

CITY OF BANGOR

(TITLE.) Ordinance, Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor

WHEREAS, the minimum wage for state or federal has not been increased since 2009; and

WHEREAS, the current minimum wage in Maine is \$7.50 per hour; and

WHEREAS, the minimum wage in Maine in 1966 was \$1.25 per hour and adjusted for inflation over nearly 5 decades, that same wage would equal \$9.15 per hour - \$1.65 more than it is currently, and

WHEREAS, a report last year by the Maine Women’s Policy Center found that 85% of Maine’s workers who would be impacted by raising the minimum wage are over 20 years of age; and

WHEREAS, according to a report by the Maine Center for Economic Policy, 23% of workers in the Second District – or 60,000 people and for the whole state that number is over 100,000 Maine people would benefit from a raise in the minimum wage to \$10.10 per hour as proposed by President Obama; and

WHEREAS, 62% of Maine women who would benefit from an increase in the minimum wage have no partner supplementing their income; and

WHEREAS, Bangor is home to 6% of Maine’s state wide workforce or about 35,000 workers and extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage; and

WHEREAS, the City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens; and

WHEREAS, establishment of a minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT,

The Code of the City of Bangor be amended as following:

Chapter 179 Minimum Wage

179 - 1 Purpose

The purpose of the within ordinance is to establish of a minimum wage within the City of Bangor to promote the health, safety and welfare of the citizens of the City of Bangor.

179 - 2 Definitions

Unless the context otherwise indicates, the following words shall have the following meanings.

- a) City: City of Bangor
- b) City Limits: the physical boundaries of the City
- c) Employer: Any individual, group of individuals, partnership, association, corporation, business trust, or

any other entity or group of persons or entities who employs or exercises control over the wages, hours or working conditions of Employees; “Employer” shall include but not be limited to the City of Bangor.

d) Employee: Any person who performs work for an Employer for monetary compensation within the municipal limits of the City. Employee shall include persons who perform work for an employer on a full-time, part-time, seasonal or temporary basis. “Employee” shall not include any person who is excluded from the definition of Employee under 26 M.R.S. §663 of Chapter 7, Employment Practices and working for an Employer for academic credit from an accredited school, college or university for the purpose of this ordinance.

e) Minimum wage: The minimum hourly rate of monetary compensation that an Employer may legally pay any Employee who works within the City.

f) Service Employee: “Service Employee” means any employee engaged in an occupation in which the employee customarily and regularly receives more than 30 dollars a month in tips.

g) Tip: A sum presented by a customer as a gift or gratuity in recognition of some service performed by the Employee.

h) Tipped Employee: Any Service Employee engaged in an occupation in which he or she customarily and regularly receives tips from customers.

#### 179 - 3 Minimum Wage.

(a) Minimum wage payment required: Except as provided herein, Employers shall pay all Employees no less than the minimum wage for each hour worked within the City Limits.

(b) Minimum wage rate.

(i) On January 1, 2017, the minimum wage for all Employees shall be established as \$8.25 per hour;

(ii) On January 1, 2018, the regular minimum wage for all Employees shall be raised to \$9.00 per hour;

(iii) On January 1, 2019, the regular minimum wage for all Employees shall be raised to \$9.75 per hour;

(iv) Effective January 1, 2020, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics. The sum of the most recent twelve months for which there is a calculated CPI-U reported by the Bureau of Labor Statistics will be the rate by which to define the increase in the minimum wage

(c) Tipped Employees: An employer may consider tips as part of the wages of a service employee towards satisfaction of the minimum wage requirement of this ordinance, but such a tip credit may not exceed 50% of the minimum hourly wage established in this ordinance. An employer who elects to use the tip credit must inform the affected employee in advance and must be able to show that the employee receives at least the minimum hourly wage when direct wages and the tip credit are combined. Upon a satisfactory showing by the employee or the employee's representative that the actual tips received were less than the tip credit, the employer shall increase the direct wages by the difference.

The tips received by a service employee become the property of the employee and may not be shared with the employer. Tips that are automatically included in the customer's bill or that are charged to a credit card must

be treated like tips given to the service employee. A tip that is charged to a credit card must be paid by the employer to the employee by the next regular payday and may not be held while the employer is awaiting reimbursement from a credit card company.

#### 179 - 4 Notice, Posting and Records.

(a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice to be provided by the City informing Employees of the City's current minimum wage rates, as well as a copy of this ordinance.

#### 179 - 5 Enforcement.

(a) Any Employee receiving less than the minimum wage he or she is required to receive under this ordinance may file a written complaint with the City Manager's office.

(b) The City Manager or his or her designee may take appropriate steps to enforce this chapter; and may investigate and issue a response to the complaint within fifteen (15) work days following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.

(c) If the City Manager finds that a violation of this chapter has occurred, he or she may order any appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of \$100.00 as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of Bangor's city code.

(d) In the alternative, any Employee may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this chapter, including, but not limited to, wages and expenses owed under this chapter.

#### 179 - 6 Relationship To Other Requirements.

This ordinance provides for payment of minimum wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the minimum wage rates established herein.

#### 179 - 7 Severability Clause.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

Additions underlined.