



## HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2013 Voice/Relay

Calvin Ball  
Howard County Executive  
cball@howardcountymd.gov

www.howardcountymd.gov  
FAX 410-313-3051

February 8, 2022

Matthew Helminiak  
Commissioner of Labor and Industry  
Division of Labor and Industry  
Maryland Department of Labor  
10946 Golden West Drive, Suite 160  
Hunt Valley, MD 21031  
Sent Via Email: [matt.helminiak@maryland.gov](mailto:matt.helminiak@maryland.gov)

Dear Mr. Helminiak,

Re: CB82-2021: Howard County Minimum Wage Legislation

The Howard County Council recently approved CB82-2021, which mandates a change/raise to the County's minimum wage. The legislation was signed on December 13, 2021 and goes into effect on February 12, 2022. The first wage increase effective date for this legislation is scheduled for April 1, 2022.

As part of this Council legislation, Section 12.2203 notes that I shall delegate the authority to enforce this subtitle to the State Agency that

1. Enforces the State Act; and
2. Is legally authorized to enforce the County Minimum Wage.

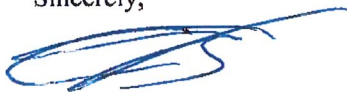
The Maryland Statutes states in the MD Labor and Employment Section Annotated (2020) § 3-102 (a)(5), the Commission of Labor and Industry has the duty to "enforce a local minimum wage law". Furthermore, in section § 3-102 (c), "the Commissioner has the same powers and duties in enforcing a local minimum wage law as the Commissioner has in enforcing Subtitle 4 of this title".

Below is a chart of the changes in the Minimum Wage as set out by the Howard County Council:

Effective Date	Employers	Small Employers	Howard County Government
April 1, 2022	\$14.00 Per Hour	\$12.50 Per Hour	
July 1, 2022			\$15.00 Per Hour
January 1, 2023	\$15.00 Per Hour	\$13.25 Per Hour	
January 1, 2024		\$14.00 Per Hour	
July 1, 2024			\$16.00 Per Hour
January 1, 2025	\$16.00 Per Hour	\$15.50 Per Hour	
January 1, 2026		\$16.00 Per Hour	

Attached is a copy of the signed legislation and other documents for your perusal. Please feel free to contact Michelle Bailey Hedgepeth, Assistant Chief Administrative Officer, at (410)313-2025, [mbaileyhedgepeth@howardcountymd.gov](mailto:mbaileyhedgepeth@howardcountymd.gov).

Sincerely,



Calvin Ball  
County Executive

Cc: Lonnie R. Robbins  
Michelle Bailey Hedgepeth  
John Peterson  
Michelle Harrod



# NOTICE



## EFFECTIVE APRIL 1, 2022

### Howard County, Maryland MINIMUM WAGE INCREASE Howard County Code Title 12-22

Effective Date	Employers	Small Employers	Howard County Government
April 1, 2022	\$14.00 Per Hour	\$12.50 Per Hour	
July 1, 2022			\$15.00 Per Hour
January 1, 2023	\$15.00 Per Hour	\$13.25 Per Hour	
January 1, 2024		\$14.00 Per Hour	
July 1, 2024			\$16.00 Per Hour
January 1, 2025	\$16.00 Per Hour	\$15.50 Per Hour	
January 1, 2026		\$16.00 Per Hour	

#### Definitions

- EMPLOY means to engage in work for compensation.
- EMPLOYEE is any person permitted or instructed to work or be present by an employer in the county and who is subject to the minimum wage requirements of the Federal or State act.
- EMPLOYER is 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 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 other local government.
- A SMALL EMPLOYER is considered or as defined in the State Act
  - an employer that has Tax-exempt status under section 501(c)(3) of the IRS Code
  - 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.
  - an employer that is defined as a FOOD SERVICE FACILITY in CHAPTER 10.15.03.02 OF THE CODE OF MARYLAND REGULATIONS.

#### Exceptions:

##### THIS SUBTITLE DOES NOT APPLY TO AN INDIVIDUAL:

- THOSE UNDER THE AGE OF 18 YEARS, However, an employer shall pay employees under 18 years of age wage that is equal to at least 85 % of the County Minimum wage established under this section;

- THOSE WHO ARE UNDER THE AGE OF 16 YEARS; and are employed no more than 20 hours in a week
- THOSE WHO ARE EMPLOYED as part of training in a special education program for emotionally, mentally, or physically handicapped students under the school systems
- THOSE WHO ARE EMPLOYED as hand-harvest laborers and are paid on a piece-rate basis in an operation that, in the region of employment, has been customarily and generally recognized as having been paid on that basis.
- THE INDIVIDUAL
  - who commutes daily from the permanent residence of the individual to the farm where the individual is employed; and
  - during the preceding calendar year, was employed in agriculture less than 13 weeks; or
  - is under the age of 17
  - is employed on the same farm as a parent of the individual or a person standing in the place of the parent; and
  - is paid at the same rate that an employee who is at least 17 years old is paid on the same farm
  - who is in agriculture if, during each quarter of the preceding calendar year, the employer used no more than 500 agricultural worker days;
  - who is a child, parent, spouse, or other members of the immediate family of the employer;
  - who is a non-administrative capacity at an organized camp, including a resident or day camp, and;
  - who is engaged in activities of a charitable, educational, nonprofit, or religious organization if the service is provided gratuitously and there is, in fact, no employer-employee relationship.
- TIPPED EMPLOYEES is an employee who is engaged in an occupation in which the employee customarily and regularly receives more than \$30 each month in tips. The tip credit amount that the employer shall not exceed the County minimum wage less than \$3.63 per hour.

**\*\*EFFECTIVE JANUARY 1, 2027, AND JANUARY 1 OF EACH SUBSEQUENT YEAR, BY THE ANNUAL AVERAGE INCREASE, IF ANY, IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U BALTIMORE-COLUMBIA-TOWSON, MD AVERAGE), OR A SUCCESSOR INDEX, 1% FOR THE PREVIOUS FISCAL YEAR ENDING JUNE 30, 2027 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.**

Introduced 11-1-2021  
Public Hearing 11-15-2021  
Council Action 12-6-2021  
Executive Action 12-13-2021  
Effective Date 2-12-2022

## County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No.17

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 Harrod  
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 Harrod  
Michelle R. Harrod, Administrator

This Bill was read the third time on Dec 6, 2021 and Passed ✓, Passed with amendments ✓, Failed    .

By order

Michelle Harrod  
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8 day of Dec, 2021 at 11:00 a.m.

By order

Michelle Harrod  
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive Dec 13, 2021

Calvin Ball  
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.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County*  
2 *Code is hereby amended as follows:*

3 *By adding a new:*

4 *Title 12 – Health and Human Services*

5 *Subtitle 22. “Howard County Minimum Wage”*

6

7

## HOWARD COUNTY CODE

8

### Title 12 – Health and Human Services

9

### Subtitle 22. Howard County Minimum Wage

10

#### 11 SECTION 12.2200. – DEFINITIONS

12 (A) DEFINITIONS. AS USED IN THIS SUBTITLE:

13 (1) *EMPLOY* MEANS TO ENGAGE A PERSON TO WORK FOR COMPENSATION.

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

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

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

25 a. EMPLOYER MEETS THE DEFINITION OF AN EMPLOYER IN THE STATE ACT;

26 b. A SMALL EMPLOYER IS CONSIDERED:

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

28 ii. AN EMPLOYER THAT HAS TAX EXEMPT STATUS UNDER SECTION  
29 501(C)(3) OF THE INTERNAL REVENUE CODE; OR

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

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

7                   IV. FOOD SERVICE FACILITY AS DEFINED IN CHAPTER 10.15.03.02 OF THE  
8                   CODE OF MARYLAND REGULATIONS.

9                   (4) *FEDERAL ACT* MEANS THE FEDERAL FAIR LABOR STANDARDS ACT.

10                  (5) *STATE ACT* MEANS THE MARYLAND WAGE AND HOUR LAW.

11                  (6) *WAGE* MEANS ALL COMPENSATION THAT IS DUE TO AN EMPLOYEE FOR EMPLOYMENT.

12  
13                  **SECTION 12.2201. – MINIMUM WAGE REQUIRED**

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

16                   (1) THE MINIMUM WAGE REQUIRED FOR THAT EMPLOYEE UNDER THE FEDERAL ACT;

17                   (2) THE MINIMUM WAGE REQUIRED FOR THAT EMPLOYEE UNDER THE STATE ACT; OR

18                   (3) IN ACCORDANCE WITH THE FOLLOWING SCHEDULE, PLUS ANY ANNUAL ADJUSTMENTS

19                  UNDER SUBSECTION (B):

20                   EMPLOYERS:

- 21                   • EFFECTIVE APRIL 1, 2022, \$14 PER HOUR;
- 22                   • EFFECTIVE JANUARY 1, 2023, \$15 PER HOUR;
- 23                   • EFFECTIVE JANUARY 1, 2025, \$16 PER HOUR;

24  
25                   SMALL EMPLOYERS:

- 26                   • ~~EFFECTIVE APRIL 1, 2022, \$13 PER HOUR;~~
- 27                   • ~~EFFECTIVE JANUARY 1, 2023, \$14 PER HOUR;~~
- 28                   • ~~EFFECTIVE JANUARY 1, 2024, \$15 PER HOUR;~~
- 29                   • EFFECTIVE JANUARY 1, 2026, \$16 PER HOUR;
- 30                   • 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 1. COMMUTES DAILY FROM THE PERMANENT RESIDENCE OF THE INDIVIDUAL TO THE FARM  
2 WHERE THE INDIVIDUAL IS EMPLOYED; AND

3 2. DURING THE PRECEDING CALENDAR YEAR, WAS EMPLOYED IN AGRICULTURE LESS THAN  
4 13 WEEKS; OR

5 (II) THE INDIVIDUAL:

6 1. IS UNDER THE AGE OF 17;

7 2. IS EMPLOYED ON THE SAME FARM AS A PARENT OF THE INDIVIDUAL OR A PERSON  
8 STANDING IN THE PLACE OF THE PARENT; AND

9 3. IS PAID AT THE SAME RATE THAT AN EMPLOYEE WHO IS AT LEAST 17 YEARS OLD IS PAID  
10 ON THE SAME FARM;

11 (5) WHO IS IN AGRICULTURE IF, DURING EACH QUARTER OF THE PRECEDING CALENDAR YEAR,  
12 THE EMPLOYER USED NO MORE THAN 500 AGRICULTURAL-WORKER DAYS;

13 (6) WHO IS A CHILD, PARENT, SPOUSE, OR OTHER MEMBER OF THE IMMEDIATE FAMILY OF THE  
14 EMPLOYER;

15 (7) WHO IS IN A NON-ADMINISTRATIVE CAPACITY AT AN ORGANIZED CAMP, INCLUDING A  
16 RESIDENT OR DAY CAMP; AND

17 (8) WHO ENGAGES IN THE ACTIVITIES OF A CHARITABLE, EDUCATIONAL, NONPROFIT, OR  
18 RELIGIOUS ORGANIZATION IF THE SERVICE IS PROVIDED GRATUITOUSLY AND THERE IS, IN  
19 FACT, NO EMPLOYER-EMPLOYEE RELATIONSHIP.

20 ~~(C)~~ (D) RETALIATION PROHIBITED. A PERSON MUST NOT:

21 (1) RETALIATE AGAINST ANY PERSON FOR:

22 (A) LAWFULLY OPPOSING ANY VIOLATION OF THIS ARTICLE; OR

23 (B) FILING A COMPLAINT, TESTIFYING, ASSISTING, OR PARTICIPATING IN ANY MANNER  
24 IN AN INVESTIGATION, PROCEEDING, OR HEARING UNDER THIS ARTICLE; OR

25 (2) OBSTRUCT OR PREVENT ENFORCEMENT OR COMPLIANCE WITH THIS ARTICLE.

26  
27 **SECTION 12.2202. -- TIPPED EMPLOYEES**

28 **(A) DEFINITION. AS USED IN THIS SECTION, TIPPED EMPLOYEE MEANS:**

29 **(1) AN EMPLOYEE WHO:**

30 **(A) IS ENGAGED IN AN OCCUPATION IN WHICH THE EMPLOYEE CUSTOMARILY AND**  
31 **REGULARLY RECEIVES MORE THAN \$30 EACH MONTH IN TIPS;**

1 (B) HAS BEEN INFORMED BY THE EMPLOYER ABOUT THE PROVISIONS OF THIS SECTION;  
2 AND

3 (C) HAS KEPT ALL OF THE TIPS THAT THE EMPLOYEE RECEIVED.

4 (2) NOTWITHSTANDING PARAGRAPH (1)(C), THIS SECTION DOES NOT PROHIBIT THE POOLING  
5 OF TIPS.

6 (B) *COMPUTATION OF WAGE*. EXCEPT AS PROVIDED IN SUBSECTION (C), AN EMPLOYER MAY  
7 INCLUDE, AS PART OF THE WAGE OF A TIPPED EMPLOYEE:

8 (1) AN AMOUNT THAT THE EMPLOYER SETS TO REPRESENT THE TIPS OF THE EMPLOYEE; OR

9 (2) IF THE EMPLOYEE OR REPRESENTATIVE OF THE EMPLOYEE SATISFIES THE STATE  
10 COMMISSIONER OF LABOR AND INDUSTRY THAT THE EMPLOYEE RECEIVED A LESSER  
11 AMOUNT IN TIPS, THE LESSER AMOUNT.

12 (C) *LIMIT*. THE TIP CREDIT AMOUNT THAT THE EMPLOYER MAY INCLUDE UNDER SUBSECTION (B)  
13 SHALL NOT EXCEED THE COUNTY MINIMUM WAGE LESS ~~\$4.00 PER HOUR~~ \$3.63 PER HOUR.

14

15 **SECTION 12.2203. – ENFORCEMENT**

16 THE COUNTY EXECUTIVE SHALL DELEGATE THE AUTHORITY TO ENFORCE THIS SUBTITLE TO A STATE  
17 AGENCY THAT:

18 (1) ENFORCES THE STATE ACT; AND

19 (2) IS LEGALLY AUTHORIZED TO ENFORCE THE COUNTY MINIMUM WAGE.

20

21 **SECTION 12.2204. – COUNCIL MEETING**

22 THE COUNTY COUNCIL SHALL HOLD A MEETING TO DISCUSS THE LOCAL MINIMUM WAGE FOR  
23 HOWARD COUNTY ONCE EVERY FOUR YEARS, TO BE HELD IN THE YEAR FOLLOWING THE ELECTION OF  
24 COUNTY COUNCIL MEMBERS. AS PART OF THE MEETING, THE COUNCIL SHALL CONSIDER:

25 A. THE COST OF LIVING IN HOWARD COUNTY, INCLUDING:

26 1. THE COST OF HOUSING,

27 2. THE COST OF CHILDCARE, AND

28 3. THE COST OF FOOD, UTILITIES, AND OTHER HOUSEHOLD EXPENSES;

1 B. THE STATUS OF WORKFORCE DEVELOPMENT PROGRAMS AND OPPORTUNITIES IN HOWARD  
2 COUNTY; AND

3 C. THE POVERTY LEVEL IN HOWARD COUNTY AND THE SURROUNDING REGION.  
4

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

Introduced 11-1-2021  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 17

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  
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.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County*  
2 *Code is hereby amended as follows:*

3 *By adding a new:*

4 *Title 12 – Health and Human Services*

5 *Subtitle 22. “Howard County Minimum Wage”*

6  
7 **HOWARD COUNTY CODE**

8 **Title 12 – Health and Human Services**

9 **Subtitle 22. Howard County Minimum Wage**

10  
11 **SECTION 12.2200. – DEFINITIONS**

12 (A) DEFINITIONS. AS USED IN THIS SUBTITLE:

13 (1) *EMPLOY* MEANS TO ENGAGE A PERSON TO WORK FOR COMPENSATION.

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

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

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

24 a. EMPLOYER MEETS THE DEFINITION OF AN EMPLOYER IN THE STATE ACT;

25 b. A SMALL EMPLOYER IS CONSIDERED:

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

27 ii. AN EMPLOYER THAT HAS TAX EXEMPT STATUS UNDER SECTION  
28 501(c)(3) OF THE INTERNAL REVENUE CODE; OR

29 iii. AN EMPLOYER THAT PROVIDES “HOME HEALTH SERVICES” AS DEFINED  
30 BY 42 C.F.R. § 440.70 OR “HOME OR COMMUNITY-BASED SERVICES” AS



1 DEFINED BY 42 C.F.R. § 440.180, AND RECEIVES AT LEAST 75% OF  
2 GROSS REVENUES THROUGH STATE AND FEDERAL MEDICAID PROGRAMS.

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

5 (4) *FEDERAL ACT* MEANS THE FEDERAL FAIR LABOR STANDARDS ACT.

6 (5) *STATE ACT* MEANS THE MARYLAND WAGE AND HOUR LAW.

7 (6) *WAGE* MEANS ALL COMPENSATION THAT IS DUE TO AN EMPLOYEE FOR EMPLOYMENT.

8

9 **SECTION 12.2201. – MINIMUM WAGE REQUIRED**

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

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

16 EMPLOYERS:

- 17 • EFFECTIVE APRIL 1, 2022, \$14 PER HOUR;  
18 • EFFECTIVE JANUARY 1, 2023, \$15 PER HOUR;  
19 • EFFECTIVE JANUARY 1, 2025, \$16 PER HOUR;

20

21 SMALL EMPLOYERS:

- 22 • EFFECTIVE APRIL 1, 2022, \$13 PER HOUR;  
23 • EFFECTIVE JANUARY 1, 2023, \$14 PER HOUR;  
24 • EFFECTIVE JANUARY 1, 2024, \$15 PER HOUR;  
25 • EFFECTIVE JANUARY 1, 2026, \$16 PER HOUR;

26

27 HOWARD COUNTY GOVERNMENT EMPLOYEES

- 28 • EFFECTIVE JULY 1, 2022, \$15 PER HOUR;  
29 • EFFECTIVE JULY 1, 2024, \$16 PER HOUR;

30

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

8  
9 (C) RETALIATION PROHIBITED. A PERSON MUST NOT

10 (1) RETALIATE AGAINST ANY PERSON FOR:

11 (A) LAWFULLY OPPOSING ANY VIOLATION OF THIS ARTICLE; OR

12 (B) FILING A COMPLAINT, TESTIFYING, ASSISTING, OR PARTICIPATING IN ANY MANNER  
13 IN AN INVESTIGATION, PROCEEDING, OR HEARING UNDER THIS ARTICLE; OR

14 (2) OBSTRUCT OR PREVENT ENFORCEMENT OR COMPLIANCE WITH THIS ARTICLE.

15  
16 **SECTION 12.2202. – TIPPED EMPLOYEES**

17 (A) DEFINITION. AS USED IN THIS SECTION, TIPPED EMPLOYEE MEANS:

18 (1) AN EMPLOYEE WHO:

19 (A) IS ENGAGED IN AN OCCUPATION IN WHICH THE EMPLOYEE CUSTOMARILY AND  
20 REGULARLY RECEIVES MORE THAN \$30 EACH MONTH IN TIPS;

21 (B) HAS BEEN INFORMED BY THE EMPLOYER ABOUT THE PROVISIONS OF THIS SECTION;  
22 AND

23 (C) HAS KEPT ALL OF THE TIPS THAT THE EMPLOYEE RECEIVED.

24 (2) NOTWITHSTANDING PARAGRAPH (1)(C), THIS SECTION DOES NOT PROHIBIT THE POOLING  
25 OF TIPS.

26 (B) COMPUTATION OF WAGE. EXCEPT AS PROVIDED IN SUBSECTION (C), AN EMPLOYER MAY  
27 INCLUDE, AS PART OF THE WAGE OF A TIPPED EMPLOYEE:

28 (1) AN AMOUNT THAT THE EMPLOYER SETS TO REPRESENT THE TIPS OF THE EMPLOYEE; OR

1 (2) IF THE EMPLOYEE OR REPRESENTATIVE OF THE EMPLOYEE SATISFIES THE STATE  
2 COMMISSIONER OF LABOR AND INDUSTRY THAT THE EMPLOYEE RECEIVED A LESSER  
3 AMOUNT IN TIPS, THE LESSER AMOUNT.

4 (C) *LIMIT*. THE TIP CREDIT AMOUNT THAT THE EMPLOYER MAY INCLUDE UNDER SUBSECTION (B)  
5 SHALL NOT EXCEED THE COUNTY MINIMUM WAGE LESS \$4.00 PER HOUR.

6  
7 **SECTION 12.2203. – ENFORCEMENT**

8 THE COUNTY EXECUTIVE SHALL DELEGATE THE AUTHORITY TO ENFORCE THIS SUBTITLE TO A STATE  
9 AGENCY THAT:

- 10 (1) ENFORCES THE STATE ACT; AND  
11 (2) IS LEGALLY AUTHORIZED TO ENFORCE THE COUNTY MINIMUM WAGE.

12  
13 **SECTION 12.2204. – COUNCIL MEETING**

14 THE COUNTY COUNCIL SHALL HOLD A MEETING TO DISCUSS THE LOCAL MINIMUM WAGE FOR  
15 HOWARD COUNTY ONCE EVERY FOUR YEARS, TO BE HELD IN THE YEAR FOLLOWING THE ELECTION OF  
16 COUNTY COUNCIL MEMBERS. AS PART OF THE MEETING, THE COUNCIL SHALL CONSIDER:

17 A. THE COST OF LIVING IN HOWARD COUNTY, INCLUDING:

- 18 1. THE COST OF HOUSING,  
19 2. THE COST OF CHILD CARE, AND  
20 3. THE COST OF FOOD, UTILITIES, AND OTHER HOUSEHOLD EXPENSES;

21 B. THE STATUS OF WORKFORCE DEVELOPMENT PROGRAMS AND OPPORTUNITIES IN HOWARD  
22 COUNTY; AND

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

24  
25 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act*  
26 *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  
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