

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF CIVIL RIGHTS AND
WAGE ENFORCEMENT
COMMUNITY RELATIONS COMMISSION

DARNELL E. INGRAM, Director
7 E. Redwood Street, 9th Floor
Baltimore, Maryland 21202

May 02, 2019

The Honorable President and Members
Of the Baltimore City Council
Attn: Jeff Amoros
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 19-0334, Community Relations – “Redefining Employer”

Dear President and City Council Members:

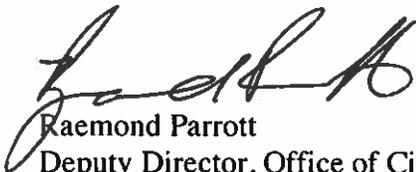
Art. 4, § 1-1(i)(1) of the Baltimore City Code defines an "employer" as "every person, other than fraternal and religious organizations, who employs 15 or more persons, exclusive of parents, spouse, or children of such persons during at least 15 days in the preceding 12 full months." Employer is defined for the purpose of establishing jurisdiction in which a charge of employment discrimination can be filed and investigated by the Baltimore Community Relations Commission. This means that any business operating in Baltimore City that has less than 15 employees can openly and actively discriminate in its hiring, discipline, termination, and sexual harassment practices without being subject to any discipline. Employees of these companies have no recourse, as the Maryland Commission on Civil Rights and the Equal Employment Opportunity Commission both have a 15-person threshold to establish jurisdiction.

In light of the 15-person threshold at the state and federal level, local jurisdictions have amended their laws to afford protection to employees who work for companies with less than 15 people. However, Baltimore City has not taken such corrective action. This 15-person threshold, in effect, perpetuates employment discrimination and sexual harassment in Baltimore City, given that it is significantly higher than the thresholds required in surrounding jurisdictions. Baltimore County, Prince George's County, and Montgomery County require a threshold of one, whereas Howard County requires a threshold of five employees. As of January 01, 2018, Baltimore City had 7,708 companies with less than 15 employees, and there are 30,604 employees working at these companies. How many of these 30,604 employees are currently being subjected to discrimination due to their sexual orientation, age, religion, or the color of their skin?

How many of these 30,604 are being subjected to sexual harassment and are forced to suffer in silence like the brave women who have come forth as part of the national #MeToo movement? Between FY 2015 – FY 2018, the Baltimore Community Relations Commission has had to dismiss approximately 150 complaints due to a lack of jurisdiction, because the Respondent had less than the required 15 employees. The majority of these complaints contained allegations of race discrimination and sexual harassment, some of which were egregious. By amending this law, the Baltimore City Council will help the Community Relations Commission achieve its mission of eradicating discrimination in Baltimore City, as well as improving the economy and workforce, as discrimination has negative consequences on retention, productivity and employee morale.

A memo, from 1979, written by former Community Relations Commission Director John B. Ferron (1973-1996), stressed the importance of imploring the Baltimore City Council to amend Article 4 to make this change. The memo highlighted the potential opposition from the small business community and emphasized that high unemployment would continue to plague the Black community if discrimination based on race was permitted for employers with less than 15 people, as those employers made up the bulk of the workforce. The City Council was unwilling to make the necessary change then, but the Community Relations Commission hopes that the Council is willing to make this change four decades later.

Regards,

A handwritten signature in black ink, appearing to read 'Raemond Parrott', written in a cursive style.

Raemond Parrott
Deputy Director, Office of Civil Rights

cc: Darnell E. Ingram, Director
cc: Andrea Davis, City Solicitor