

**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

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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 (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 (I) ~~(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 (1) ALLOW THE EMPLOYEE AT LEAST 10 DAYS AFTER RECEIVING THE NOTICE TO  
34 ACCEPT THE OFFER; AND

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(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

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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