



Prince George's County, Maryland
Inter-Office Memorandum
Office of Law

LEGISLATIVE COMMENT

DATE: October 11, 2023

TO: Jennifer Jenkins, Council Administrator

THRU: Sandra A. Eubanks, Committee Director
Government Operations and Fiscal Policy

THRU: Rhonda L. Weaver, County Attorney

FROM: Terry L. Bell, Associate County Attorney *Terry L. Bell*

RE: CB-98-2023

The Office of Law has reviewed the above referenced bill as it was presented on October 3, 2023, and has concerns regarding the Enforcement provision of Section 13A-117(g) which provides as follows:

Enforcement. Any covered employee who was paid a wage rate less than the County minimum wage in violation of this Subdivision may file a complaint with the *Office of Human Rights* pursuant to Subtitle 2, Division 12 – *Office of Human Rights* of this Code. (Emphasis added).

Pursuant to the Prince George's County Code, Division 12 – Office of Human Rights, sections 2-185(a)(b), which summarily states, that the functions of the County government to foster and encourage the growth and development of the County in such a manner that all persons shall have an equal opportunity to pursue their lives free of discrimination...The County government shall direct its efforts and resources toward eliminating discriminatory practices within the County in

the areas of housing and residential real estate, employment, law enforcement, education, public accommodations, and commercial real estate where such practices may be found to exist.

As provided in Section 2-186(6), Discrimination shall mean acting, or failing to act, or unduly delaying any action regarding any person because of race, religion, color, sex, national origin, age (except as required by State or Federal law), occupation, familial status, marital status, political opinion, personal appearance, sexual orientation, disability, or gender identity, in such a way that such person is adversely affected in the areas of housing and residential real estate, employment, law enforcement, education, public accommodations, or commercial real estate.

Allegations regarding violations of tip workers' wages does not fall within the definition of "discrimination" as noted above in Sec. 2-186(6) accordingly, the Office of Human Rights is not the appropriate County agency to resolve and/or enforce these matters.