

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2016 Legislative Session**

Bill No. CB-96-2016

Chapter No. 68

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Davis, Harrison, Turner, Glaros, Franklin, Taveras,  
Patterson and Toles

Date of Introduction October 18, 2016

**BILL**

1 AN ACT concerning

2 Labor- Minimum Wage Waiver

3 For the purpose of amending the Code to specify waiver provisions to the Prince George’s  
4 County, Maryland’s minimum wage rate for Developmental Disability Administration (“DDA”)  
5 providers.

6 BY adding:

7 SUBTITLE 13A. LABOR CODE.

8 Section 13A-118,

9 The Prince George's County Code

10 (2015 Edition).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
12 Maryland, that Section 13A-118 of the Prince George's County Code be and the same is hereby  
13 added with the following amendments:

14 **SUBTITLE 13A. LABOR CODE.**

15 **DIVISION 2. MINIMUM WAGE.**

16 **Sec. 13A-118. Minimum wage waiver provision.**

17 (a) Definitions. In this Division the following words shall have the meaning indicated.

18 (1) **Department** shall mean the Department of Finance.

19 (2) **Developmental Disabilities** means a severe chronic disability of an individual

20 that:

21 (A) Is attributable to a physical or mental impairment, other than the sole

1 diagnosis of mental illness, or attributed to a combination of mental and physical impairments;

2 (B) Is manifested before the individual attains the age of 22;

3 (C) Is likely to continue indefinitely;

4 (D) Results in an inability to live independently without external support or  
 5 continuing and regular assistance; and

6 (E) Reflects the need for a combination and sequence of special,  
 7 interdisciplinary, or generic care, treatment, or other services that are individually planned and  
 8 coordinated for the individual.

9 (3) **Developmental Disabilities Administration (“DDA”)** means the primary State  
 10 agency that funds community-based services and supports for people with developmental  
 11 disabilities.

12 (4) **Developmental Disabilities Administration Providers** shall include entities that  
 13 provide services as defined in Section 7-101 of the Health-General Article of the Annotated  
 14 Code of Maryland including individual support services, habilitation services, service  
 15 coordination, treatment, vocational service, alternative living units, and group homes. This list  
 16 of services is intended to be indicative of the types of services but not exhaustive.

17 (5) **Director** shall mean the Director of Finance.

18 (6) **Employee** shall have the same as meaning defined in the Fair Labor Standards  
 19 Act (FLSA) and the Maryland Wage and Hour Law.

20 (7) **Employer** means a person who acts directly or indirectly in the interest of another  
 21 employer with an employee. Employer includes a governmental unit as defined in the Maryland  
 22 Wage and Hour Law set forth in Sections 3-401 et. seq. of the Labor and Employment Article of  
 23 the Annotated Code of Maryland.

24 (8) **Wage** means all compensation that is due to an employee for employment.

25 (b) The procedures for obtaining a waiver:

26 (1) The Director shall provide an application to the DDA providers;

27 (2) The application shall require the following information from the DDA providers:

28 (A) Evidence of a contract with the State of Maryland to provide DDA services

29 (B) Evidence that they are in good standing with the State of Maryland

30 (C) Explanation of the specific services provided by the DDA provider

31 (D) Any additional information deemed necessary by the Director to certify the

1 applicant for the waiver; and

2 (3) DDA providers may only be eligible for the waiver provision from October 1,  
3 2017 to July 1, 2018.

4 (c) The Director, after reviewing the application and all supporting documents shall notify  
5 the DDA providers if they have been granted a waiver.

6 (d) DDA providers granted a waiver will:

7 (1) Be certified by the Department as having met the requirements for a waiver;

8 (2) Receive proof of the certification and waiver of the Prince George's County's  
9 Maryland minimum wage law; and

10 (3) Comply with all Federal and State laws regulating labor and wages.

11 (e) The waiver provisions set forth in this section are only applicable to Prince George's  
12 County, Maryland's minimum wage. This is not a waiver from the minimum wage set by the  
13 State of Maryland. All providers must comply with the State minimum wage, Federal and State  
14 laws.

15 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act shall be  
16 abrogated and be of no further force and effect after July 1, 2018.

17 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
18 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
19 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
20 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
21 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
22 Act, since the same would have been enacted without the incorporation in this Act of any such  
23 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
24 or section.

25 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
26 calendar days after it becomes law.

Adopted this 15th day of November, 2016.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Derrick Leon Davis  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
Rushern L. Baker, III  
County Executive