

CITY OF BALTIMORE

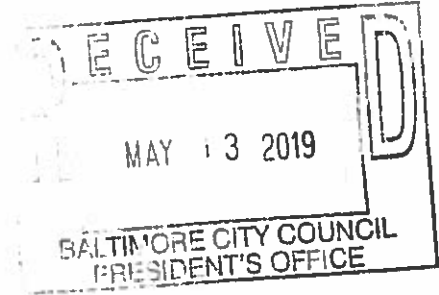
BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
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May 13, 2019

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



Re: City Council Bill 19-0334 – Community Relations

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0334 for form and legal sufficiency. Article 4 of the City Code – Community Relations – currently defines “employer” to mean, with certain exceptions, every person employing at least 15 persons. This bill would amend the law to redefine the term to mean the employment of one or more persons.

The City’s current definition of “employer” comports with both Maryland State and federal anti-discrimination laws. *See* MD STATE GOV, § 20-601(d)(defining the term to mean at least 15 employees); Title VII of the Civil Rights Act of 1964 (15 or more employees); the American with Disabilities Act (15 employees); and the Age Discrimination in Employment Act (20 employees). Nonetheless, the anti-discrimination laws of certain States as well as those of certain Maryland counties have defined the term to include fewer than 15 employees. Alaska, for example, defines “employer” to include as few as two employees. Montgomery County, Maryland, in its local law on Human Rights and Civil Liberties, defines the term to include a single employee. *See* Montgomery County Code, Chapter 27, § 27-6.

The Community Relations Article in the City Code (Article 4) exists pursuant to the City’s police power. *See* City Charter, Art II, §§ 27 and 47. The definition of “employer” in Article 4, as well as the reach and effect of the entire ordinance, is within the discretion of the Mayor and City Council to determine. The Law Department therefore sees no legal impediment to the passage of this bill.

Sincerely yours,

A handwritten signature in black ink that reads "Victor K. Tervala".
Victor K. Tervala

cc: Andre M. Davis, City Solicitor
Jeffrey Amoros, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor

