

**PROPOSED CHANGES TO SEC. 8 OF THE PAID SICK LEAVE ORDINANCE  
DRAFTED BY CORPORATION COUNSEL AT THE RECOMMENDATION OF THE  
HEALTH AND HUMAN SERVICES AND PUBLIC SAFETY COMMITTEE**

**Section 8. Enforcement**

(a) Enforcement.

1. The City Manager or his/her designee shall enforce the provisions of this ordinance.
- ~~2. The City Manager shall adopt rules and regulations for the proper administration and enforcement of this ordinance.~~
2. A violation of this Ordinance may also be considered is a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(b) Complaint Process

1. Any Employee, ~~including, but not limited to, a Service Employee,~~ alleging a violation of this ordinance may file a written complaint with the City Manager's office.
- ~~2. The City Manager or his or her designee may investigate, but not limited to, educate the employer and/or employee, and attempt to mediate a mutually agreeable resolution between the employer and employee.~~
- ~~2.3. If the City Manager or his or her designee is unable to mediate a mutually agreeable resolution, he or she shall issue a letter to the parties stating his or her findings and determination with respect to whether this Article has been violated. 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.~~
- ~~3. If the City Manager finds that a violation of this chapter has occurred, he or she may order any and all appropriate relief including, but not limited to, three times the amount of any back wages withheld and the payment of not less than \$100.00 to the employee as a penalty for each day that a violation of this chapter has occurred. If a violation occurred but did not result in wages being withheld, such as in the case of an employee who worked after being unlawfully denied permission to use earned paid sick time, appropriate relief shall include an additional amount of two times what the employee was paid.~~
- ~~4.1. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code.~~

(c) Private Cause of Action.

1. Any Employee, ~~including, but not limited to, a Service Employee, the City or any person~~ aggrieved by a violation of this ordinance, who has followed the complaint process in subsection (b) above, and who has received a written determination by the City Manager or his or her designee, may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Such action may not be brought by a person aggrieved by a violation of this section without first filing a complaint with the City Manager and receiving a determination. Actions brought pursuant to this section may be brought as a class action pursuant to the laws of Maine.
2. Upon a judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to the wages adjudged to be due and any penalties assessed, any and all costs of suit including, but not limited to, reasonable attorney's fees.
3. Where applicable, remedies shall also include equitable relief, including reinstatement and back pay, and injunctive relief.
4. The City of Portland shall annually report on the City of Portland website the number and nature of the complaints received pursuant to this ordinance, the results of investigations undertaken pursuant to this ordinance, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this ordinance, and the average time for a complaint to be resolved pursuant to this chapter.