

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

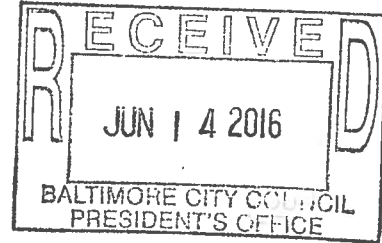


DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

June 7, 2016

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



Re: City Council Bill 16-0655 – Labor and Employment – City Minimum Wage

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 16-0655 for form and legal sufficiency. The bill sets Baltimore City's minimum wage rate for the years 2016 through 2021 and sets the formula to determine Baltimore City's minimum wage rate from 2021 onward. It also defines certain terms, sets the terms and qualifications for Wage Commission members, and requires the production and posting of multilingual posters summarizing Baltimore City's minimum wage laws. In addition, the bill sets Baltimore City's tipped minimum wage rate through 2025 and eliminates the lower tipped minimum wage rate from 2025 onward. It also limits the withholdings employers may make from employee wages. Further, the bill allows any person to make a complaint to the Wage Commission, changes the Wage Commission's procedures for responding to complaints, and repeals the prohibition of bad faith employee complaints to the Wage Commission. The bill also establishes certain penalties and clarifies and conforms related provisions.

Under the Baltimore City Charter, Article II, Sections 27 and 47, the Mayor and City Council may "exercise within the limits of Baltimore City all the power commonly known as the Police Power to the same extent as the State has or could exercise that power within the limits of Baltimore City," and may "pass any ordinance, not inconsistent with the provisions of this Charter or the laws of the State, which it may deem proper in the exercise of any of the powers, either express or implied, enumerated in this Charter, as well as any ordinance as it may deem proper in maintaining the peace, good government, health and welfare of Baltimore City." The City has the power to establish a minimum wage under its broad police powers. *Mayor and City Council v. Sitnick*, 254 Md. 303, 309-10 (1969). In *Sitnik*, the Court of Appeals found that the State minimum wage law did not preempt local legislation establishing a more generous minimum wage, concluding instead that the State and the City had concurrent authority to legislate within the field. *Id.* at 322. Council Bill 16-0655 is consistent with the authority of the City Council and the Law Department approves it for form and legal sufficiency.

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comments

Sincerely,



Jennifer Landis
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison ✓
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor