

**SB0107/637473/1**

BY: Finance Committee

AMENDMENTS TO SENATE BILL 107  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, strike “or combination of certain wages or benefits” and substitute “for certain time periods”; in line 5, after “circumstances;” insert “requiring certain employers to pay certain covered employees a certain supplement benefit rate in a certain manner beginning on a certain date;”; and in line 10, after “void;” insert “prohibiting an employer from including a tip credit as part of the wage of certain covered employees; requiring an employer to allow certain covered employees to receive tips and retain all tips received;”.

On page 2, in line 1, after “employee;” insert “requiring the Port of Baltimore to conduct a certain study and report to the Governor and the General Assembly on or before a certain date; requiring the Maryland Aviation Administration to conduct a certain study and report to the Governor and the General Assembly on or before a certain date;”; in line 6, strike the first “and” and substitute a comma; in the same line, after “(14)” insert “, and 3-419”; in line 11, strike “3-1501” and substitute “3-1601”; in the same line, strike “3-1511” and substitute “3-1611”; and in line 12, strike “15” and substitute “16”.

AMENDMENT NO. 2

On page 2, in line 29, strike “**15**” and substitute “**16**”.

On page 3, in lines 5 and 26, in each instance, strike “**15**” and substitute “**16**”; after line 25, insert:

“3-419.”

(Over)

(a) (1) [This] EXCEPT AS PROVIDED IN § 3-1604(D) OF THIS TITLE, THIS section applies to each employee who:

(i) is engaged in an occupation in which the employee customarily and regularly receives more than \$30 each month in tips;

(ii) has been informed by the employer about the provisions of this section; and

(iii) has kept all of the tips that the employee received.

(2) Notwithstanding paragraph (1)(iii) of this subsection, this section does not prohibit the pooling of tips.

(b) Subject to the limitations in this section, an employer may include, as part of the wage of an employee to whom this section applies:

(1) an amount that the employer sets to represent the tips of the employee; or

(2) if the employee or representative of the employee satisfies the Commissioner that the employee received a lesser amount in tips, the lesser amount.

(c) The tip credit amount that the employer may include under subsection (b) of this section may not exceed the minimum wage established under § 3-413 of this subtitle for the employee less \$3.63.

(d) (1) The Commissioner shall adopt regulations, in consultation with payroll service providers and restaurant industry trade group representatives, to require restaurant employers that include a tip credit as part of the wage of an employee to provide tipped employees with a written or electronic wage statement for each pay period that shows the effective hourly tip rate as derived from employer-paid cash wages plus all reported tips for tip credit hours worked each workweek of the pay period.

(2) The Commissioner shall provide notification of the tip credit wage statement regulations on the Department's website.”;

and in line 27, strike “**3-1501.**” and substitute “**3-1601.**”.

On page 4, in line 2, after “**(B)**” insert “**(1)**”; after line 5, insert:

**“(2) “COVERED EMPLOYEE” DOES NOT INCLUDE AN INDIVIDUAL EMPLOYED TO PERFORM WORK AT A HEIGHTENED SECURITY INTEREST LOCATION BY:**

**(I) A RETAIL ESTABLISHMENT AS DEFINED IN § 3-710 OF THIS TITLE;**

**(II) A FOOD SERVICE FACILITY AS DEFINED IN § 21-301 OF THE HEALTH – GENERAL ARTICLE; OR**

**(III) AN ON-AIRPORT OR OFF-AIRPORT MOTOR VEHICLE RENTAL COMPANY, OR ANY OTHER COMPANY INVOLVED IN MOTOR VEHICLE RENTAL OPERATIONS.”;**

in line 11, after “**(D)**” insert “**(1)**”; after line 12, insert:

**“(2) “EMPLOYER” DOES NOT INCLUDE AN EMPLOYER THAT PROVIDES CONSTRUCTION SERVICES AS DEFINED IN § 3-901 OF THIS TITLE.”;**

in line 15, after “**AIRPORT;**” insert “**OR**”; strike beginning with “**; OR**” in line 16 down through “**BALTIMORE**” in line 17; and in line 20, strike “**3-1502.**” and substitute “**3-1602.**”.

On page 5, in line 18, strike “**3-1503.**” and substitute “**3-1603.**”; and in line 30, strike “**3-1504.**” and substitute “**3-1604.**”.

(Over)

On page 6, strike beginning with “FOR” in line 1 down through “SUBSECTION” in line 12 and substitute “AN EMPLOYER SHALL PAY A COVERED EMPLOYEE A WAGE RATE:”

(I) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2022, THAT IS NOT LESS THAN \$13.50 PER HOUR;

(II) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2023, THAT IS NOT LESS THAN \$14.25 PER HOUR;

(III) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2024, THAT IS NOT LESS THAN \$15.00 PER HOUR; AND

(IV) FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2025, THAT IS NOT LESS THAN \$16.00 PER HOUR.

(2) BEGINNING JANUARY 1, 2026, AN EMPLOYER SHALL PAY A COVERED EMPLOYEE:

(I) A WAGE RATE THAT IS NOT LESS THAN \$16.00 PER HOUR;  
AND

(II) AN ADDITIONAL SUPPLEMENT BENEFIT RATE WITH A VALUE NOT LESS THAN \$1.00 PER HOUR BY:

1. APPLYING THE FULL SUPPLEMENT BENEFIT TO ASSIST IN COVERING THE EMPLOYEE’S SHARE OF HEALTH OR OTHER BENEFITS, EXCLUDING PAID LEAVE;

**2. A. APPLYING A PORTION OF THE SUPPLEMENT BENEFIT TO ASSIST IN COVERING THE EMPLOYEE'S SHARE OF HEALTH OR OTHER BENEFITS, EXCLUDING PAID LEAVE; AND**

**B. PAYING THE BALANCE IN CASH; OR**

**3. PAYING THE ENTIRE SUPPLEMENT BENEFIT IN CASH**";

after line 18, insert:

**"(D) (1) AN EMPLOYER MAY NOT INCLUDE A TIP CREDIT AMOUNT UNDER § 3-419 OF THIS TITLE AS PART OF THE WAGE OF A COVERED EMPLOYEE WHOSE DUTIES INCLUDE PROVIDING PASSENGERS WITH WHEELCHAIR ASSISTANCE, INCLUDING A WHEELCHAIR AGENT OR A PASSENGER SERVICE AGENT.**

**(2) AN EMPLOYER OF A COVERED EMPLOYEE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL ALLOW THE COVERED EMPLOYEE TO RECEIVE TIPS AND RETAIN ALL TIPS RECEIVED.**";

and in line 19, strike "**3-1505.**" and substitute "**3-1605.**".

On page 7, in line 7, strike "**3-1506.**" and substitute "**3-1606.**"; and in line 18, strike "**3-1507.**" and substitute "**3-1607.**".

On page 8, in line 8, strike "**3-1508.**" and substitute "**3-1608.**"; and in line 23, strike "**3-1509.**" and substitute "**3-1609.**".

On page 10, in line 1, strike "**3-1510.**" and substitute "**3-1610.**".

(Over)

On page 11, in line 21, strike “~~3-1511.~~” and substitute “3-1611.”.

AMENDMENT NO. 3

On page 12, after line 18, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Port of Baltimore shall:

(1) compare wage rates and benefit rates of employees, by employee category or job classification, working at the Port of Baltimore with the wage rates and benefit rates of employees working at the Norfolk International Terminals of the Port of Virginia and at the Port of Philadelphia; and

(2) on or before January 1, 2022, report its findings to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Aviation Administration shall:

(1) study the difference between the wage rates and benefit rates for covered employees under § 3-1604(a) of the Labor and Employment Article, as enacted by Section 1 of this Act, and the wage rates and benefit rates paid to employees of:

(i) retail establishments located at BWI Thurgood Marshall Airport;

(ii) food service facilities located at BWI Thurgood Marshall Airport; and

**SB0107/637473/1**                      **Finance Committee**  
**Amendments to SB 107**  
**Page 7 of 7**

(iii) on-airport or off-airport motor vehicle rental companies, or any other company involved in motor vehicle rental operations that serve BWI Thurgood Marshall Airport; and

(2) on or before January 1, 2022, report its findings to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.”;

and in line 19, strike “2.” and substitute “4.”.