

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2023 Legislative Session

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**Reference No.:** CB-102-2023

**Draft No.:** 1

**Committee:** Government Operations and Fiscal Policy (GAFP)

**Date:** October 26, 2023

**Action:** FAV

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**REPORT:** Committee Vote: Favorable 5-0 (In favor Council Members Burroughs, Oriadha, Harrison, Fisher, and Ivey)

The Government Operations and Fiscal Policy convened on October 26, 2023, to consider CB-102-2023. The bill addresses contractor requirements and enforcement, aiming to amend sections of the Prince George's County Code related to the solicitation and award of public construction contracts. It establishes the authority of the purchasing agent to enforce procurement regulations, outlines penalties for violations, and makes amendments to various sections of the Prince George's County Code concerning the Office of Human Rights (OHR) employment, discrimination enforcement, and other related matters. This legislation corresponds with a resolution from the Procurement Agent to update the Procurement Regulations to include Responsible Contractor provisions.

The Administration representative expressed support and deferred to the Office of Law representative. The Office of Law representative indicated that it was legally sufficient and set forth the enforcement provisions needed to ensure that wage theft and other nefarious actions of contracts don't occur.

Council Members raised concerns about overwhelming the OHR due to the new enforcement capability and its being a smaller agency.

The Administration representative mentioned that she spoke with the Director of OHR. The office lacks the authority to address labor trafficking complaints, but they are open to being the initial facilitators for such complaints if violations occur. In the upcoming legislative session, the Executive Branch plans to introduce legislation on behalf of OHR to grant them the necessary authority. Furthermore, additional resources will be requested to assist them in effectively handling these violations.

The bill's sponsor further explained that the Council had allocated funds to the OHR to establish a labor trafficking unit, which remains accessible and unspent.

The Chief Legislative Officer clarified that the Office of Human Rights is just one of three agencies with the authority to investigate and make recommendations for violations of this kind. Wage theft complaints, expected to be the most common, will be directed to the Wage Theft Board. Additionally, individuals can file complaints directly with the procurement agent.

A Council Member asked about the assumptions of fines that can help fund those OHR positions. The Chief Legislative Officer explained that fines can be issued up to \$5,000 per violation. The amount of the fine is to be a viable deterrent to continued acts. Each fine can be \$5,000, and each employee is considered a new violation.

Prior to the introduction, the Council Member requested additional details about the staffing requirements for the OHR to align with the goals of this legislation.

The Policy Analysis Fiscal Impact Statement indicates that the enactment of CB-102-2023 may have an adverse fiscal impact on the County in the form of additional administrative costs associated with enforcement by the OHR. If employers are found to violate any provisions of the County Code and are issued a penalty, there may be a possibility of revenues to be collected from the fines issued.

Enactment of CB-102-2023 may have a favorable indirect fiscal impact on the County to the extent that employees will have more protection from employers that violate County laws.

The Government Operations and Fiscal Policy Committee voted favorably 5-0 on CB-102-2023.