Bill No. 82 -2021

Introduced by: Opel Jones and Christiana Rigby

AN ACT establishing a local minimum wage for employees working in Howard County; and generally relating to Howard County minimum wage requirements.

Introduced and read first time __Nov 1__, 2021. Ordered posted and hearing scheduled.

By order ____________________________
Michelle R. Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on __Nov 15__, 2021.

By order ____________________________
Michelle R. Harrod, Administrator

This Bill was read the third time on __Dec 6__, 2021 and Passed __, Passed with amendments __, Failed __

By order ____________________________
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this __8__ day of __Dec__, 2021 at __11:30 a.m.__

By order ____________________________
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive __Dec 13__, 2021

Calvin Ball, County Executive

NOTE: [text in brackets] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.
Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County
Code is hereby amended as follows:

By adding a new:
Title 12 – Health and Human Services
Subtitle 22. “Howard County Minimum Wage”

HOEARD COUNTY CODE
Title 12 – Health and Human Services
Subtitle 22. Howard County Minimum Wage

SECTION 12.2200. – DEFINITIONS
(A) Definitions. As used in this Subtitle:

(1) Employ means to engage a person to work for compensation.

(2) Employee means any person permitted or instructed to work or be present
by an employer in the County and who is an employee subject to the minimum
wage requirements of the Federal Act or the State Act.

(3) Employer means any person, individual, proprietorship, partnership, joint
venture, corporation, limited liability company, trust, association, or
other entity operating and doing business in the County that employs one
or more persons in the County in addition to the owners. Employer includes
Howard County government and the Howard County Public School
System, but does not include the United States, any State, or any other
local government.

Specifically, for the purposes of determining minimum wage in this Subtitle:

a. Employer meets the definition of an employer in the State Act;

b. A small employer is considered:

   i. A small employer as defined in the State Act;

   ii. An employer that has tax exempt status under Section

      501(c)(3) of the Internal Revenue Code; or
iii. An employer that provides "home health services" as defined by 42 C.F.R. § 440.70 or "home or community-based services" as defined by 42 C.F.R. § 440.180, and receives at least 75% of gross revenues through state and federal Medicaid programs.

iv. Restaurants as defined in Section 3-1301 of the Labor and Employment Article of the Maryland Code.

iv. Food service Facility as defined in Chapter 10.15.03.02 of the Code of Maryland Regulations.


(5) State Act means the Maryland Wage and Hour Law.

(6) Wage means all compensation that is due to an employee for employment.

SECTION 12.2201. – Minimum wage required

(A) County minimum wage. An employer must pay wages to each employee for work performed in the County at least the greater of:

(1) the minimum wage required for that employee under the Federal Act;

(2) the minimum wage required for that employee under the State Act; or

(3) in accordance with the following schedule, plus any annual adjustments under subsection (B):

Employers:

• effective April 1, 2022, $14 per hour;

• effective January 1, 2023, $15 per hour;

• effective January 1, 2025, $16 per hour;

Small employers:

• effective April 1, 2022, $13 per hour;

• effective January 1, 2023, $14 per hour;

• effective January 1, 2024, $15 per hour;

• effective January 1, 2026, $16 per hour;

• effective April 1, 2022, $12.50 per hour;
EFFECTIVE JANUARY 1, 2023, $13.25 PER HOUR;
EFFECTIVE JANUARY 1, 2024, $14 PER HOUR;
EFFECTIVE JANUARY 1, 2025, $14.75 PER HOUR;
EFFECTIVE JANUARY 1, 2026, $15.50 PER HOUR;
EFFECTIVE JULY 1, 2026, $16 PER HOUR;

HOWARD COUNTY GOVERNMENT EMPLOYEES

EFFECTIVE JULY 1, 2022, $15 PER HOUR;
EFFECTIVE JULY 1, 2024, $16 PER HOUR;

(B) ANNUAL ADJUSTMENT. THE CHIEF ADMINISTRATIVE OFFICER MUST ADJUST THE MINIMUM WAGE RATE REQUIRED UNDER SUBSECTION (A)(3), EFFECTIVE JANUARY 1, 2027, AND JANUARY 1 OF EACH SUBSEQUENT YEAR, BY THE ANNUAL AVERAGE INCREASE, IF ANY, IN THE CONSUMER PRICE INDEX FOR URBAN WAGE EARNERS AND CLERICAL WORKERS, (CPI-W) FOR WASHINGTON BALTIMORE ALL URBAN CONSUMERS (CPI-U BALTIMORE-COLUMBIA-TOWSON, MD AVERAGE), OR A SUCCESSOR INDEX, FOR THE PREVIOUS FISCAL YEAR ENDING JUNE 30. THE CHIEF ADMINISTRATIVE OFFICER MUST CALCULATE THE ADJUSTMENT TO THE NEAREST MULTIPLE OF FIVE CENTS, AND MUST PUBLISH THE AMOUNT OF THIS ADJUSTMENT NOT LATER THAN SEPTEMBER 1 OF EACH YEAR.

(C) EXCEPTION(S). THIS SUBTITLE DOES NOT APPLY TO AN INDIVIDUAL:

(1) WHO IS UNDER THE AGE OF 18 YEARS. HOWEVER, AN EMPLOYER SHALL PAY EMPLOYEES UNDER THE AGE OF 18 YEARS A WAGE THAT IS EQUAL TO AT LEAST 85% OF THE COUNTY MINIMUM WAGE ESTABLISHED UNDER THIS SECTION;

(2) WHO IS UNDER THE AGE OF 16 YEARS AND ARE EMPLOYED NO MORE THAN 20 HOURS IN A WEEK;

(3) WHO IS EMPLOYED AS PART OF THE TRAINING IN A SPECIAL EDUCATION PROGRAM FOR EMOTIONALLY, MENTALLY, OR PHYSICALLY HANDICAPPED STUDENTS UNDER A PUBLIC SCHOOL SYSTEM;

(4) WHO IS EMPLOYED AS HAND-HARVEST LABORER AND IS PAID ON A PIECE-RATE BASIS IN AN OPERATION THAT, IN THE REGION OF EMPLOYMENT, HAS BEEN AND CUSTOMARILY AND GENERALLY IS RECOGNIZED AS HAVING BEEN PAID ON THAT BASIS, IF:

(i) THE INDIVIDUAL;
1. Commutes daily from the permanent residence of the individual to the farm
where the individual is employed; and
2. During the preceding calendar year, was employed in agriculture less than
13 weeks; or

(ii) The individual:
1. Is under the age of 17;
2. Is employed on the same farm as a parent of the individual or a person
standing in the place of the parent; and
3. Is paid at the same rate that an employee who is at least 17 years old is paid
on the same farm;

(5) Who is in agriculture if, during each quarter of the preceding calendar year,
the employer used no more than 500 agricultural-worker days;

(6) Who is a child, parent, spouse, or other member of the immediate family of the
employer;

(7) Who is in a non-administrative capacity at an organized camp, including a
resident or day camp; and

(8) Who engages in the activities of a charitable, educational, nonprofit, or
religious organization if the service is provided gratuitously and there is, in
fact, no employer-employee relationship.

(c) (D) Retaliation prohibited. A person must not:

1. Retaliate against any person for:
   (A) lawfully opposing any violation of this article; or
   (B) filing a complaint, testifying, assisting, or participating in any manner
   in an investigation, proceeding, or hearing under this article; or
   (2) obstruct or prevent enforcement or compliance with this article.

Section 12.2202. – Tipped employees

(A) Definition. As used in this section, tipped employee means:

1. An employee who:
   (A) is engaged in an occupation in which the employee customarily and
   regularly receives more than $30 each month in tips;
(B) has been informed by the employer about the provisions of this section; and

(C) has kept all of the tips that the employee received.

(2) Notwithstanding paragraph (1)(C), this section does not prohibit the pooling of tips.

(B) Computation of wage. Except as provided in subsection (C), an employer may include, as part of the wage of a tipped employee:

(1) an amount that the employer sets to represent the tips of the employee; or

(2) if the employee or representative of the employee satisfies the State Commissioner of Labor and Industry that the employee received a lesser amount in tips, the lesser amount.

(C) Limit. The tip credit amount that the employer may include under subsection (B) shall not exceed the County minimum wage less $4.00 per hour $3.63 per hour.

Section 12.2203. — Enforcement

The County Executive shall delegate the authority to enforce this subtitle to a State agency that:

(1) enforces the State Act; and

(2) is legally authorized to enforce the County minimum wage.

Section 12.2204. — Council Meeting

The County Council shall hold a meeting to discuss the local minimum wage for Howard County once every four years, to be held in the year following the election of County Council members. As part of the meeting, the Council shall consider:

A. the cost of living in Howard County, including:

1. the cost of housing,

2. the cost of childcare, and

3. the cost of food, utilities, and other household expenses;
B. THE STATUS OF WORKFORCE DEVELOPMENT PROGRAMS AND OPPORTUNITIES IN HOWARD
COUNTY; AND

C. THE POVERTY LEVEL IN HOWARD COUNTY AND THE SURROUNDING REGION.

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.
Bill No. 82 -2021

Introduced by: Opel Jones and Christiana Rigby

AN ACT establishing a local minimum wage for employees working in Howard County; and generally relating to Howard County minimum wage requirements.

Introduced and read first time____, 2021. Ordered posted and hearing scheduled.

By order

Michelle R. Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on____________________, 2021.

By order

Michelle R. Harrod, Administrator

This Bill was read the third time on____________________, 2021 and Passed ___, Passed with amendments _____, Failed _____.

By order

Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____day of________________, 2021 at a.m./p.m.

By order

Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive________________, 2021

Calvin Ball, County Executive

NOTE: [Text in brackets] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.
Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County Code is hereby amended as follows:

By adding a new:

Title 12 — Health and Human Services
Subtitle 22. "Howard County Minimum Wage"

HOUSTON COUNTY CODE
Title 12 — Health and Human Services
Subtitle 22. Howard County Minimum Wage

SECTION 12.2200. — DEFINITIONS

(A) DEFINITIONS. AS USED IN THIS SUBTITLE:

(1) EMPLOYEE MEANS TO ENGAGE A PERSON TO WORK FOR COMPENSATION.

(2) EMPLOYEE MEANS ANY PERSON PERMITTED OR INSTRUCTED TO WORK OR BE PRESENT BY AN EMPLOYER IN THE COUNTY AND WHO IS AN EMPLOYEE SUBJECT TO THE MINIMUM WAGE REQUIREMENTS OF THE FEDERAL ACT OR THE STATE ACT.

(3) EMPLOYER MEANS ANY PERSON INDIVIDUAL, PROPRIETORSHIP, PARTNERSHIP, JOINT VENTURE, CORPORATION, LIMITED LIABILITY COMPANY, TRUST, ASSOCIATION, OR OTHER ENTITY OPERATING AND DOING BUSINESS IN THE COUNTY THAT EMPLOYS ONE OR MORE PERSONS IN THE COUNTY IN ADDITION TO THE OWNERS. EMPLOYER INCLUDES HOWARD COUNTY GOVERNMENT, BUT DOES NOT INCLUDE THE UNITED STATES, ANY STATE, OR ANY OTHER LOCAL GOVERNMENT.

SPECIFICALLY, FOR THE PURPOSES OF DETERMINING MINIMUM WAGE IN THIS SUBTITLE:

a. EMPLOYER MEANS THE DEFINITION OF AN EMPLOYER IN THE STATE ACT;

b. A SMALL EMPLOYER IS CONSIDERED:

i. A SMALL EMPLOYER AS DEFINED IN THE STATE ACT;

ii. AN EMPLOYER THAT HAS TAX EXEMPT STATUS UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE; OR

iii. AN EMPLOYER THAT PROVIDES "HOME HEALTH SERVICES" AS DEFINED BY 42 C.F.R. § 440.70 OR "HOME OR COMMUNITY-BASED SERVICES" AS
DEFINED BY 42 C.F.R. § 440.180, AND RECEIVES AT LEAST 75% OF
GROSS REVENUES THROUGH STATE AND FEDERAL MEDICAID PROGRAMS.

iv. RESTAURANTS AS DEFINED IN SECTION 3-1301 OF THE LABOR AND
EMPLOYMENT ARTICLE OF THE MARYLAND CODE.

(4) FEDERAL ACT MEANS THE FEDERAL FAIR LABOR STANDARDS ACT.
(5) STATE ACT MEANS THE MARYLAND WAGE AND HOUR LAW.
(6) WAGE MEANS ALL COMPENSATION THAT IS DUE TO AN EMPLOYEE FOR EMPLOYMENT.

SECTION 12.2201. - MINIMUM WAGE REQUIRED

(A) COUNTY MINIMUM WAGE. AN EMPLOYER MUST PAY WAGES TO EACH EMPLOYEE FOR WORK
PERFORMED IN THE COUNTY AT LEAST THE GREATER OF:

(1) THE MINIMUM WAGE REQUIRED FOR THAT EMPLOYEE UNDER THE FEDERAL ACT;
(2) THE MINIMUM WAGE REQUIRED FOR THAT EMPLOYEE UNDER THE STATE ACT; OR
(3) IN ACCORDANCE WITH THE FOLLOWING SCHEDULE, PLUS ANY ANNUAL ADJUSTMENTS
UNDER SUBSECTION (B):

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Howard County Government Employees

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<td>July 1, 2022</td>
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<tr>
<td>July 1, 2024</td>
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</table>
(B) **Annual Adjustment.** The Chief Administrative Officer must adjust the minimum wage rate required under Subsection (A)(3), effective January 1, 2027, and January 1 of each subsequent year, by the annual average increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers, (CPI-U) for Washington-Baltimore, or a successor index, for the previous fiscal year ending June 30. The Chief Administrative Officer must calculate the adjustment to the nearest multiple of five cents, and must publish the amount of this adjustment not later than September 1 of each year.

(C) **Retaliation prohibited.** A person must not:

1. Retaliate against any person for:
   1. Lawfully opposing any violation of this Article; or
   2. Filing a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under this Article; or
   3. Obstruct or prevent enforcement or compliance with this Article.

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**Section 12.2202. — Tipped Employees**

(A) **Definition.** As used in this Section, tipped employee means:

1. An employee who:
   1. Is engaged in an occupation in which the employee customarily and regularly receives more than $30 each month in tips;
   2. Has been informed by the employer about the provisions of this Section; and
   3. Has kept all of the tips that the employee received.

2. Notwithstanding paragraph (1)(C), this Section does not prohibit the pooling of tips.

(B) **Computation of wage.** Except as provided in Subsection (C), an employer may include, as part of the wage of a tipped employee:

1. An amount that the employer sets to represent the tips of the employee; or
(2) IF THE EMPLOYEE OR REPRESENTATIVE OF THE EMPLOYEE SATISFIES THE STATE COMMISSIONER OF LABOR AND INDUSTRY THAT THE EMPLOYEE RECEIVED A LESSER AMOUNT IN TIPS, THE LESSER AMOUNT.

(C) LIMIT. The tip credit amount that the employer may include under subsection (B) shall not exceed the County minimum wage less $4.00 per hour.

SECTION 12.2203. – ENFORCEMENT
The County Executive shall delegate the authority to enforce this subtitle to a State agency that:

(1) enforces the State Act; and

(2) is legally authorized to enforce the County minimum wage.

SECTION 12.2204. – COUNCIL MEETING
The County Council shall hold a meeting to discuss the local minimum wage for Howard County once every four years, to be held in the year following the election of County Council members. As part of the meeting, the Council shall consider:

A. The cost of living in Howard County, including:
   1. The cost of housing,
   2. The cost of childcare, and
   3. The cost of food, utilities, and other household expenses;

B. The status of workforce development programs and opportunities in Howard County; and

C. The poverty level in Howard County and the surrounding region.

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.
BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on Dec 13, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on ________________, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on ________________, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on ________________, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on ________________, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on ________________, 2021.

Michelle Harrod, Administrator to the County Council