

***DIVISION I: MINIMUM WAGE LAW*****SUBTITLE 1  
DEFINITIONS; GENERAL PROVISIONS****§ 1-1. Definitions.****(a) *In general.***

The terms hereinafter set forth, wherever used in this Division I, are defined as follows.

**(b) *Employ.***

“Employ” means to permit to work.

**(c) *Employer.***

(1) “Employer” means any person, individual, partnership, association, corporation, business trust, or any other organized group or successor of an individual, partnership, association, corporation, trust of persons employing 2 or more persons in the City of Baltimore.

(2) “Employer” shall not include the United States, any State, or any political subdivision thereof.

**(d) *Employee.***

(1) “Employee” means any person permitted or instructed to work or be present by an employer.

(2) “Employee” shall not include:

(i) persons engaged in the activities of an educational, charitable, religious, or other nonprofit organization where the services rendered to such organization are on a voluntary basis, or in return for charitable aid conferred upon such person;

(ii) persons employed in a bona fide executive, supervisory, or professional capacity;

(iii) persons employed by any member of their immediate family;

(iv) persons compensated upon a commission basis only; or

(v) persons employed as domestics within a home, only to the extent that such persons have been exempted from the Federal Fair Labor Standards Act as amended and as hereafter amended.

*(City Code, 1966, art. 19, §52; 1976/83, art. 19, §64.) (Ord. 64-370; Ord. 65-491; Ord. 66-739; Ord. 67-1219; Ord. 70-798; Ord. 75-969; Ord. 78-778; Ord. 90-601.)*

**§ 1-2. Findings; policy.****(a) Findings of fact.**

The Mayor and City Council, after conducting an investigation of employment conditions in the City of Baltimore, hereby find:

- (1) that many persons employed in Baltimore are paid wages which, in relation to the cost of living in the City and the income necessary to sustain minimum standards of decent living conditions, are insufficient to provide adequate maintenance for themselves and their families;
- (2) that the employment of such persons at such wages:
  - (i) impairs the health, efficiency, and well-being of the persons so employed and of their families;
  - (ii) reduces the purchasing power of such persons;
  - (iii) diminishes and depresses business, trade, and industry in the City;
  - (iv) threatens the stability and well-being of the City's economic life;
  - (v) fosters and contributes toward slum conditions and housing evils;
  - (vi) creates conditions of want and deprivation tending to weaken and undermine family life and breed crime and juvenile delinquency;
  - (vii) threatens the health, welfare, and well-being of the people of the City; and
  - (viii) injures the City economically.

**(b) Declaration of policy.**

- (1) Accordingly, it is the declared policy of the Mayor and City Council that such conditions be eliminated as rapidly as practicable without substantially curtailing opportunities for employment or earning power.
- (2) To that end, legislation is necessary in the public interest in order to end these conditions so inimical to the public health, safety, and welfare of the citizens of Baltimore, to establish minimum wage standards for all employees as herein defined at a level consistent with their health, welfare, and general well-being.  
*(City Code, 1966, art. 19, §61; 1976/83, art. 19, §71.) (Ord. 66-739.)*

**§ 1-3. Severability.**

If any provision of this Division I or the application thereof to any person or circumstances is held invalid, the remainder of the Division I and the application thereof to other persons or circumstances shall not be affected thereby.

*(City Code, 1966, art. 19, §61; 1976/83, art. 19, §71.) (Ord. 66-739.)*

**SUBTITLE 2  
WAGE COMMISSION**

**§ 2-1. Commission established.**

There is hereby created and established the Wage Commission of Baltimore City, with the membership, powers, and duties as in this Division I provided, which shall be responsible for the administration and proper operation of the minimum wage law.  
(*City Code, 1966, art. 19, §54(a); 1976/83, art. 19, §62(a).*) (Ord. 64-370; Ord. 78-778.)

**§ 2-2. Members.**

(a) *In general.*

The Commission comprises 5 persons of integrity and experience, who shall be appointed by the Mayor subject to the approval of the City Council.

(b) *Vacancies.*

If a vacancy occurs on the Commission, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(c) *Oath.*

Each member of the Commission, within 10 days after appointment, shall take an oath of office that so far as it devolves upon him or her, she or he will diligently and honestly administer the affairs of the Commission, and the oath shall be subscribed to by the member making it and certified by the Mayor before whom it is taken.

(d) *Compensation; expenses.*

The Commission members shall serve without compensation, but shall be reimbursed for all expenses necessarily incurred.  
(*City Code, 1966, art. 19, §54(b); 1976/83, art. 19, §62(b).*) (Ord. 370, 1964-65; Ord. 67-1219; Ord. 99-526.)

**§ 2-3. Voting; quorum.**

(a) *1 vote per member.*

Each member of the Commission shall be entitled to 1 vote.

(b) *Majority a quorum.*

A majority of said Commission shall constitute a quorum for the transaction of any business, the exercise of any power in the performance of any duty authorized or imposed by this Division I.  
(*City Code, 1966, art. 19, §54(c); 1976/83, art. 19, §62(c).*) (Ord. 64-370.)

**§ 2-4. Chair, staff, and expenses.**(a) *Chair.*

The Mayor shall designate 1 member of the Commission as its chairman.

(b) *Director.*

The Commission shall, by a majority vote of all its members, appoint an executive director.

(c) *Staff.*

It shall employ such other persons as may be required to administer effectively the provisions of this Division I.

(d) *Compensation; expenses.*

Compensation of all persons so employed by the Commission and all other necessary expenses of the Commission shall be paid at such rates and in such amounts as the Board of Estimates shall approve and in accordance with the appropriations in the annual Ordinance of Estimates. (City Code, 1966, art. 19, §54(d); 1976/83, art. 19, §62(d).) (Ord. 64-370.)

**§ 2-5. General powers and duties.**

The Commission is authorized to and shall have the power to:

- (1) formulate and carry out a comprehensive educational and action program designed to eliminate the payment of substandard wages to employees in the City of Baltimore;
- (2) receive, investigate, and take action as herein provided on all complaints of payment of less than the minimum wage required by this Division I;
- (3) conduct such investigations on its own initiative as it deems proper to effectuate the purposes of this Division I;
- (4) monitor and assist in the fulfillment of any agreements negotiated with employers to effect their compliance with this Division I;
- (5) make appropriate findings as a result of any of its investigations; and
- (6) in carrying out its powers and duties, inspect payroll records of any business without prior notice.

(City Code, 1966, art. 19, §55(1) - (3); 1976/83, art. 19, § 63(1) - (3), (7).) (Ord. 64-370; Ord. 66-739; Ord. 67-1219; Ord. 70-798; Ord. 90-601.)

**§ 2-6. Rules and regulations.****(a) Commission may adopt.**

The Commission is authorized to and shall have the power to adopt such rules and regulations as it may deem necessary to:

- (1) effect compliance with this Division I;
- (2) govern its procedures; and
- (3) execute the duties and responsibilities imposed on it herein.

**(b) Scope.**

Such rules and regulations may include, but are not limited to:

- (1) those further defining:
  - (i) persons engaged in voluntary service to a nonprofit organization;
  - (ii) persons employed in a bona fide executive, supervisory, or professional capacity;
  - (iii) persons employed by any member of their immediate family; and
  - (iv) persons compensated upon a commission basis; and
- (2) those:
  - (i) establishing deductions in allowance for the reasonable value of uniforms, board, lodging, or other facilities, items, or services supplied by the employer;
  - (ii) defining students and employees customarily receiving tips; and
  - (iii) defining handicapped persons,

for the purposes of § 3-2 of this Division I.

**(c) Publication.**

All rules and regulations so adopted shall be:

- (1) published by the Commission as soon as possible after their adoption; and
- (2) made available, without charge, to any persons requesting them.

*(City Code, 1966, art. 19, §55(4); 1976/83, art. 19, §63(4).) (Ord. 64-370; Ord. 66-739; Ord. 67-1219; Ord. 70-798; Ord. 78-778.)*

**SUBTITLE 3  
WAGE REQUIREMENTS**

**§ 3-1. Minimum wage required.**

(a) *Employers must pay.*

Subject to the other provisions of this Division I, every employer operating and doing business in Baltimore City shall pay wages to each employee in the City at a rate not less than the minimum wage required by the Federal Fair Labor Standards Act, as amended.

(b) *Violations.*

It is a violation of this Division I for any employer to pay any employee a wage less than the minimum wage required by this Division I, and it is a separate violation each time an employee is not paid the wage required by this Division I at the time the employee is entitled to be paid. (City Code, 1966, art. 19, §53(1<sup>st</sup> cl.); 1976/83, art. 19, §65(a.) (Ord. 64-370; Ord. 67-1219; Ord. 70-798; Ord. 74-698; Ord. 78-778; Ord. 97-167.)

**§ 3-2. Exceptions.**

(a) *Allowance for employer-supplied items or services.*

- (1) For purposes of this Division I, wages shall include the reasonable value, as determined by the Wage Commission, of uniforms, board, lodging, or other facilities, items, or services furnished such employee by the employer.
- (2) Provided that the Wage Commission is empowered to determine such value by reference to the average cost to the employer or to groups of employers similarly situated.

(b) *Full-time students.*

- (1) Any employee who is a full-time student in a primary or secondary school, as such term is further defined by the Wage Commission, may be paid 85% of the minimum wage prescribed herein.
- (2) Provided, however, that such students may not be employed for more than 28 hours per week while attending school.
- (3) It shall be a violation of this Division I for any employer to employ such a full-time student for more than 28 hours per week while school is in session.

(c) *Work-study programs.*

Students enrolled in an approved work-study program shall be exempt from the limitations of subsection (b) of this section and from the minimum wage requirements of this Division I. Work study programs must be approved by the Wage Commission.

(d) *Employees customarily receiving tips.*

- (1) With respect to any employee engaged in an occupation in which he customarily and regularly receives more than \$30 a month in tips, the employer shall pay wages in the amount not less than the amount required to be paid a tipped employee under the Federal Fair Labor Standards Act, as amended.
- (2) It is the employer's obligation to provide evidence of any amount claimed by him as being received by his employee as tips.

(e) *Employees with disabilities.*

- (1) The Wage Commission may, in its discretion, recognize certificates issued by the State of Maryland for payment of less than the minimum wage to persons who are mentally or physically handicapped, or the Commission may issue its own certificates.
- (2) Provided, that the Commission's said recognition or certification may be upon such terms and for such period of time as the Commission deems appropriate.

(f) *Opportunity wages.*

An employer may pay an opportunity wage (i.e., a wage below the minimum wage) to any employee, but only under the conditions and limitations authorized for opportunity wages by the Federal Fair Labor Standards Act, as amended.

(City Code, 1966, art. 19, §53(2<sup>nd</sup> cl.); 1976/83, art. 19, §65(b) - (f).) (Ord. 67-1219; Ord. 70-798; Ord. 70-926; Ord. 74-698; Ord. 78-778; Ord. 97-167.)

**§ 3-3. Overtime pay required.**(a) *In general.*

Every employer shall pay each of its employees, for all hours worked in excess of 40 during any work week, at a rate which is 1½ times the employee's usual hourly wage rate, except that no employer will be liable for overtime pay to an employee under this section to a greater extent than it is liable to such employee under the Maryland Wage and Hour Law (Title 3, Subtitle 4 of the State Labor and Employment Article) or the Federal Fair Labor Standards Act (29 U.S.C. §§ 201 - 219).

(b) *Governing standards.*

- (1) Except that any gross receipts dollar volume limitation to coverage contained in the Maryland Wage and Hour Law or the Federal Fair Labor Standards Act will not be applicable hereunder.
- (2) For purposes of this section, an employee's "usual hourly wage rate" and "work week" shall be determined under the provisions of the Federal Fair Labor Standards Act unless his employer is not subject to that Act, in which case such determinations shall be made under the provisions of the Minimum Wage Act of the State of Maryland.

(c) *Violations.*

It shall be a violation of this Division I for any employer to pay any employee a wage below the minimum overtime wage set forth herein, and it shall be deemed a separate violation each work week an employee is not paid the wage required by this Division I at the time the employee is entitled to be paid.

(City Code, 1976/83, art. 19, §67.) (Ord. 78-778; 90-601.)

**§ 3-4. Withholding.**

(a) *Required consent.*

No employer shall withhold any part of the wages or salary of any employee, except for those deductions in accordance with law, without written and signed authorization of the employee.

(b) *Violations.*

It shall be a violation of this Division I for any employer to make any such prohibited withholding from the pay of any employee, and it shall be deemed a separate violation when any such prohibited withholding is made from any paycheck of any employee.

(City Code, 1976/83, art. 19, §68(b)(4).) (Ord. 78-778; Ord. 90-601.)

**§ 3-5. Wages due on termination of employment.**

It shall be a violation of this Division I for any employer to refuse to pay to any employee who is terminated, resigns, retires, or who otherwise ends or suspends his employment, all wages due and owing to said employee on the next regular payday that said wages would otherwise have been paid.

(City Code, 1976/83, art. 19, §66.) (Ord. 78-778; Ord. 90-601.)

**§ 3-6. Posting summary of law.**

(a) *Employer to post.*

Every employer subject to this Division I shall keep a summary of this Division I, furnished by the Commission without charge, posted in a conspicuous place on or about the premises wherein any person subject to this Division I is employed.

(b) *Violations.*

Failure to so post said summary shall be deemed a violation of this Division I.

(City Code, 1966, art. 19, §58; 1976/83, art. 19, §69.) (Ord. 64-370; Ord. 78-778; Ord. 90-601.)

**§ 3-7. Notices to employees.**

(a) *Time of hiring.*

(1) Every employer subject to this Division I shall notify his employees at the time of hiring of:

- (i) their respective rates of pay; and
- (ii) the regular payday designated by the employer.

(2) Any employer who fails to so notify his employees shall be in violation of this Division I, and it shall be deemed a separate violation as to each employee not notified as required herein.

(b) *Changes in rates or paydays.*

- (1) Every employer subject to this Division I shall notify his employees of any changes in the pay rates or payday at least 1 pay period prior to the change.
- (2) It shall be a violation of this Division I for any employer to change the pay rate or payday of any employee without giving to said employee notice as required herein.

(c) *Itemized pay statement.*

(1) Every employer subject to this Division I shall furnish each employee with a statement each pay period which shall, in each instance, clearly show:

- (i) gross earnings;
- (ii) itemized deductions;
- (iii) hours worked; and
- (iv) rate of pay.

(2) It shall be a violation of this Division I for any employer to fail to provide any employee with the statement required herein, and it shall be deemed a separate violation any time the statement required herein is not provided to any employee.

*(City Code, 1976/83, art. 19, §68(b)(1) - (3).) (Ord. 78-778; Ord. 90-601.)*

**§ 3-8. Payroll records.**

(a) *Required information; maintenance period.*

- (1) Every employer subject to this Division I shall keep, for a period of not less than 3 years, a true and accurate record of the:
  - (i) name,
  - (ii) social security number,
  - (iii) address at time of employment,
  - (iv) occupation,

(v) time worked each day, and

(vi) rate of pay

for each of his employees.

(2) Any employer who fails to maintain such records shall be in violation of this Division I, and it shall be deemed a separate violation thereof as to each employee for whom records are not fully maintained.

(b) *Right of inspection.*

(1) The Commission or its authorized representative shall have the right, at all reasonable times, to enter upon the premises of any employer to inspect such records to ascertain whether the provisions of this Division I have been complied with.

(2) It shall be a violation of this Division I to prevent, obstruct, or to attempt to prevent or obstruct such entries and inspections.

*(City Code, 1966, art. 19, §57; 1976/83, art. 19, §68(a).) (Ord. 64-370; Ord. 66-739; Ord. 67-1219; Ord. 70-798; Ord. 75-969; Ord. 78-778; Ord. 90-601.)*

**SUBTITLE 4**  
**ENFORCEMENT PROCEDURES**

**§ 4-1. Complaints by employee.***(a) Filing with Commission.*

Any person claiming to be aggrieved by an alleged payment of a wage of a lesser amount than required by this Division I may, by himself or his attorney, within 1 year after the occurrence of the alleged unlawful act, make, sign, and file with the Commission a complaint in writing, under oath.

*(b) Contents.*

The complaint shall state the name and address of the employer alleged to have paid the unlawful wage (hereinafter referred to as the respondent) and the particulars thereof, and contain such other information as may be required by the Commission.

*(City Code, 1966, art. 19, §56(a)(1<sup>st</sup>, 2<sup>nd</sup> sens.); 1976/83, art. 19, §70(a)(1<sup>st</sup>, 2<sup>nd</sup> sens.). (Ord. 64-370; Ord. 66-739.)*

**§ 4-2. Complaints by Commission.**

The Commission shall have the right, acting upon its own initiative and without any complaint from an employee, to file a complaint against an employer whenever the Commission has reasonable cause to believe that such employer is or has been in violation of the provisions of this Division I.

*(City Code, 1966, art. 19, §56(a)(3<sup>rd</sup> sen.); 1976/83, art. 19, §70(a)(3<sup>rd</sup> sen.). (Ord. 64-370; Ord. 66-739.)*

**§ 4-3. Investigation for probable cause.**

After the filing of any such complaint, either by a person claiming to be aggrieved as set forth in § 4-1 or by the Commission, the Commission shall:

(1) investigate the facts alleged therein; and

(2) make a finding of probable cause for the said complaint or lack of it.

*(City Code, 1966, art. 19, §56(b)(1<sup>st</sup> sen.); 1976/83, art. 19, §70(b)(1<sup>st</sup> sen.). (Ord. 64-370; Ord. 66-739.)*

**§ 4-4. Subpoenas; oaths.***(a) Commission may issue.*

In enforcing this Division I, the Commission may:

- (1) issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, records, and documents relating to payroll records, or necessary for hearings, investigations, or proceedings; and
- (2) administer oaths, subject to the penalties for perjury, to all witnesses.

(b) *Service.*

Any such subpoena shall be served by:

- (1) the Sheriff of Baltimore City or any of his deputies; or
- (2) any other person authorized by the Maryland Rules of Procedure to effectuate in personam service.

(c) *Enforcement.*

- (1) In case of disobedience to a subpoena, the Commission may apply to a court of appropriate jurisdiction for an order requiring the attendance and testimony of witnesses and the production of books, papers, records, and documents.
- (2) Said court, in case of contumacy or refusal to obey any such subpoena, after notice to the person subpoenaed, and upon finding that the attendance or testimony of such witnesses or the production of such books, papers, records, and documents, as the case may be, is relevant or necessary for such hearings, investigations, or proceedings of the Commission, may issue an order requiring the attendance and testimony of such witnesses and the production of such books, papers, records, and documents, or any of them.
- (3) Any failure to obey such order of the court may be punished by the court as contempt thereof.

*(City Code, 1966, art. 19, §55(5); 1976/83, art. 19, §63(5).) (Ord. 64-370; Ord. 66-739; Ord. 67-1219; Ord. 90-601; Ord. 04-672.)*

**§ 4-5. Dismissal for lack of probable cause.**

If the finding of the Commission is that the complaint lacks probable cause, then it shall dismiss said complaint and mail copies of its finding to respondent and complainant.

*(City Code, 1966, art. 19, §56(b)(2<sup>nd</sup> sen.); 1976/83, art. 19, §70(b)(2<sup>nd</sup> sen.). (Ord. 64-370; Ord. 66-739.)*

**§ 4-6. Probable cause conference; settlement agreement.**

(a) *Conference.*

If the Commission finds probable cause for the complaint, the Commission shall attempt, by means of conference, to:

- (1) persuade respondent to cease and desist its illegal action;

- (2) commence paying complainant such lawful wages as are required by this Division I; and
- (3) reimburse complainant for the difference between what he had been receiving as wages and what he should have lawfully received.

(b) *Settlement agreement.*

Any such agreement reached between respondent and the Commission shall be reduced to writing and a copy thereof furnished to complainant and respondent.  
(City Code, 1966, art. 19, §56(b)(3<sup>rd</sup>, 4<sup>th</sup> sens.); 1976/83, art. 19, §70(b)(3<sup>rd</sup>, 4<sup>th</sup> sens.). (Ord. 64-370; Ord. 66-739.)

**§ 4-7. Final order.**

(a) *In general.*

If:

- (1) the Commission and the respondent shall fail to reach agreement, or
- (2) the respondent shall fail to meet his obligations under such agreement:
  - (i) within 30 days thereof, or
  - (ii) within such other time as may be specified therein,

the Commission shall make such final order in the proceedings as it deems appropriate to:

- (3) require the payment of all wages due the respondent's employees hereunder, and
- (4) direct the cessation of all practices by the respondent which are contrary to the provisions of this Division I and/or rules and regulations of the Commission.

(b) *Service of order.*

A copy of such order shall be furnished the respondent by registered mail within 3 days of its passage.  
(City Code, 1966, art. 19, §56(c); 1976/83, art. 19, §70(c). (Ord. 64-370; Ord. 66-739.)

**§ 4-8. Judicial and appellate review.**

(a) *Judicial review.*

A respondent aggrieved by an order of the Commission may seek judicial review of that order by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Appellate review.*

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.  
(*City Code, 1976/83, art. 19, §70(d)(2<sup>nd</sup> sen.*.) (Ord. 70-798; Ord. 04-672.)

**§ 4-9. Referral to Solicitor.**

If, within 30 days of the passage of such order, the respondent shall have failed to comply therewith, the Wage Commission may certify such proceedings to the City Solicitor and request that he petition the Circuit Court of Baltimore City to enforce the said order and direct payment to the aggrieved employee.  
(*City Code, 1976/83, art. 19, §70(d)(1<sup>st</sup> sen.*.) (Ord. 70-798; Ord. 78-778.)

**§ 4-10. Confidential information.**(a) *Employer's payroll.*

The records of the Commission in any proceeding or investigation made pursuant to the provisions of this Division I shall be kept confidential to the extent that they disclose the payroll of any employer, except for the use of a complainant employee or other public agency.

(b) *Identity of complainant.*

(1) Neither the Commission nor any of its employees may be compelled in any hearing before the Commission or other administrative proceeding, to disclose the identity of any person filing a complaint with the Commission under the provisions of this Division I.

(2) The Commission shall, however, have the right in its sole discretion to make such disclosure in any instance where the Commission deems it appropriate to do so.  
(*City Code, 1966, art. 19, §55(6); 1976/83, art. 19, §§63(6), 68(a)(3).*) (Ord. 64-370; Ord. 66-739; Ord. 67-1219; Ord. 70-798; Ord. 75-969; Ord. 78-778; Ord. 90-601.)

**§ 4-11. Disposition of unclaimed recoveries.**

Any sums recovered by the Wage Commission for Baltimore City and not paid to the employee because of inability to locate said employee within a period of 1 year shall be paid into the Treasury of the City of Baltimore.  
(*City Code, 1976/83, art. 19, §70A(d)(2).*) (Ord. 90-601.)

**SUBTITLE 5  
OTHER PROHIBITED CONDUCT**

**§ 5-1. By employer - retaliation against employee.**

(a) *In general.*

It shall be unlawful, and a violation of this Division I, for any employer to discharge or reduce the compensation of any employee for:

- (1) making a complaint to the Wage Commission;
- (2) participating in any of its proceedings; or
- (3) availing himself of any of the civil remedies provided herein.

(b) *Restitution or reinstatement with backpay.*

In such a case, the Wage Commission may, pursuant to the procedures provided in Subtitle 4 hereof, order appropriate restitution or the reinstatement of such employee with backpay to the date of violation.

*(City Code, 1966, art. 19, §56(d); 1976/83, art. 19, §70A(a).) (Ord. 67-1219; Ord. 70-798; Ord. 78-778; Ord. 90-601.)*

**§ 5-2. By employer - violation of rule or regulation.**

It shall be unlawful, and a violation of this Division I, for any employer to violate the rules and regulations of the Commission.

*(City Code, 1976/83, art. 19, §70A(c).) (Ord. 90-601.)*

**§§ 5-3 to 5-5. {Reserved}**

**§ 5-6. By employees.**

It shall be unlawful, and a violation of this Division I, for any employee to:

- (1) make any groundless, unfounded, or malicious complaint to the Commission; or
- (2) in bad faith, institute or testify in any proceeding before the Commission under the provisions hereof.

*(City Code, 1976/83, art. 19, §70A(b).) (Ord. 90-601.)*

**SUBTITLE 6  
PENALTIES AND FINES**

**§ 6-1. Interest on unpaid wages.**

(a) *In general.*

Any employer who commits a violation of any of the provisions of this Division I shall be liable to the employee or employees affected:

- (1) in the amount of their unpaid minimum wages, wages due, or overtime compensation, as the case may be; and
- (2) an additional amount of 10% per annum interest on unpaid minimum wages, wages due, or overtime compensation.

(b) *Computation of interest.*

Such interest shall be calculated from the date of the violation resulting in the unpaid minimum wage, unpaid wages due, or unpaid overtime compensation until the date said monies are actually paid to the aggrieved employee.

*(City Code, 1976/83, art. 19, §70A(d)(1).) (Ord. 90-601.)*

**§ 6-2. Fines.**

Any employer or employee who violates this Division I shall forfeit and pay to the City of Baltimore a penalty as follows:

- (1) for a 1<sup>st</sup> offense, \$250 for each violation;
- (2) for a 2<sup>nd</sup> offense, \$500 for each violation; and
- (3) for each subsequent offense, \$1,000 for each violation.

*(City Code, 1966, art. 19, §59; 1976/83, art. 19, §70A(d)(3).) (Ord. 64-370; Ord. 90-601; Ord. 08-084.)*

**§ 6-3. Actions by employee.**

(a) *In general.*

Nothing contained in this Division I shall be in any way construed to limit or abridge any rights possessed by any employee at common law, by statute, or by ordinance to bring a civil action to redress underpayments of wages.

(b) *Civil action by employee.*

- (1) Any employee who is aggrieved by underpayment or other violations of this Division I shall be entitled to bring such an action, and to recover therein such costs and reasonable counsel fees as the Court may allow.

(2) Any agreement between such employee and his employer to work for less than the minimum wage prescribed therein is invalid and shall be no defense to such action.

(3) Proceedings before the Wage Commission shall not be considered a precondition to such civil action.

*(City Code, 1966, art. 19, §60; 1976/83, art. 19, §70B.) (Ord. 64-370; Ord. 70-798; Ord. 78-778; Ord. 90-601.)*