

*Clerk's Note: Corrected Article numbers and Section numbers on lines 2, 6, 17, 32, 39, 52, 56, 67, 70, 72, 114 and make corresponding changes to page 1. Added the word or on line 82. Expedited Bill 48-20 Delays the effective date of Chapter 25 to January 1, 2022.*

Bill No. 12-19  
Concerning: Human Rights and Civil Liberties – Building Maintenance Worker – Minimum Work Week  
Revised: October 7, 2019 Draft No. 3  
Introduced: May 7, 2019  
Enacted: November 5, 2019  
Executive: November 7, 2019  
Effective: January 1, 2021  
Sunset Date: None  
Ch. 25, Laws of Mont. Co. 2019

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Riemer

Co-Sponsors: Councilmembers Jawando, Hucker, Council President Navarro and Councilmember Rice

**AN ACT** to:

- (1) require certain employers in the County to provide certain building maintenance workers with a minimum work week;
- (2) provide enforcement by the Office of Human Rights and the Human Rights Commission;
- (3) authorize the Human Rights Commission to award certain relief; and
- (4) generally regulate the minimum work week for certain workers in the County.

By amending

Montgomery County Code  
Chapter 27, Human Rights and Civil Liberties  
Sections 27-7 and 27-8, and

By adding

Montgomery County Code  
Chapter 27, Human Rights and Civil Liberties  
Article ~~[[XIV]]~~ XV, Minimum Work Week for Building Maintenance Workers  
Sections ~~[[27-83 and]]~~ 27-84 and 27-85

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<del>[[Single boldface brackets]]</del>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<del>[[Double boldface brackets]]</del>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*



28 (C) set the matter for a hearing by a hearing examiner or the  
29 board itself, and consider and decide the complaint in the  
30 same manner as if the Director had found reasonable  
31 grounds to believe that a violation of this Article or Articles  
32 X, XI, XII, [or] XIII, or ~~[[XIV]]~~ XV occurred.

33 (3) If the Director determines that there are reasonable grounds to  
34 believe a violation occurred, the Director must attempt to  
35 conciliate the matter under subsection (g).

36 \* \* \*

37 **27-8. Penalties and relief.**

38 (a) *Damages and other relief for complainant.* After finding a violation of  
39 this Article or Articles X, XI, [or] XIII, or ~~[[XIV]]~~ XV, the case review  
40 board may order the payment of damages (other than punitive damages)  
41 and any other relief that the law and the facts warrant, such as:

- 42 (1) compensation for:
- 43 (A) reasonable attorney's fees;
  - 44 (B) property damage;
  - 45 (C) personal injury;
  - 46 (D) unreimbursed travel or other reasonable expenses;
  - 47 (E) damages not exceeding \$500,000 for humiliation and  
48 embarrassment, based on the nature of the humiliation and  
49 embarrassment, including its severity, duration,  
50 frequency, and breadth of observation by others;
  - 51 (F) financial losses resulting from the discriminatory act or a  
52 violation of Article X or ~~[[XIV]]~~ XV; and
  - 53 (G) interest on any damages from the date of the discriminatory  
54 act or violation, as provided in subsection (c);

- 55 (2) equitable relief to prevent the discrimination or the violation of  
 56 Articles X, XI, [or] XIII, or ~~[[XIV]]~~ XV and otherwise effectuate  
 57 the purposes of this Chapter;
- 58 (3) consequential damages, such as lost wages from employment  
 59 discrimination or a violation of Article X or higher housing costs  
 60 from housing discrimination, for up to 2 years after the violation,  
 61 not exceeding the actual difference in expenses or benefits that the  
 62 complainant realized while seeking to mitigate the consequences  
 63 of the violation (such as income from alternate employment or  
 64 unemployment compensation following employment  
 65 discrimination); and
- 66 (4) any other relief that furthers the purposes of this Article or Articles  
 67 X, XI, [or] XIII, or ~~[[XIV]]~~ XV, or is necessary to eliminate the  
 68 effects of any discrimination prohibited under this Article.

69 \* \* \*

70 **ARTICLE ~~[[XIV]]~~ XV. MINIMUM WORK WEEK FOR BUILDING**  
 71 **MAINTENANCE WORKERS.**

72 **[[27-83]] 27-84. Definitions.**

73 As used in this Article:

74 Building maintenance worker means an individual employed at a covered  
 75 location [[as a janitor, building cleaner, security officer, concierge, doorman,  
 76 handyperson, or building superintendent]] performing janitorial services. A  
 77 building maintenance worker does not include:

- 78 (1) a managerial or confidential employee;  
 79 (2) an employee who works in an executive, administrative, or  
 80 professional capacity;

- 81                   (3)    an employee who earns more than twice the wage requirement  
82                               established under Section 11B-33A; or
- 83                   (4)    [[an employee who works as a security officer solely on Saturday  
84                               or Sunday; or
- 85                   (5)]] an employee who temporarily replaces a building maintenance  
86                               worker who is absent for less than one week.

87                   Covered employer means any person, individual, proprietorship, partnership,  
88                   joint venture, corporation, Limited Liability Company, trust, association, or  
89                   other entity operating and doing business in the County that employs one or  
90                   more persons as a building maintenance worker at a covered location in the  
91                   County. Covered employer includes the County government, but does not  
92                   include the United States, any State, or any other local government.

93                   Covered leave means paid or unpaid leave voluntarily used by a building  
94                   maintenance worker as authorized by Federal, State, or County law, a collective  
95                   bargaining agreement, or a written employee handbook.

96                   Covered location means an office building or contiguous group of office  
97                   buildings under common ownership or management occupying a total of  
98                   350,000 square feet or more in the County with an occupancy rate of 50% or  
99                   more. Covered location does not include:

- 100                   (1)    an office building or group of office buildings owned by the  
101                               United States, any State, or any local government; or
- 102                   (2)    a building used primarily for apartment or condominium dwelling  
103                               units, retail stores, hospitals, schools, warehouses, parking  
104                               garages, or data centers.

105                   Director means the Executive Director of the Office of Human Rights and  
106                   includes the Executive Director's designee.

107                   Employ means to engage a person to work for compensation.

108 Minimum work week means the minimum number of compensated hours  
109 provided to a building maintenance worker in any work week.

110 Office means a room, set of rooms, or a building where the business of a  
111 commercial or industrial organization or of a professional person is conducted.

112 Work week means a fixed regularly recurring period of 168 hours or 7  
113 consecutive 24 hour periods.

114 **[[27-84]] 27-85. Minimum work week; enforcement.**

115 (a) Minimum work week. [[The]] Except as provided in subsection (b), the  
116 minimum work week for each employee working as a building  
117 maintenance worker at a covered location for a covered employer must  
118 be at least 30 hours unless the employee is taking covered leave.

119 (b) A covered employer may preserve up to 30% of the total hours scheduled  
120 for all building maintenance workers at a covered location for part-time  
121 workers with a minimum shift of 4 hours per day and 20 hours per week  
122 per covered building maintenance worker.

123 ~~[[b)]]~~ (c) Complaints. A building maintenance worker who is aggrieved by a  
124 violation of this Article may file a complaint with the Director under  
125 Section 27-7.

126 ~~[[c)]]~~ (d) Retaliation prohibited. A person must not:

127 (1) retaliate against any person for:  
128 (A) lawfully opposing any violation of this Article; or  
129 (B) filing a complaint, testifying, assisting, or participating in  
130 any manner in an investigation, proceeding, or hearing  
131 under this Article; or

132 (2) obstruct or prevent enforcement or compliance with this Article.

133 **Sec. 2. Effective date.**

134 This Act takes effect on ~~[[July 1, 2020]]~~ January 1, 2021.

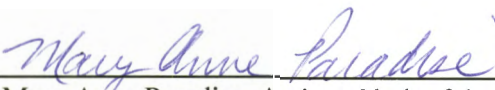
*Approved:*

  
\_\_\_\_\_  
Nancy Navarro, President, County Council  
Date 11/6/19

*Approved:*

  
\_\_\_\_\_  
Marc Elrich, County Executive  
Date 11/21/19

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Mary Anne Paradise, Acting, Clerk of the Council  
Date 11/12/19