICE WORKERS PROTECTION.**

21 **§18-1. DEFINITIONS.**

22 (A) *IN GENERAL.*

23 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 17-0048**

1 (B) *AFFECTED EMPLOYEE.*

2 "AFFECTED EMPLOYEE" MEANS A SERVICE EMPLOYEE PERFORMING WORK FOR AN ENTITY  
3 THAT IS BEING, OR HAS BEEN, TERMINATED AS A SERVICE PROVIDER AND IS BEING  
4 REPLACED WITH A SUCCESSOR ENTITY PERFORMING SIMILAR SERVICES AT THE SAME SITE.

5 (C) *AWARDING AUTHORITY.*

6 (1) "AWARDING AUTHORITY" MEANS ANY PERSON THAT AWARDS OR ENTERS INTO A  
7 SERVICE CONTRACT OR SUBCONTRACT WITH A CONTRACTOR TO BE PERFORMED IN  
8 THE CITY.

9 (2) "AWARDING AUTHORITY" INCLUDES THE CITY OF BALTIMORE AND ANY  
10 GOVERNMENTAL UNIT, AGENCY, OR OTHER ENTITY AS TO WHICH THE CITY HAS  
11 THE POWER TO LEGISLATE.

12 (D) *CONTRACTOR.*

13 "CONTRACTOR" MEANS ANY PERSON, INCLUDING A SUBCONTRACTOR, THAT:

14 (1) ENTERS INTO A SERVICE CONTRACT TO PERFORM WORK IN THE CITY; AND

15 (2) EMPLOYS MORE THAN 20 EMPLOYEES.

16 (E) *COMMISSION.*

17 "COMMISSION" MEANS THE WAGE COMMISSION ESTABLISHED BY § 2-1 {"COMMISSION  
18 ESTABLISHED"} OF THIS ARTICLE, OR THE COMMISSION'S DESIGNEE.

19 (F) *PERSON.*

20 "PERSON" MEANS:

21 (1) AN INDIVIDUAL;

22 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, LLC, OR OTHER ENTITY OF  
23 ANY KIND; OR

24 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR  
25 REPRESENTATIVE OF ANY KIND.

26 (G) *SERVICE CONTRACT.*

27 "SERVICE CONTRACT" MEANS A CONTRACT BETWEEN AN AWARDING AUTHORITY AND A  
28 CONTRACTOR TO PROVIDE SECURITY, JANITORIAL, BUILDING MAINTENANCE, OR FOOD  
29 PREPARATION IN A FACILITY LOCATED IN THE CITY THAT IS USED AS A:

30 (1) PRIVATE ELEMENTARY OR SECONDARY SCHOOL;

31 (2) PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY;

**Council Bill 17-0048**

- (3) CONVENTION, SPORTS, OR ENTERTAINMENT INSTITUTION, SUCH AS A MUSEUM, CASINO, CONVENTION CENTER, ARENA, STADIUM, OR MUSIC HALL;
- (4) MULTI-FAMILY RESIDENTIAL BUILDING OR COMPLEX WITH MORE THAN 30 UNITS;
- (5) COMMERCIAL BUILDING OR OFFICE BUILDING OCCUPYING MORE THAN 50,000 SQUARE FEET;
- (6) INDUSTRIAL FACILITY, SUCH AS A PHARMACEUTICAL LABORATORY, RESEARCH AND DEVELOPMENT FACILITY, OR PRODUCT FABRICATION FACILITY; OR
- (7) DISTRIBUTION CENTER.

**(H) SERVICE EMPLOYEE.**

“SERVICE EMPLOYEE” MEANS AN INDIVIDUAL EMPLOYED ON A FULL- OR PART-TIME BASIS AS A:

- (1) BUILDING SERVICE EMPLOYEE, INCLUDING A JANITOR, SECURITY OFFICER, GROUNDSKEEPER, CONCIERGE, DOOR STAFFER, MAINTENANCE TECHNICIAN, HANDYMAN, SUPERINTENDENT, ELEVATOR OPERATOR, WINDOW CLEANER, OR BUILDING ENGINEER; OR
- (2) FOOD SERVICE WORKER, INCLUDING A CAFETERIA ATTENDANT, LINE ATTENDANT, COOK, BUTCHER, BAKER, SERVER, CASHIER, CATERING WORKER, DINING ATTENDANT, DISHWASHER, OR MERCHANDISE VENDOR.

**(I) SUCCESSOR ENTITY.**

“SUCCESSOR ENTITY” MEANS AN ENTITY THAT:

- (1) IS AWARDED A SERVICE CONTRACT TO PROVIDE, IN WHOLE OR IN PART, SERVICES THAT ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED TO THE AWARDING AUTHORITY AT ANY TIME DURING THE PREVIOUS 90 DAYS;
- (2) HAS PURCHASED OR ACQUIRED CONTROL OF A PROPERTY LOCATED IN THE CITY WHERE SERVICE EMPLOYEES WERE EMPLOYED AT ANY TIME DURING THE PREVIOUS 90 DAYS; OR
- (3) TERMINATES A SERVICE CONTRACT AND, WITHIN 90 DAYS OF THE TERMINATION, HIRES SERVICE EMPLOYEES AS ITS DIRECT EMPLOYEES TO PERFORM SERVICES THAT ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED UNDER THE TERMINATED SERVICE CONTRACT.

**§ 18-2. RULES AND REGULATIONS.**

**(A) COMMISSION TO ADOPT.**

THE COMMISSION MAY ADOPT RULES AND REGULATIONS TO IMPLEMENT THIS SUBTITLE.

**Council Bill 17-0048**

1 (B) *FILING WITH LEGISLATIVE REFERENCE.*

2 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED  
3 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

4 **§ 18-3. TRANSITION EMPLOYMENT PERIOD.**

5 (A) *AWARDING AUTHORITY RESPONSIBILITIES.*

6 AT LEAST 15 DAYS BEFORE A SERVICE CONTRACT IS TERMINATED, AN AWARDING  
7 AUTHORITY MUST:

8 (1) REQUEST THAT THE TERMINATED CONTRACTOR PROVIDE IT A COMPLETE LIST OF  
9 THE NAME, DATE OF HIRE, AND JOB CLASSIFICATION OF EACH AFFECTED  
10 EMPLOYEE;

11 (2) GIVE THE SUCCESSOR ENTITY A COMPLETE LIST OF THE NAME, DATE OF HIRE, AND  
12 JOB CLASSIFICATION OF EACH AFFECTED EMPLOYEE; AND

13 (3) EXCEPT IN THE CASE OF A SERVICE CONTRACT AT A FACILITY USED AS A PUBLIC  
14 UNIVERSITY, ENSURE THAT A WRITTEN NOTICE TO ALL AFFECTED EMPLOYEES  
15 DESCRIBING THE PENDING TERMINATION OF THE SERVICE CONTRACT AND THE  
16 EMPLOYEE RIGHTS PROVIDED BY THIS SUBTITLE IS CONSPICUOUSLY POSTED AT  
17 ANY AFFECTED WORK SITE.

18 (B) *SUCCESSOR ENTITY RESPONSIBILITIES.*

19 (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SUCCESSOR ENTITY MUST  
20 OFFER TO RETAIN, AND, IF THE OFFER IS ACCEPTED, ACTUALLY RETAIN, EACH  
21 AFFECTED EMPLOYEE AT AN AFFECTED SITE FOR 90 DAYS OR UNTIL THE SUCCESSOR  
22 ENTITY NO LONGER PROVIDES SERVICES AT THE COVERED LOCATION, WHICHEVER IS  
23 EARLIER.

24 (2) THE SUCCESSOR ENTITY MUST GIVE EACH AFFECTED EMPLOYEE A WRITTEN OFFER OF  
25 EMPLOYMENT AND SEND A COPY TO THE EMPLOYEE'S COLLECTIVE BARGAINING  
26 REPRESENTATIVE, IF ANY. EACH OFFER MUST:

27 (i) ALLOW THE EMPLOYEE AT LEAST 10 DAYS AFTER RECEIVING THE NOTICE TO  
28 ACCEPT THE OFFER; AND

29 (ii) STATE THE DATE BY WHICH THE AFFECTED EMPLOYEE MUST ACCEPT THE  
30 OFFER.

31 (3) A SUCCESSOR ENTITY MAY RETAIN LESS THAN ALL OF THE AFFECTED EMPLOYEES  
32 DURING THE 90-DAY TRANSITION PERIOD IF THE SUCCESSOR ENTITY:

33 (i) FINDS THAT FEWER SERVICE EMPLOYEES ARE REQUIRED TO PERFORM THE  
34 WORK THAN THE TERMINATED CONTRACTOR HAD EMPLOYED;



**Council Bill 17-0048**

1 (II) RETAINS SERVICE EMPLOYEES BY SENIORITY WITHIN EACH JOB  
2 CLASSIFICATION;

3 (III) MAINTAINS A PREFERENTIAL HIRING LIST OF THOSE EMPLOYEES NOT  
4 RETAINED; AND

5 (IV) HIRES ANY ADDITIONAL SERVICE EMPLOYEES FROM THE LIST, IN ORDER OF  
6 SENIORITY, UNTIL ALL AFFECTED SERVICE EMPLOYEES HAVE BEEN OFFERED  
7 EMPLOYMENT.

8 (4) AT THE END OF THE 90-DAY TRANSITION EMPLOYMENT PERIOD, THE SUCCESSOR  
9 ENTITY MUST PERFORM A WRITTEN PERFORMANCE EVALUATION FOR EACH EMPLOYEE  
10 RETAINED PURSUANT TO THIS SECTION. IF THE EMPLOYEE'S PERFORMANCE DURING  
11 THE 90-DAY TRANSITION EMPLOYMENT PERIOD IS SATISFACTORY, THE SUCCESSOR  
12 ENTITY MUST OFFER THE EMPLOYEE CONTINUED EMPLOYMENT UNDER THE TERMS AND  
13 CONDITIONS ESTABLISHED BY THE SUCCESSOR ENTITY.

14 (5) DURING THE 90-DAY TRANSITION PERIOD, THE SUCCESSOR ENTITY MAY NOT  
15 DISCHARGE A SERVICE EMPLOYEE RETAINED UNDER THIS SECTION WITHOUT JUST  
16 CAUSE.

17 **§ 18-4. {Reserved}**

18 **§ 18-5. NOT A BAR TO CONTRACT TERMINATION.**

19 THIS SUBTITLE DOES NOT LIMIT THE ABILITY OF AN AWARDDING AUTHORITY TO TERMINATE A  
20 SERVICE CONTRACT OR REPLACE A CONTRACTOR WITH ANOTHER CONTRACTOR.

21 **§ 18-6. RETALIATION PROHIBITED.**

22 (A) AN EMPLOYER MAY NOT DISCHARGE OR REDUCE THE COMPENSATION OF ANY EMPLOYEE  
23 FOR:

24 (1) MAKING A COMPLAINT TO THE COMMISSION ALLEGING A VIOLATION OF THIS  
25 SUBTITLE; OR

26 (2) PARTICIPATING IN ANY OF THE COMMISSION'S PROCEEDINGS CONCERNING AN  
27 ALLEGED VIOLATION OF THIS SUBTITLE.

28 (B) IF THE COMMISSION FINDS THAT AN EMPLOYER HAS VIOLATED SUBSECTION (A) OF THIS  
29 SECTION IT MAY, PURSUANT TO THE PROCEDURES PROVIDED IN § 18-7 {"ENFORCEMENT  
30 PROCEDURES"}, ORDER APPROPRIATE RESTITUTION OR THE REINSTATEMENT OF THE  
31 EMPLOYEE WITH BACKPAY TO THE DATE OF THE VIOLATION.

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1    **§ 18-7. ENFORCEMENT PROCEDURES.**

2        (A) *FILING COMPLAINTS.*

3            ANY PERSON SUBJECTED TO A PRACTICE IN VIOLATION OF THIS SUBTITLE, OR ANY GROUP  
4            OR PERSON SEEKING TO ENFORCE THIS SUBTITLE, MAY FILE A WRITTEN COMPLAINT WITH  
5            THE COMMISSION.

6        (B) *COMPLAINT REQUIREMENTS.*

7            A COMPLAINT FILED UNDER THIS SECTION MUST:

8                (1) BE FILED WITHIN 1 YEAR OF THE ALLEGED VIOLATION;

9                (2) BE FILED UNDER OATH; AND

10              (3) INCLUDE:

11                    (I) THE PARTICULARS OF THE ALLEGED VIOLATION;

12                    (II) THE NAME AND ADDRESS OF THE PERSON ALLEGED TO HAVE COMMITTED THE  
13                    VIOLATION; AND

14                    (III) ANY OTHER INFORMATION REQUIRED BY THE COMMISSION.

15        (C) *COMPLAINTS BY COMMISSION.*

16            THE COMMISSION MAY, ACTING ON ITS OWN INITIATIVE AND WITHOUT ANY COMPLAINT  
17            FROM AN EMPLOYEE, FILE A COMPLAINT AGAINST AN EMPLOYER WHENEVER THE  
18            COMMISSION HAS REASONABLE CAUSE TO BELIEVE THAT THE EMPLOYER IS OR HAS BEEN  
19            IN VIOLATION OF THIS SUBTITLE.

20        (D) *INVESTIGATION FOR PROBABLE CAUSE.*

21            AFTER THE FILING OF A COMPLAINT, EITHER BY A PERSON CLAIMING TO BE AGGRIEVED AS  
22            SET FORTH ABOVE OR BY THE COMMISSION, THE COMMISSION MUST:

23                (1) INVESTIGATE THE FACTS ALLEGED IN THE COMPLAINT; AND

24                (2) MAKE A FINDING OF PROBABLE CAUSE OR LACK OF PROBABLE CAUSE FOR THE  
25                COMPLAINT.

26        (E) *SUBPOENAS; OATHS.*

27            (1) IN ENFORCING THIS SUBTITLE, THE COMMISSION MAY:

28                    (I) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE AND TESTIMONY OF  
29                    WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND  
30                    DOCUMENTS RELATING TO PAYROLL RECORDS, OR OTHERWISE NECESSARY FOR  
31                    HEARINGS, INVESTIGATIONS, OR PROCEEDINGS; AND

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1 (II) ADMINISTER OATHS, SUBJECT TO THE PENALTIES FOR PERJURY, TO ALL  
2 WITNESSES.

3 (2) ANY SUBPOENA ISSUED UNDER THIS SUBSECTION SHALL BE SERVED BY:

4 (I) THE SHERIFF OF BALTIMORE CITY OR ANY OF THE SHERIFF'S DEPUTIES; OR

5 (II) ANY OTHER PERSON AUTHORIZED BY THE MARYLAND RULES OF PROCEDURE  
6 TO EFFECTUATE IN PERSONAM SERVICE.

7 (F) *SUBPOENA ENFORCEMENT.*

8 (1) IN CASE OF DISOBEDIENCE TO A SUBPOENA, THE COMMISSION MAY APPLY TO A COURT  
9 OF APPROPRIATE JURISDICTION FOR AN ORDER REQUIRING THE ATTENDANCE AND  
10 TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND  
11 DOCUMENTS.

12 (2) THE COURT, IN CASE OF CONTUMACY OR REFUSAL TO OBEY ANY SUBPOENA ISSUED  
13 UNDER THIS SECTION, AFTER NOTICE TO THE PERSON SUBPOENAED, AND UPON FINDING  
14 THAT THE ATTENDANCE OR TESTIMONY OF THE WITNESSES OR THE PRODUCTION OF  
15 THE BOOKS, PAPERS, RECORDS, AND DOCUMENTS, AS THE CASE MAY BE, IS RELEVANT  
16 OR NECESSARY FOR A HEARING, INVESTIGATION, OR PROCEEDING OF THE COMMISSION,  
17 MAY ISSUE AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF THE SOUGHT  
18 WITNESSES AND THE PRODUCTION OF THE SOUGHT BOOKS, PAPERS, RECORDS, AND  
19 DOCUMENTS, OR ANY OF THEM.

20 (3) ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY THE COURT  
21 AS CONTEMPT THEREOF.

22 (G) *DISMISSAL FOR LACK OF PROBABLE CAUSE.*

23 IF THE COMMISSION FINDS THAT THE COMPLAINT LACKS PROBABLE CAUSE, THEN IT MUST  
24 DISMISS THE COMPLAINT AND MAIL COPIES OF ITS FINDING TO THE RESPONDENT AND  
25 COMPLAINANT.

26 (H) *PROBABLE CAUSE CONFERENCE; SETTLEMENT AGREEMENT.*

27 (1) IF THE COMMISSION FINDS PROBABLE CAUSE FOR THE COMPLAINT, THE COMMISSION  
28 MUST ATTEMPT, BY MEANS OF CONFERENCE, TO:

29 (I) PERSUADE THE RESPONDENT TO CEASE AND DESIST ITS ILLEGAL ACTION;

30 (II) REINSTATE ANY AFFECTED EMPLOYEES TO THEIR FORMER POSITIONS UNDER  
31 THE CONDITIONS REQUIRED BY §18-3(B) {"TRANSITION EMPLOYMENT PERIOD:  
32 SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE; AND

33 (III) PAY ANY AFFECTED EMPLOYEES ALL WAGES AND OTHER COMPENSATION  
34 OWED FOR THE PERIOD OF TIME THAT THEY WERE UNLAWFULLY TERMINATED,  
35 AS PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE.

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1 (2) ANY AGREEMENT REACHED BETWEEN THE RESPONDENT AND THE COMMISSION MUST  
2 BE REDUCED TO WRITING AND A COPY OF THE AGREEMENT MUST BE FURNISHED TO  
3 THE COMPLAINANT AND THE RESPONDENT.

4 (I) *FINAL ORDER.*

5 (1) THE COMMISSION MAY ISSUE A FINAL ORDER ON ITS OWN MOTION IF:

6 (I) THE COMMISSION AND THE RESPONDENT FAIL TO REACH AN AGREEMENT  
7 WITHIN 30 DAYS OF THE DATE SET FOR THE PROBABLE CAUSE CONFERENCE, OR

8 (II) THE RESPONDENT FAILS TO MEET ITS OBLIGATIONS UNDER AN AGREEMENT  
9 WITH THE COMMISSION WITHIN THE TIME SPECIFIED IN THE AGREEMENT.

10 (2) A FINAL ORDER ISSUED UNDER THIS SUBSECTION MAY:

11 (I) REQUIRE THE REINSTATEMENT OF THE SERVICE EMPLOYEE OR EMPLOYEES  
12 WRONGFULLY TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION  
13 EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS  
14 SUBTITLE;

15 (II) REQUIRE THE RESPONDENT TO PAY EACH SERVICE EMPLOYEE WRONGFULLY  
16 TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION EMPLOYMENT PERIOD:  
17 SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE HIS OR HER LOST  
18 WAGES AND OTHER COMPENSATION TO THE DATE OF THE VIOLATION, AS  
19 PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE; AND

20 (III) DIRECT THE CESSATION OF ALL PRACTICES BY THE RESPONDENT WHICH ARE  
21 CONTRARY TO THE PROVISIONS OF THIS SUBTITLE OR THE RULES AND  
22 REGULATIONS OF THE COMMISSION.

23 (3) A COPY OF AN ORDER ISSUED UNDER THIS SUBTITLE MUST BE FURNISHED TO THE  
24 RESPONDENT BY REGISTERED MAIL WITHIN 3 DAYS OF ITS ISSUANCE.

25 (J) *JUDICIAL AND APPELLATE REVIEW.*

26 (1) A RESPONDENT AGGRIEVED BY AN ORDER OF THE COMMISSION MAY SEEK JUDICIAL  
27 REVIEW OF THAT ORDER BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN  
28 ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

29 (2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO  
30 THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF  
31 PROCEDURE.

32 (K) *REFERRAL TO SOLICITOR.*

33 IF, WITHIN 30 DAYS OF THE ISSUANCE OF A FINAL ORDER UNDER SUBSECTION (I) OF THIS  
34 SECTION, THE RESPONDENT HAS FAILED TO COMPLY WITH THE ORDER, THE COMMISSION  
35 MAY CERTIFY THE PROCEEDINGS TO THE CITY SOLICITOR AND REQUEST THAT THE  
36 SOLICITOR PETITION THE CIRCUIT COURT OF BALTIMORE CITY TO ENFORCE THE ORDER.

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1 §18-8. PENALTIES AND FINES.

2 (A) *IN GENERAL.*

3 THE COMMISSION MAY ORDER ANY CONTRACTOR OR SUCCESSOR ENTITY WHO COMMITS A  
4 VIOLATION OF THIS SUBTITLE TO:

5 (1) PAY TO THE EMPLOYEE OR EMPLOYEES IMPACTED THE WAGES AND OTHER  
6 COMPENSATION LOST AS A RESULT OF THE CONTRACTOR'S VIOLATION OF §18-3,  
7 WITH INTEREST COMPUTED AT 10% PER ANNUM ON WAGES AND OTHER MONETARY  
8 COMPENSATION DUE; AND

9 (2) REINSTATE AN EMPLOYEE OR EMPLOYEES UNDER THE CONDITIONS REQUIRED BY  
10 §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY  
11 RESPONSIBILITIES"} OF THIS SUBTITLE.

12 (B) *FINES.*

13 (1) ANY SUCCESSOR ENTITY THAT VIOLATES THIS SUBTITLE SHALL FORFEIT AND PAY TO  
14 THE CITY OF BALTIMORE A PENALTY AS FOLLOWS:

15 (I) FOR A 1ST OFFENSE, \$250 FOR EACH VIOLATION;

16 (II) FOR A 2ND OFFENSE, \$500 FOR EACH VIOLATION; AND

17 (III) FOR EACH SUBSEQUENT OFFENSE, \$1,000 FOR EACH VIOLATION.

18 (2) EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE.

19 §18-9. SEVERABILITY.

20 ALL PROVISIONS OF THIS SUBTITLE ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD,  
21 PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS  
22 INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR  
23 CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE  
24 PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

25 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance  
26 are not law and may not be considered to have been enacted as a part of this or any prior  
27 Ordinance.

28 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30<sup>th</sup> day  
29 after the date it is enacted.



7/16/17

**AMENDMENTS TO COUNCIL BILL 17-0048  
(1<sup>st</sup> Reader Copy)**

By: The Labor Committee  
{To be offered on the Council Floor}

**Amendment No. 1**

On page 3, in line 11, insert a new paragraph designation "(1)"; and, on that same page, in line 13, strike "(1)" and substitute "(1)"; and, in line 17, strike "(2)" and substitute "(II)"; and, after line 19, insert:

"(2) "SERVICE EMPLOYEE" DOES NOT INCLUDE :

(I) A MANAGERIAL OR CONFIDENTIAL EMPLOYEE : OR

(II) AN EMPLOYEE WHO WORKS IN AN EXECUTIVE . ADMINISTRATIVE . OR PROFESSIONAL CAPACITY."

**Amendment No. 2**

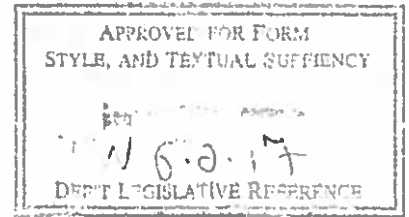
On page 4, in line 8, strike "IT" and substitute "THE SUCCESSOR ENTITY".

**Amendment No. 3**

On page 4, in line 24, strike "THE" and substitute "BY THE 90<sup>TH</sup> DAY AS SPECIFIED IN § 18-3(B)(1) OF THIS SUBTITLE. THE".







AMENDMENTS TO COUNCIL BILL 17-0048  
(1<sup>st</sup> Reader Copy)

By: Councilmember Sneed  
{To be offered on the Council Floor}

**Amendment No. 1**

On page 3, in line 11, insert a new paragraph designation “(1)”; and, on that same page, in line 13, strike “(1)” and substitute “(1)”; and, in line 17, strike “(2)” and substitute “(II)”; and, after line 19, insert:

“(2) “SERVICE EMPLOYEE” DOES NOT INCLUDE:

(I) A MANAGERIAL OR CONFIDENTIAL EMPLOYEE ; OR

(II) AN EMPLOYEE WHO WORKS IN AN EXECUTIVE , ADMINISTRATIVE , OR PROFESSIONAL CAPACITY.”.

**Amendment No. 2**

On page 4, in line 8, strike “IT” and substitute “THE AWARDING AUTHORITY”.

**Amendment No. 3**

On page 4, in line 24, strike “THE” and substitute “NO LESS THAN 10 DAYS BEFORE IT COMMENCES WORK AT AN AFFECTED SITE . THE”; and, on that same page, in line 25, after “EMPLOYMENT”, insert “FOR THE 90-DAY TRANSITION PERIOD”.



**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 17-0048**

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Introduced by: Councilmembers Sneed, Henry, President Young, Councilmembers Scott, Dorsey,  
Cohen, Pinkett, Stokes, Burnett, Bullock, Reisinger, Costello, Clarke  
Introduced and read first time: April 3, 2017  
Assigned to: Labor Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: June 5, 2017

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**AN ORDINANCE CONCERNING**

**Labor and Employment – Displaced Service Workers Protection**

FOR the purpose of requiring successor entities taking over certain terminated service contracts to retain employees who worked on the previous contracts under certain conditions; requiring the disclosure of information when service contracts are terminated in certain circumstances; prohibiting retaliation against workers for seeking assistance from, or cooperating with, the Wage Commission; empowering the Wage Commission to issue subpoenas and administer oaths; defining certain terms; establishing certain penalties; and generally relating to the protection of displaced service workers.

BY adding

Article 11 - Labor and Employment  
Section(s) 18-1 to 18-9, to be under the new subtitle designation,  
“Subtitle 18. Displaced Service Workers Protection”  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 11. Labor and employment**

**SUBTITLE 18. DISPLACED SERVICE WORKERS PROTECTION.**

**§18-1. DEFINITIONS.**

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.



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1 (B) *AFFECTED EMPLOYEE.*

2 "AFFECTED EMPLOYEE" MEANS A SERVICE EMPLOYEE PERFORMING WORK FOR AN ENTITY  
3 THAT IS BEING, OR HAS BEEN, TERMINATED AS A SERVICE PROVIDER AND IS BEING  
4 REPLACED WITH A SUCCESSOR ENTITY PERFORMING SIMILAR SERVICES AT THE SAME SITE.

5 (C) *AWARDING AUTHORITY.*

6 (1) "AWARDING AUTHORITY" MEANS ANY PERSON THAT AWARDS OR ENTERS INTO A  
7 SERVICE CONTRACT OR SUBCONTRACT WITH A CONTRACTOR TO BE PERFORMED IN  
8 THE CITY.

9 (2) "AWARDING AUTHORITY" INCLUDES THE CITY OF BALTIMORE AND ANY  
10 GOVERNMENTAL UNIT, AGENCY, OR OTHER ENTITY AS TO WHICH THE CITY HAS  
11 THE POWER TO LEGISLATE.

12 (D) *CONTRACTOR.*

13 "CONTRACTOR" MEANS ANY PERSON, INCLUDING A SUBCONTRACTOR, THAT:

14 (1) ENTERS INTO A SERVICE CONTRACT TO PERFORM WORK IN THE CITY; AND

15 (2) EMPLOYS MORE THAN 20 EMPLOYEES.

16 (E) *COMMISSION.*

17 "COMMISSION" MEANS THE WAGE COMMISSION ESTABLISHED BY § 2-1 {"COMMISSION  
18 ESTABLISHED"} OF THIS ARTICLE, OR THE COMMISSION'S DESIGNEE.

19 (F) *PERSON.*

20 "PERSON" MEANS:

21 (1) AN INDIVIDUAL;

22 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, LLC, OR OTHER ENTITY OF  
23 ANY KIND; OR

24 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR  
25 REPRESENTATIVE OF ANY KIND.

26 (G) *SERVICE CONTRACT.*

27 "SERVICE CONTRACT" MEANS A CONTRACT BETWEEN AN AWARDING AUTHORITY AND A  
28 CONTRACTOR TO PROVIDE SECURITY, JANITORIAL, BUILDING MAINTENANCE, OR FOOD  
29 PREPARATION IN A FACILITY LOCATED IN THE CITY THAT IS USED AS A:

30 (1) PRIVATE ELEMENTARY OR SECONDARY SCHOOL;

31 (2) PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY;



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- 1  
2 (3) CONVENTION, SPORTS, OR ENTERTAINMENT INSTITUTION, SUCH AS A MUSEUM,  
3 CASINO, CONVENTION CENTER, ARENA, STADIUM, OR MUSIC HALL;  
4 (4) MULTI-FAMILY RESIDENTIAL BUILDING OR COMPLEX WITH MORE THAN 30 UNITS;  
5 (5) COMMERCIAL BUILDING OR OFFICE BUILDING OCCUPYING MORE THAN 50,000  
6 SQUARE FEET;  
7 (6) INDUSTRIAL FACILITY, SUCH AS A PHARMACEUTICAL LABORATORY, RESEARCH  
8 AND DEVELOPMENT FACILITY, OR PRODUCT FABRICATION FACILITY; OR  
9 (7) DISTRIBUTION CENTER.

10 (H) *SERVICE EMPLOYEE.*

11 (1) "SERVICE EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED ON A FULL- OR PART-TIME  
12 BASIS AS A:

13 (1) ~~(1)~~ BUILDING SERVICE EMPLOYEE, INCLUDING A JANITOR, SECURITY OFFICER,  
14 GROUNDSKEEPER, CONCIERGE, DOOR STAFFER, MAINTENANCE TECHNICIAN,  
15 HANDYMAN, SUPERINTENDENT, ELEVATOR OPERATOR, WINDOW CLEANER, OR  
16 BUILDING ENGINEER; OR

17 (II) ~~(2)~~ FOOD SERVICE WORKER, INCLUDING A CAFETERIA ATTENDANT, LINE  
18 ATTENDANT, COOK, BUTCHER, BAKER, SERVER, CASHIER, CATERING WORKER,  
19 DINING ATTENDANT, DISHWASHER, OR MERCHANDISE VENDOR.

20 (2) "SERVICE EMPLOYEE" DOES NOT INCLUDE:

21 (I) A MANAGERIAL OR CONFIDENTIAL EMPLOYEE; OR

22 (II) AN EMPLOYEE WHO WORKS IN AN EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL  
23 CAPACITY.

24 (I) *SUCCESSOR ENTITY.*

25 "SUCCESSOR ENTITY" MEANS AN ENTITY THAT:

26 (1) IS AWARDED A SERVICE CONTRACT TO PROVIDE, IN WHOLE OR IN PART, SERVICES  
27 THAT ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED TO THE AWARDING  
28 AUTHORITY AT ANY TIME DURING THE PREVIOUS 90 DAYS;

29 (2) HAS PURCHASED OR ACQUIRED CONTROL OF A PROPERTY LOCATED IN THE CITY  
30 WHERE SERVICE EMPLOYEES WERE EMPLOYED AT ANY TIME DURING THE PREVIOUS  
31 90 DAYS; OR

32 (3) TERMINATES A SERVICE CONTRACT AND, WITHIN 90 DAYS OF THE TERMINATION,  
33 HIRES SERVICE EMPLOYEES AS ITS DIRECT EMPLOYEES TO PERFORM SERVICES THAT



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1 ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED UNDER THE TERMINATED  
2 SERVICE CONTRACT.

3 **§ 18-2. RULES AND REGULATIONS.**

4 (A) *COMMISSION TO ADOPT.*

5 THE COMMISSION MAY ADOPT RULES AND REGULATIONS TO IMPLEMENT THIS SUBTITLE.

6 (B) *FILING WITH LEGISLATIVE REFERENCE.*

7 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED  
8 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

9 **§ 18-3. TRANSITION EMPLOYMENT PERIOD.**

10 (A) *AWARDING AUTHORITY RESPONSIBILITIES.*

11 AT LEAST 15 DAYS BEFORE A SERVICE CONTRACT IS TERMINATED, AN AWARDING  
12 AUTHORITY MUST:

- 13 (1) REQUEST THAT THE TERMINATED CONTRACTOR PROVIDE ~~IF THE AWARDING~~  
14 AUTHORITY A COMPLETE LIST OF THE NAME, DATE OF HIRE, AND JOB  
15 CLASSIFICATION OF EACH AFFECTED EMPLOYEE;
- 16 (2) GIVE THE SUCCESSOR ENTITY A COMPLETE LIST OF THE NAME, DATE OF HIRE, AND  
17 JOB CLASSIFICATION OF EACH AFFECTED EMPLOYEE; AND
- 18 (3) EXCEPT IN THE CASE OF A SERVICE CONTRACT AT A FACILITY USED AS A PUBLIC  
19 UNIVERSITY, ENSURE THAT A WRITTEN NOTICE TO ALL AFFECTED EMPLOYEES  
20 DESCRIBING THE PENDING TERMINATION OF THE SERVICE CONTRACT AND THE  
21 EMPLOYEE RIGHTS PROVIDED BY THIS SUBTITLE IS CONSPICUOUSLY POSTED AT  
22 ANY AFFECTED WORK SITE.

23 (B) *SUCCESSOR ENTITY RESPONSIBILITIES.*

- 24 (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SUCCESSOR ENTITY MUST  
25 OFFER TO RETAIN, AND, IF THE OFFER IS ACCEPTED, ACTUALLY RETAIN, EACH  
26 AFFECTED EMPLOYEE AT AN AFFECTED SITE FOR 90 DAYS OR UNTIL THE SUCCESSOR  
27 ENTITY NO LONGER PROVIDES SERVICES AT THE COVERED LOCATION, WHICHEVER IS  
28 EARLIER.
- 29 (2) ~~THE NO LESS THAN 10 DAYS BEFORE IT COMMENCES WORK AT AN AFFECTED SITE, THE~~  
30 SUCCESSOR ENTITY MUST GIVE EACH AFFECTED EMPLOYEE A WRITTEN OFFER OF  
31 EMPLOYMENT FOR THE 90-DAY TRANSITION PERIOD AND SEND A COPY TO THE  
32 EMPLOYEE'S COLLECTIVE BARGAINING REPRESENTATIVE, IF ANY. EACH OFFER MUST:
- 33 (I) ALLOW THE EMPLOYEE AT LEAST 10 DAYS AFTER RECEIVING THE NOTICE TO  
34 ACCEPT THE OFFER; AND



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- 1 (II) STATE THE DATE BY WHICH THE AFFECTED EMPLOYEE MUST ACCEPT THE  
2 OFFER.
- 3 (3) A SUCCESSOR ENTITY MAY RETAIN LESS THAN ALL OF THE AFFECTED EMPLOYEES  
4 DURING THE 90-DAY TRANSITION PERIOD IF THE SUCCESSOR ENTITY:
- 5 (I) FINDS THAT FEWER SERVICE EMPLOYEES ARE REQUIRED TO PERFORM THE  
6 WORK THAN THE TERMINATED CONTRACTOR HAD EMPLOYED;
- 7 (II) RETAINS SERVICE EMPLOYEES BY SENIORITY WITHIN EACH JOB  
8 CLASSIFICATION;
- 9 (III) MAINTAINS A PREFERENTIAL HIRING LIST OF THOSE EMPLOYEES NOT  
10 RETAINED; AND
- 11 (IV) HIRES ANY ADDITIONAL SERVICE EMPLOYEES FROM THE LIST, IN ORDER OF  
12 SENIORITY, UNTIL ALL AFFECTED SERVICE EMPLOYEES HAVE BEEN OFFERED  
13 EMPLOYMENT.
- 14 (4) AT THE END OF THE 90-DAY TRANSITION EMPLOYMENT PERIOD, THE SUCCESSOR  
15 ENTITY MUST PERFORM A WRITTEN PERFORMANCE EVALUATION FOR EACH EMPLOYEE  
16 RETAINED PURSUANT TO THIS SECTION. IF THE EMPLOYEE'S PERFORMANCE DURING  
17 THE 90-DAY TRANSITION EMPLOYMENT PERIOD IS SATISFACTORY, THE SUCCESSOR  
18 ENTITY MUST OFFER THE EMPLOYEE CONTINUED EMPLOYMENT UNDER THE TERMS AND  
19 CONDITIONS ESTABLISHED BY THE SUCCESSOR ENTITY.
- 20 (5) DURING THE 90-DAY TRANSITION PERIOD, THE SUCCESSOR ENTITY MAY NOT  
21 DISCHARGE A SERVICE EMPLOYEE RETAINED UNDER THIS SECTION WITHOUT JUST  
22 CAUSE.

23 **§ 18-4. {Reserved}**

24 **§ 18-5. NOT A BAR TO CONTRACT TERMINATION.**

25 THIS SUBTITLE DOES NOT LIMIT THE ABILITY OF AN AWARDDING AUTHORITY TO TERMINATE A  
26 SERVICE CONTRACT OR REPLACE A CONTRACTOR WITH ANOTHER CONTRACTOR.

27 **§ 18-6. RETALIATION PROHIBITED.**

28 (A) AN EMPLOYER MAY NOT DISCHARGE OR REDUCE THE COMPENSATION OF ANY EMPLOYEE  
29 FOR:

30 (1) MAKING A COMPLAINT TO THE COMMISSION ALLEGING A VIOLATION OF THIS  
31 SUBTITLE; OR

32 (2) PARTICIPATING IN ANY OF THE COMMISSION'S PROCEEDINGS CONCERNING AN  
33 ALLEGED VIOLATION OF THIS SUBTITLE.

34 (B) IF THE COMMISSION FINDS THAT AN EMPLOYER HAS VIOLATED SUBSECTION (A) OF THIS  
35 SECTION IT MAY, PURSUANT TO THE PROCEDURES PROVIDED IN § 18-7 {"ENFORCEMENT



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1 PROCEDURES"}, ORDER APPROPRIATE RESTITUTION OR THE REINSTATEMENT OF THE  
2 EMPLOYEE WITH BACKPAY TO THE DATE OF THE VIOLATION.

3 **§ 18-7. ENFORCEMENT PROCEDURES.**

4 (A) *FILING COMPLAINTS.*

5 ANY PERSON SUBJECTED TO A PRACTICE IN VIOLATION OF THIS SUBTITLE, OR ANY GROUP  
6 OR PERSON SEEKING TO ENFORCE THIS SUBTITLE, MAY FILE A WRITTEN COMPLAINT WITH  
7 THE COMMISSION.

8 (B) *COMPLAINT REQUIREMENTS.*

9 A COMPLAINT FILED UNDER THIS SECTION MUST:

10 (1) BE FILED WITHIN 1 YEAR OF THE ALLEGED VIOLATION;

11 (2) BE FILED UNDER OATH; AND

12 (3) INCLUDE:

13 (I) THE PARTICULARS OF THE ALLEGED VIOLATION;

14 (II) THE NAME AND ADDRESS OF THE PERSON ALLEGED TO HAVE COMMITTED THE  
15 VIOLATION; AND

16 (III) ANY OTHER INFORMATION REQUIRED BY THE COMMISSION.

17 (C) *COMPLAINTS BY COMMISSION.*

18 THE COMMISSION MAY, ACTING ON ITS OWN INITIATIVE AND WITHOUT ANY COMPLAINT  
19 FROM AN EMPLOYEE, FILE A COMPLAINT AGAINST AN EMPLOYER WHENEVER THE  
20 COMMISSION HAS REASONABLE CAUSE TO BELIEVE THAT THE EMPLOYER IS OR HAS BEEN  
21 IN VIOLATION OF THIS SUBTITLE.

22 (D) *INVESTIGATION FOR PROBABLE CAUSE.*

23 AFTER THE FILING OF A COMPLAINT, EITHER BY A PERSON CLAIMING TO BE AGGRIEVED AS  
24 SET FORTH ABOVE OR BY THE COMMISSION, THE COMMISSION MUST:

25 (1) INVESTIGATE THE FACTS ALLEGED IN THE COMPLAINT; AND

26 (2) MAKE A FINDING OF PROBABLE CAUSE OR LACK OF PROBABLE CAUSE FOR THE  
27 COMPLAINT.

28 (E) *SUBPOENAS; OATHS.*

29 (1) IN ENFORCING THIS SUBTITLE, THE COMMISSION MAY:



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1 (I) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE AND TESTIMONY OF  
2 WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND  
3 DOCUMENTS RELATING TO PAYROLL RECORDS, OR OTHERWISE NECESSARY FOR  
4 HEARINGS, INVESTIGATIONS, OR PROCEEDINGS; AND

5 (II) ADMINISTER OATHS, SUBJECT TO THE PENALTIES FOR PERJURY, TO ALL  
6 WITNESSES.

7 (2) ANY SUBPOENA ISSUED UNDER THIS SUBSECTION SHALL BE SERVED BY:

8 (I) THE SHERIFF OF BALTIMORE CITY OR ANY OF THE SHERIFF'S DEPUTIES; OR

9 (II) ANY OTHER PERSON AUTHORIZED BY THE MARYLAND RULES OF PROCEDURE  
10 TO EFFECTUATE IN PERSONAM SERVICE.

11 (F) *SUBPOENA ENFORCEMENT.*

12 (1) IN CASE OF DISOBEDIENCE TO A SUBPOENA, THE COMMISSION MAY APPLY TO A COURT  
13 OF APPROPRIATE JURISDICTION FOR AN ORDER REQUIRING THE ATTENDANCE AND  
14 TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, AND  
15 DOCUMENTS.

16 (2) THE COURT, IN CASE OF CONTUMACY OR REFUSAL TO OBEY ANY SUBPOENA ISSUED  
17 UNDER THIS SECTION, AFTER NOTICE TO THE PERSON SUBPOENAED, AND UPON FINDING  
18 THAT THE ATTENDANCE OR TESTIMONY OF THE WITNESSES OR THE PRODUCTION OF  
19 THE BOOKS, PAPERS, RECORDS, AND DOCUMENTS, AS THE CASE MAY BE, IS RELEVANT  
20 OR NECESSARY FOR A HEARING, INVESTIGATION, OR PROCEEDING OF THE COMMISSION,  
21 MAY ISSUE AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF THE SOUGHT  
22 WITNESSES AND THE PRODUCTION OF THE SOUGHT BOOKS, PAPERS, RECORDS, AND  
23 DOCUMENTS, OR ANY OF THEM.

24 (3) ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY THE COURT  
25 AS CONTEMPT THEREOF.

26 (G) *DISMISSAL FOR LACK OF PROBABLE CAUSE.*

27 IF THE COMMISSION FINDS THAT THE COMPLAINT LACKS PROBABLE CAUSE, THEN IT MUST  
28 DISMISS THE COMPLAINT AND MAIL COPIES OF ITS FINDING TO THE RESPONDENT AND  
29 COMPLAINANT.

30 (H) *PROBABLE CAUSE CONFERENCE; SETTLEMENT AGREEMENT.*

31 (1) IF THE COMMISSION FINDS PROBABLE CAUSE FOR THE COMPLAINT, THE COMMISSION  
32 MUST ATTEMPT, BY MEANS OF CONFERENCE, TO:

33 (I) PERSUADE THE RESPONDENT TO CEASE AND DESIST ITS ILLEGAL ACTION;

34 (II) REINSTATE ANY AFFECTED EMPLOYEES TO THEIR FORMER POSITIONS UNDER  
35 THE CONDITIONS REQUIRED BY §18-3(B) {"TRANSITION EMPLOYMENT PERIOD:  
36 SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE; AND



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1 (III) PAY ANY AFFECTED EMPLOYEES ALL WAGES AND OTHER COMPENSATION  
2 OWED FOR THE PERIOD OF TIME THAT THEY WERE UNLAWFULLY TERMINATED,  
3 AS PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE.

4 (2) ANY AGREEMENT REACHED BETWEEN THE RESPONDENT AND THE COMMISSION MUST  
5 BE REDUCED TO WRITING AND A COPY OF THE AGREEMENT MUST BE FURNISHED TO  
6 THE COMPLAINANT AND THE RESPONDENT.

7 (I) *FINAL ORDER.*

8 (1) THE COMMISSION MAY ISSUE A FINAL ORDER ON ITS OWN MOTION IF:

9 (I) THE COMMISSION AND THE RESPONDENT FAIL TO REACH AN AGREEMENT  
10 WITHIN 30 DAYS OF THE DATE SET FOR THE PROBABLE CAUSE CONFERENCE, OR

11 (II) THE RESPONDENT FAILS TO MEET ITS OBLIGATIONS UNDER AN AGREEMENT  
12 WITH THE COMMISSION WITHIN THE TIME SPECIFIED IN THE AGREEMENT.

13 (2) A FINAL ORDER ISSUED UNDER THIS SUBSECTION MAY:

14 (I) REQUIRE THE REINSTATEMENT OF THE SERVICE EMPLOYEE OR EMPLOYEES  
15 WRONGFULLY TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION  
16 EMPLOYMENT PERIOD: SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS  
17 SUBTITLE;

18 (II) REQUIRE THE RESPONDENT TO PAY EACH SERVICE EMPLOYEE WRONGFULLY  
19 TERMINATED IN VIOLATION OF §18-3(B) {"TRANSITION EMPLOYMENT PERIOD:  
20 SUCCESSOR ENTITY RESPONSIBILITIES"} OF THIS SUBTITLE HIS OR HER LOST  
21 WAGES AND OTHER COMPENSATION TO THE DATE OF THE VIOLATION, AS  
22 PROVIDED IN §18-8 {"PENALTIES AND FINES"} OF THIS SUBTITLE; AND

23 (III) DIRECT THE CESSATION OF ALL PRACTICES BY THE RESPONDENT WHICH ARE  
24 CONTRARY TO THE PROVISIONS OF THIS SUBTITLE OR THE RULES AND  
25 REGULATIONS OF THE COMMISSION.

26 (3) A COPY OF AN ORDER ISSUED UNDER THIS SUBTITLE MUST BE FURNISHED TO THE  
27 RESPONDENT BY REGISTERED MAIL WITHIN 3 DAYS OF ITS ISSUANCE.

28 (J) *JUDICIAL AND APPELLATE REVIEW.*

29 (1) A RESPONDENT AGGRIEVED BY AN ORDER OF THE COMMISSION MAY SEEK JUDICIAL  
30 REVIEW OF THAT ORDER BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN  
31 ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

32 (2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO  
33 THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF  
34 PROCEDURE.



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1           (K) *REFERRAL TO SOLICITOR.*

2           IF, WITHIN 30 DAYS OF THE ISSUANCE OF A FINAL ORDER UNDER SUBSECTION (I) OF THIS  
3           SECTION, THE RESPONDENT HAS FAILED TO COMPLY WITH THE ORDER, THE COMMISSION  
4           MAY CERTIFY THE PROCEEDINGS TO THE CITY SOLICITOR AND REQUEST THAT THE  
5           SOLICITOR PETITION THE CIRCUIT COURT OF BALTIMORE CITY TO ENFORCE THE ORDER.

6           **§18-8. PENALTIES AND FINES.**

7           (A) *IN GENERAL.*

8           THE COMMISSION MAY ORDER ANY CONTRACTOR OR SUCCESSOR ENTITY WHO COMMITS A  
9           VIOLATION OF THIS SUBTITLE TO:

10           (1) PAY TO THE EMPLOYEE OR EMPLOYEES IMPACTED THE WAGES AND OTHER  
11           COMPENSATION LOST AS A RESULT OF THE CONTRACTOR'S VIOLATION OF §18-3,  
12           WITH INTEREST COMPUTED AT 10% PER ANNUM ON WAGES AND OTHER MONETARY  
13           COMPENSATION DUE; AND

14           (2) REINSTATE AN EMPLOYEE OR EMPLOYEES UNDER THE CONDITIONS REQUIRED BY  
15           §18-3(B) {"TRANSITION EMPLOYMENT PERIOD: SUCCESSOR ENTITY  
16           RESPONSIBILITIES"} OF THIS SUBTITLE.

17           (B) *FINES.*

18           (1) ANY SUCCESSOR ENTITY THAT VIOLATES THIS SUBTITLE SHALL FORFEIT AND PAY TO  
19           THE CITY OF BALTIMORE A PENALTY AS FOLLOWS:

20           (I) FOR A 1ST OFFENSE, \$250 FOR EACH VIOLATION;

21           (II) FOR A 2ND OFFENSE, \$500 FOR EACH VIOLATION; AND

22           (III) FOR EACH SUBSEQUENT OFFENSE, \$1,000 FOR EACH VIOLATION.

23           (2) EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE.

24           **§18-9. SEVERABILITY.**

25           ALL PROVISIONS OF THIS SUBTITLE ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD,  
26           PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS  
27           INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR  
28           CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE  
29           PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

30           **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
31           are not law and may not be considered to have been enacted as a part of this or any prior  
32           Ordinance.

33           **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
34           after the date it is enacted.

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Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City