



Legislation Text

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EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Clarke

A BILL ENTITLED

AN ORDINANCE concerning
Living Wages - Limited Exemption from Overtime Requirements for Workers Receiving Commissions

FOR the purpose of mirroring a limited exemption from federal overtime requirements for certain workers receiving commissions in the City's Living Wage law; and generally relating to living wage requirements for workers receiving commissions while working on City contracts.

BY repealing and reordaining, with amendments
Article 5 - Finance, Property, and Procurement
Section(s) 26-6
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 5. Finance, Property, and Procurement

Subtitle 26. Living Wages for Work Under Service Contracts

§ 266. Living wages - Overtime.

(a) Payment required.

The service contractor shall pay the service worker compensation at the overtime rates established by the Board of Estimates, which shall not be less than 1½ times the regular hourly rate of pay, for all hours worked in excess of 8

hours in any work day, or 40 hours in any work week.

(b) How computed.

Overtime hours, however, shall not be compensated for more than once and overtime shall be paid only on the regular hourly rate of pay and not on the fringe benefits, other personnel costs, or their cash equivalents.

(C) EXEMPTION FOR WORKERS RECEIVING COMMISSIONS.

(1) NO EMPLOYER SHALL BE DEEMED TO HAVE VIOLATED SUBSECTION (A) OF THIS SECTION BY EMPLOYING ANY EMPLOYEE OF A RETAIL OR SERVICE ESTABLISHMENT FOR A WORKWEEK IN EXCESS OF THE APPLICABLE WORKWEEK SPECIFIED THEREIN, IF:

(I) THE EMPLOYEE'S REGULAR RATE OF PAY IS IN EXCESS OF ONE AND ONEHALF TIMES THE LIVING HOURLY WAGE RATE ESTABLISHED BY THE BOARD OF ESTIMATES , AND

(II) MORE THAN HALF THE EMPLOYEE'S COMPENSATION FOR A REPRESENTATIVE PERIOD (NOT LESS THAN ONE MONTH) REPRESENTS COMMISSIONS ON GOODS OR SERVICES.

(2) IN DETERMINING THE PROPORTION OF COMPENSATION REPRESENTING COMMISSIONS, ALL EARNINGS RESULTING FROM THE APPLICATION OF A BONA FIDE COMMISSION RATE SHALL BE DEEMED COMMISSIONS ON GOODS OR SERVICES WITHOUT REGARD TO WHETHER THE COMPUTED COMMISSIONS EXCEED THE DRAW OR GUARANTEE.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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