

ENROLLED

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 18-0276**

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

Introduced and read first time: August 6, 2018

Assigned to: Labor Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: October 29, 2018

AN ORDINANCE CONCERNING

Lactation Accommodations in the Workplace

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- FOR the purpose of requiring certain employers to provide certain lactation accommodations (including lactation breaks and locations) and to develop, distribute, and implement certain policies and procedures for providing these lactation accommodations; establishing minimum standards for lactation accommodations; defining certain terms; providing for certain exceptions and authorizing certain waivers or variances under certain conditions; requiring employers to maintain certain records; prohibiting retaliatory or discriminatory actions against persons exercising rights under this Ordinance; authorizing the adoption of administrative rule and regulations to carry out this Ordinance; providing for administrative and judicial review of and remedial relief for violations; imposing certain criminal penalties for violations; providing for a special effective date; and generally relating to the required provision of certain lactation accommodations for employees.
- BY repealing and reordaining, without amendments
- Article 4 - Community Relations
Section 1-101(a) and (f)(1)
Baltimore City Code
(Edition 2000)
- BY repealing and reordaining, with amendments
- Article 11 - Community Relations
Section 1-101(f)(3)
Baltimore City Code
(Edition 2000)

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.
Underlined italics indicate matter added to the bill by amendment after printing for third reading.

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1 BY adding
2 Article 11 - Labor and Employment
3 Sections 16-1 through 16-30, to be under the new subtitle designation,
4 “Lactation Accommodation in the Workplace”
5 Baltimore City Code
6 (Edition 2000)

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

9 **Baltimore City Code**

10 **Article 4. Community Relations**

11 **Subtitle 1. Definitions; General Provisions**

12 **§ 1-1. Definitions.**

13 (a) *In general.*

14 In this article, the following terms have the meanings indicated.

15 (f) *Discrimination.*

16 (1) “Discrimination” means any difference in the treatment of an individual or person
17 because of race, color, religion, national origin, ancestry, sex, marital status, physical
18 or mental disability, sexual orientation, or gender identity or expression.

19 . . .

20 (3) However, it is not discrimination for:

21 . . .

22 (v) any person to provide:

23 (A) separate toilet facilities for males and females; OR

24 (B) LACTATION ACCOMMODATIONS FOR FEMALES IN ACCORD WITH CITY
25 CODE ARTICLE 11, SUBTITLE 16 {“LACTATION ACCOMMODATION IN
26 THE WORKPLACE”}.

27 **Article 11. Labor and Employment**

28 **SUBTITLE 16. LACTATION ACCOMMODATION IN THE WORKPLACE**

29 ***PART 1. DEFINITIONS; GENERAL PROVISIONS***

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1 **§ 16-1. DEFINITIONS.**

2 (A) *IN GENERAL.*

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

4 (B) *COMMUNITY RELATIONS COMMISSION; COMMISSION.*

5 “COMMUNITY RELATIONS COMMISSION” OR “COMMISSION” MEANS THE BALTIMORE
6 COMMUNITY RELATIONS COMMISSION ESTABLISHED BY CITY CODE ARTICLE 4
7 {“COMMUNITY RELATIONS”}, SUBTITLE 2 {“COMMUNITY RELATIONS COMMISSION”}.

8 (C) *EMPLOYEE.*

9 (1) *IN GENERAL.*

10 “EMPLOYEE” MEANS, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, ANY
11 INDIVIDUAL WHO WORKS IN BALTIMORE CITY FOR AN EMPLOYER.

12 (2) *EXCLUSIONS.*

13 “EMPLOYEE” DOES NOT INCLUDE:

14 (I) AN INDIVIDUAL ENGAGED IN THE ACTIVITIES OF AN EDUCATIONAL,
15 CHARITABLE, RELIGIOUS, OR OTHER NONPROFIT ORGANIZATION WHERE THE
16 SERVICES RENDERED TO THAT ORGANIZATION ARE ON A VOLUNTARY BASIS OR
17 IN RETURN FOR CHARITABLE AID CONFERRED ON THE INDIVIDUAL;

18 (II) AN INDIVIDUAL WHO IS EMPLOYED BY HIS OR HER PARENT, SPOUSE, OR CHILD;
19 OR

20 (III) AN INDIVIDUAL WHO IS EMPLOYED AS A DOMESTIC WITHIN A PRIVATE
21 RESIDENCE.

22 (D) *EMPLOYER.*

23 (1) *EMPLOYER.*

24 “EMPLOYER” MEANS, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, ANY
25 PERSON WHO EMPLOYS 2 OR MORE FULL-TIME EQUIVALENT EMPLOYEES WORKING IN
26 THE CITY OF BALTIMORE.

27 (2) *EXCLUSIONS.*

28 “EMPLOYER” DOES NOT INCLUDE THE FEDERAL GOVERNMENT, THE STATE
29 GOVERNMENT, OR ANY INSTRUMENTALITY OR UNIT OF EITHER.

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1 (E) *LACTATION ACCOMMODATION.*

2 “LACTATION ACCOMMODATION” MEANS BOTH LACTATION BREAK AND LACTATION
3 LOCATION.

4 (F) *LACTATION BREAK.*

5 “LACTATION BREAK” MEANS THE BREAK TIME THAT AN EMPLOYER IS REQUIRED BY THIS
6 SUBTITLE TO PROVIDE AN EMPLOYEE FOR PURPOSES OF EXPRESSING BREAST MILK.

7 (G) *LACTATION LOCATION.*

8 “LACTATION LOCATION” MEANS THE SPACE, ROOM, OR LOCATION THAT AN EMPLOYER IS
9 REQUIRED BY THIS SUBTITLE TO PROVIDE AN EMPLOYEE FOR PURPOSES OF EXPRESSING
10 BREAST MILK.

11 (H) *PERSON.*

12 (1) *IN GENERAL.*

13 “PERSON” MEANS:

14 (I) AN INDIVIDUAL;

15 (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
16 KIND; OR

17 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY,
18 OR REPRESENTATIVE OF ANY KIND.

19 (2) *INCLUSIONS.*

20 “PERSON” INCLUDES, EXCEPT AS USED IN § 16-30 {“CRIMINAL PENALTIES”} OF THIS
21 SUBTITLE, ANY DEPARTMENT, BOARD, COMMISSION, COUNCIL, AUTHORITY,
22 COMMITTEE, OFFICE, OR OTHER UNIT OF CITY GOVERNMENT.

23 **§ 16-2. MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.**

24 (A) *MANDATORY TERMS.*

25 “MUST” AND “SHALL” ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT
26 OR TO IMPOSE A DUTY.

27 (B) *PROHIBITORY TERMS.*

28 “MAY NOT” AND “NO ... MAY” ARE EACH MANDATORY NEGATIVE TERMS USED TO
29 ESTABLISH A PROHIBITION.

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1 (C) *PERMISSIVE TERMS.*

2 "MAY" IS PERMISSIVE.

3 **§ 16-3. {RESERVED}**

4 **§ 16-4. RULES AND REGULATIONS.**

5 (A) *IN GENERAL.*

6 THE COMMUNITY RELATIONS COMMISSION MUST ADOPT RULES AND REGULATIONS TO
7 CARRY OUT THIS SUBTITLE.

8 (B) *FILING WITH LEGISLATIVE REFERENCE.*

9 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
10 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

11 **§§ 16-5 TO 16-9. {RESERVED}**

12 ***PART 2. REQUIRED ACCOMMODATIONS***

13 **§ 16-10. LACTATION BREAKS.**

14 (A) *IN GENERAL.*

15 AN EMPLOYER MUST PROVIDE A REASONABLE AMOUNT OF BREAK TIME TO
16 ACCOMMODATE AN EMPLOYEE WHO DESIRES TO EXPRESS BREAST MILK.

17 (B) *WHEN AND HOW PROVIDED.*

18 (1) IF POSSIBLE, THE BREAK TIME REQUIRED BY THIS SECTION MUST RUN CONCURRENTLY
19 WITH ANY PAID REST OR BREAK TIME ALREADY REQUIRED BY LAW OR OTHERWISE
20 AUTHORIZED FOR THE EMPLOYEE.

21 (2) BREAK TIME REQUIRED BY THIS SECTION THAT DOES NOT RUN CONCURRENTLY WITH
22 PAID REST OR BREAK TIME REQUIRED BY LAW OR OTHERWISE AUTHORIZED FOR THE
23 EMPLOYEE MAY BE UNPAID.

24 **§ 16-11. LACTATION LOCATION – IN GENERAL.**

25 (A) *"CLOSE PROXIMITY ..." DEFINED.*

26 IN THIS SECTION, "CLOSE PROXIMITY TO THE EMPLOYEE'S WORK AREA" MEANS NO MORE
27 THAN 500 FEET AND TWO ADJACENT FLOORS FROM THE FURTHEST EMPLOYEE WORK AREA
28 BEING SERVED.

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1 (B) *IN GENERAL.*

2 (1) AN EMPLOYER MUST PROVIDE A LACTATION LOCATION, OTHER THAN A BATHROOM OR
3 A CLOSET, THAT:

4 (I) ~~(A)~~ IS IN CLOSE PROXIMITY TO THE EMPLOYEE’S WORK AREA; ~~AND~~ AND

5 A. IS AVAILABLE ON 2 ADJACENT FLOORS; OR

6 B. IS ACCESSIBLE VIA A FUNCTIONAL ELEVATOR; AND

7 (II) ~~(B)~~ SHIELDS ITS OCCUPANTS FROM VIEW AND FROM INTRUSION BY COWORKERS
8 OR OTHERS.

9 (2) THE LACTATION LOCATION MAY INCLUDE THE PLACE WHERE THE EMPLOYEE
10 NORMALLY WORKS IF IT OTHERWISE MEETS THE REQUIREMENTS OF THIS PART 2.

11 (C) *SPECIFICATIONS.*

12 THE LACTATION LOCATION MUST:

13 (1) BE SAFE, CLEAN, AND FREE OF TOXIC OR HAZARDOUS MATERIALS;

14 (2) LIMIT ACCESS TO IT BY A DOOR THAT CAN BE LOCKED FROM THE INSIDE; AND

15 (3) CONTAIN:

16 (I) A SURFACE (E.G., A TABLE OR SHELF) ON WHICH TO PLACE A BREAST PUMP
17 AND OTHER PERSONAL ITEMS;

18 (II) A PLACE TO SIT;

19 (III) AT LEAST ONE ELECTRICAL OUTLET; AND

20 (IV) UNLESS ELSEWHERE PROVIDED BY THE EMPLOYER IN CLOSE PROXIMITY TO
21 THE EMPLOYEE’S WORK AREA:

22 (A) A SINK WITH RUNNING HOT AND COLD WATER; AND

23 (B) A REFRIGERATOR IN WHICH THE EMPLOYEE CAN STORE BREAST
24 MILK.

25 **§ 16-12. LACTATION LOCATION – MULTI-PURPOSE LOCATIONS.**

26 AN EMPLOYER MAY PROVIDE A LACTATION LOCATION THAT IS ALSO USED FOR OTHER
27 PURPOSES, BUT ONLY AS LONG AS:

28 (1) THROUGHOUT THE PERIOD OF ANY EMPLOYEE’S NEED TO EXPRESS MILK, THE PRIMARY
29 FUNCTION OF THE LOCATION IS ITS USE AS A LACTATION LOCATION;

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1 (2) DURING THAT PERIOD, THE LOCATION’S USE FOR LACTATION TAKES PRECEDENCE OVER
2 ALL OTHER FUNCTIONS AND USES; AND

3 (3) THE EMPLOYER PROVIDES NOTICE TO ALL EMPLOYEES WHO MIGHT OTHERWISE NEED
4 TO USE THAT LOCATION FOR OTHER PURPOSES, THAT:

5 (I) THE LOCATION’S PRIMARY FUNCTION IS ITS USE AS A “LACTATION LOCATION”;
6 AND

7 (II) THIS PRIMARY FUNCTION TAKES PRECEDENCE OVER ALL OTHER FUNCTIONS
8 AND USES.

9 **§ 16-13. LACTATION LOCATION – MULTI-TENANT BUILDING.**

10 IF AN EMPLOYER’S WORKSPACE IS INADEQUATE TO SATISFY THE REQUIREMENTS OF THIS PART
11 2 AND OTHER EMPLOYERS ARE LOCATED IN THE SAME BUILDING, THE EMPLOYER MAY FULFILL
12 THE REQUIREMENTS OF THIS PART 2 BY PROVIDING A LACTATION LOCATION THAT:

13 (1) IS SHARED BY 2 OR MORE EMPLOYERS IN THE BUILDING;

14 (2) COMPLIES WITH § 16-11 {“LACTATION LOCATION – IN GENERAL”} AND § 16-12
15 {“LACTATION LOCATION – MULTI-PURPOSE LOCATIONS”} OF THIS PART 2; AND

16 (3) IS SUFFICIENT TO ACCOMMODATE THE NUMBER OF EMPLOYEES WHO MIGHT DESIRE TO
17 USE IT AT ANY GIVEN TIME.

18 **§ 16-14. WAIVER OR VARIANCE FOR UNDUE HARDSHIP.**

19 (A) *IN GENERAL.*

20 IN ACCORDANCE WITH THE RULES AND REGULATIONS ADOPTED UNDER § 16-4 {“RULES
21 AND REGULATIONS”} OF THIS SUBTITLE, AN EMPLOYER MAY APPLY TO THE COMMUNITY
22 RELATIONS COMMISSION FOR A WAIVER OR VARIANCE OF ANY REQUIREMENT OF THIS
23 PART 2 THAT THE EMPLOYER CAN DEMONSTRATE WOULD IMPOSE AN UNDUE HARDSHIP BY
24 CAUSING SIGNIFICANT EXPENSE OR OPERATIONAL DIFFICULTY WHEN CONSIDERED IN
25 RELATION TO THE SIZE, FINANCIAL RESOURCES, NATURE, OR STRUCTURE OF THE
26 EMPLOYER’S BUSINESS.

27 (B) TEMPORARY LACTATION LOCATION AS A VARIANCE.

28 AN EMPLOYER MAY APPLY TO THE COMMUNITY RELATIONS COMMISSION TO DESIGNATE
29 A SPACE WITHIN A ROOM AS A TEMPORARY LACTATION LOCATION, IN PLACE OF A
30 PERMANENT LACTATION LOCATION, OR A ROOM THAT IS A MULTIPURPOSE LACTATION
31 LOCATION IF AN EMPLOYER CAN DEMONSTRATE THAT A PERMANENT LACTATION
32 LOCATION OR A ROOM THAT IS A MULTIPURPOSE LACTATION LOCATION WOULD IMPOSE AN
33 UNDUE HARDSHIP BY CAUSING SIGNIFICANT EXPENSE OR OPERATIONAL DIFFICULTY FOR
34 THE EMPLOYER. A TEMPORARY LACTATION LOCATION COULD BE CREATED USING
35 SCREENING OR CURTAINS.

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1 THE MEANS BY WHICH THE TEMPORARY LACTATION LOCATION IS CREATED (E.G., THE
2 CURTAIN), AND THE ITEMS CONTAINED THEREIN (E.G., THE CHAIR, TABLE OR SHELF, ETC.)
3 SHOULD NOT BE MODIFIED DURING THE DURATION OF AN EMPLOYEE’S NEED TO EXPRESS
4 MILK. WHILE AN EMPLOYEE EXPRESSES MILK, THE LACTATION LOCATION SHOULD BE FREE
5 FROM INTRUSION BY OTHER PERSONS BY MEANS OF A LATCH OR OTHER CLOSURE
6 MECHANISM. THE TEMPORARY LACTATION SPACE SHOULD HAVE SIGNAGE VISIBLE TO
7 OTHER EMPLOYEES DESIGNATING THE AREA AS A LACTATION LOCATION FOR THE
8 DURATION OF AN EMPLOYEE’S NEED TO EXPRESS MILK. THE EMPLOYER SHOULD PROVIDE
9 NOTICE TO EMPLOYEES OF THE EXISTENCE AND PURPOSE OF THE TEMPORARY LACTATION
10 LOCATION AND THAT IT SHOULD NOT BE DISTURBED.

11 (C) ~~(B)~~ RULES AND REGULATIONS.

12 THE COMMISSION’S RULES AND REGULATIONS MUST INCLUDE:

- 13 (1) THE CRITERIA FOR ESTABLISHING AN UNDUE HARDSHIP AS DESCRIBED IN
14 SUBSECTION (A) OF THIS SECTION;
- 15 (2) THE PROCEDURES, FORMS, AND DOCUMENTATION REQUIRED TO APPLY FOR THE
16 WAIVER OR VARIANCE; AND
- 17 (3) THE PROCEDURES FOR THE COMMISSION’S HEARING ON AND CONSIDERATION OF
18 THE APPLICATION.

19 **§§ 16-15 TO 16-19. {RESERVED}**

20 ***PART 3. EMPLOYER POLICY AND PROCESS; RECORDS***

21 **§ 16-20. EMPLOYER POLICY AND PROCESS.**

22 (A) *IN GENERAL.*

23 EACH EMPLOYER SUBJECT TO THIS SUBTITLE MUST DEVELOP AND IMPLEMENT A WRITTEN
24 LACTATION ACCOMMODATION POLICY.

25 (B) *MINIMUM CONTENTS.*

26 THE WRITTEN POLICY MUST:

- 27 (1) CONTAIN A STATEMENT THAT EMPLOYEES HAVE A LEGAL RIGHT TO REQUEST A
28 LACTATION ACCOMMODATION;
- 29 (2) INCLUDE THE EMPLOYER’S PROCESS FOR REQUESTING A LACTATION
30 ACCOMMODATION, WHICH PROCESS MUST, AT A MINIMUM:
- 31 (I) SPECIFY THE MEANS BY WHICH AN EMPLOYEE MUST SUBMIT THE REQUEST
32 TO THE EMPLOYER;

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1 (II) REQUIRE THE EMPLOYER TO RESPOND TO THE REQUEST WITHIN 5 BUSINESS
2 DAYS; AND

3 (III) REQUIRE THE EMPLOYER AND EMPLOYEE TO ENGAGE IN AN INTERACTIVE
4 PROCESS TO DETERMINE LACTATION BREAK PERIODS AND A LACTATION
5 LOCATION APPROPRIATE FOR THE EMPLOYEE;

6 (3) STATE THAT, WHENEVER THE EMPLOYER DOES NOT PROVIDE LACTATION BREAKS
7 OR A LACTATION LOCATION, OR PROVIDES A LACTATION LOCATION THAT DOES
8 NOT FULLY COMPLY WITH PART 2 OF THIS SUBTITLE, OR ASSERTS ANY WAIVER OR
9 VARIANCE GRANTED UNDER § 16-14 {"WAIVER OR VARIANCE FOR UNDUE
10 HARDSHIP"} OF THIS SUBTITLE, THE EMPLOYER WILL BE REQUIRED TO DESCRIBE, IN
11 A WRITTEN RESPONSE TO THE REQUEST, THE SPECIFIC BASES ON WHICH THE
12 EMPLOYER HAS DONE SO;

13 (4) STATE THAT ANY EMPLOYEE AGGRIEVED BY AN ALLEGED VIOLATION OF THIS
14 SUBTITLE MAY FILE A COMPLAINT WITH THE BALTIMORE COMMUNITY RELATIONS
15 COMMISSION; AND

16 (5) STATE THAT RETALIATION AGAINST AN EMPLOYEE FOR EXERCISING THE RIGHTS
17 CONFERRED BY THIS SUBTITLE IS PROHIBITED.

18 (C) *EMPLOYER TO KEEP COPIES OF ALL RESPONSES.*

19 THE EMPLOYER MUST RETAIN, IN ACCORDANCE WITH § 16-21 {"EMPLOYER RECORDS"} OF
20 THIS SUBTITLE, A COPY OF ALL WRITTEN RESPONSES MADE UNDER THE POLICY REQUIRED
21 BY SUBSECTION (B)(3) OF THIS SECTION.

22 (D) *DISTRIBUTION OF POLICY.*

23 (1) THE EMPLOYER MUST DISTRIBUTE A COPY OF THE EMPLOYER'S LACTATION
24 ACCOMMODATION POLICY TO ALL EMPLOYEES:

25 (I) UPON THEIR HIRING; AND

26 (II) AGAIN, WITHIN 10 CALENDAR DAYS OF ANY MODIFICATION TO THE POLICY.

27 (2) THE EMPLOYER MUST ALSO OFFER A COPY OF THE LACTATION ACCOMMODATION
28 POLICY TO ANY EMPLOYEE WHO REQUESTS OR INQUIRES ABOUT PREGNANCY OR
29 PARENTAL LEAVE.

30 (3) IF THE EMPLOYER HAS AN EMPLOYEE HANDBOOK OR SET OF POLICIES THAT IS
31 AVAILABLE TO EMPLOYEES, THE LACTATION ACCOMMODATION POLICY MUST BE
32 INCLUDED IN THAT HANDBOOK OR SET OF POLICIES.

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§ 16-21. EMPLOYER RECORDS.

(A) *IN GENERAL.*

EACH EMPLOYER SUBJECT TO THIS SUBTITLE MUST MAINTAIN A RECORD OF ALL REQUESTS FOR A LACTATION ACCOMMODATION RECEIVED BY THE EMPLOYER.

(B) *REQUIRED CONTENTS.*

THE RECORD MUST INCLUDE THE FOLLOWING DOCUMENTATION:

- (1) THE NAME OF THE EMPLOYEE;
- (2) THE DATE OF THE INITIAL REQUEST AND OF ANY UPDATE TO THE INITIAL REQUEST;
- (3) A COPY OF ALL WRITTEN OR DIGITAL CORRESPONDENCE BY OR ON BEHALF OF THE EMPLOYEE AND EMPLOYER; AND
- (4) A DESCRIPTION OF HOW THE EMPLOYER RESOLVED THE REQUEST.

(C) *RETENTION PERIOD; INSPECTION.*

THE EMPLOYER MUST:

- (1) RETAIN THE RECORD AND DOCUMENTATION REQUIRED BY THIS SECTION FOR A PERIOD OF 3 YEARS FROM THE DATE OF THE REQUEST FOR LACTATION ACCOMMODATION; AND
- (2) ALLOW THE COMMUNITY RELATIONS COMMISSION ACCESS TO THAT RECORD, SUBJECT TO REASONABLE NOTICE, TO MONITOR COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE.

(D) *AFFECT OF FAILURE TO COMPLY.*

IN ANY MATTER INVOLVING AN ALLEGED VIOLATION OF THIS SUBTITLE, IF THE EMPLOYER HAS FAILED TO MAINTAIN OR RETAIN THE RECORD AND DOCUMENTATION REQUIRED BY THIS SECTION, OR DOES NOT ALLOW THE COMMISSION REASONABLE ACCESS TO THEM, IT WILL BE PRESUMED THAT THE EMPLOYER HAS VIOLATED THIS SUBTITLE, ABSENT CLEAR AND CONVINCING EVIDENCE OTHERWISE.

§§ 16-22 TO 16-24. {RESERVED}

PART 4. ADMINISTRATIVE ENFORCEMENT

§ 16-25. COMPLAINT TO COMMUNITY RELATIONS COMMISSION.

(A) *COMPLAINT AUTHORIZED.*

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1 (1) ANY PERSON AGGRIEVED BY AN ALLEGED VIOLATION OF THIS SUBTITLE MAY FILE A
2 COMPLAINT WITH THE BALTIMORE COMMUNITY RELATIONS COMMISSION.

3 (2) THE COMPLAINT SHALL BE FILED, INVESTIGATED, AND HEARD IN THE SAME MANNER
4 AS THAT PROVIDED IN CITY CODE ARTICLE 4 {"COMMUNITY RELATIONS"}, SUBTITLE
5 4 {"ENFORCEMENT"}, FOR ALLEGED VIOLATIONS OF THAT ARTICLE'S UNLAWFUL
6 DISCRIMINATORY EMPLOYMENT PRACTICES.

7 ~~(B) DECISION AND ORDER.~~

8 ~~IN ITS DECISION AND ORDER, THE COMMISSION MAY AWARD THE AGGRIEVED PERSON:~~

9 ~~(1) BACK PAY FOR LOST WAGES CAUSED BY THE VIOLATION OF THIS SUBTITLE;~~

10 ~~(2) REINSTATEMENT;~~

11 ~~(3) COMPENSATORY DAMAGES, WHICH MAY INCLUDE:~~

12 ~~(i) COMPENSATION FOR HUMILIATION, EMBARRASSMENT, AND EMOTIONAL~~
13 ~~DISTRESS; AND~~

14 ~~(ii) EXPENSES INCURRED IN SEEKING OTHER EMPLOYMENT; AND~~

15 ~~(4) REASONABLE ATTORNEY'S FEES.~~

16 **§ 16-26. JUDICIAL AND APPELLATE REVIEW.**

17 (A) *JUDICIAL REVIEW.*

18 A PARTY AGGRIEVED BY THE FINAL DECISION OF THE COMMUNITY RELATIONS
19 COMMISSION MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT
20 COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF
21 PROCEDURE.

22 (B) *APPELLATE REVIEW.*

23 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE
24 COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF
25 PROCEDURE.

26 **§ 16-27. {RESERVED}**

27 ***PART 5. PROHIBITED CONDUCT; CRIMINAL PENALTIES***

28 **§ 16-28. RETALIATION OR DISCRIMINATION PROHIBITED.**

29 NO EMPLOYER OR OTHER PERSON MAY TAKE OR REFUSE TO TAKE A PERSONNEL ACTION OR
30 OTHERWISE RETALIATE OR DISCRIMINATE AGAINST ANY PERSON AS A REPRISAL FOR THAT

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1 PERSON'S HAVING ALLEGED A VIOLATION OF THIS SUBTITLE OR OTHERWISE HAVING
2 EXERCISED A RIGHT GRANTED BY THIS SUBTITLE.

3 **§ 16-29. {RESERVED}**

4 **§ 16-30. CRIMINAL PENALTIES.**

5 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION
6 ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS
7 SUBJECT TO A FINE OF NOT MORE THAN \$500 ~~OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS~~
8 ~~OR BOTH FINE AND IMPRISONMENT~~ FOR EACH OFFENSE.

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

12 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90th day
13 after the date it is enacted.

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