HOFFMAN
EMPLOYMENT LAW, LLC

2400 Research Blvd., Suite 380, Rockville, Maryland 20850
T: 301.251.3752 F: 301.251.3753
www.hoholaw.com

NEW RELEASE

FOR IMMEDIATE RELEASE
May 8, 2024

Contact: Howard B. Hoffman, Esq.
Principal Attorney
301-251-3752
hhoffman@hoholaw.com

U.S. Court of Appeals For The Fourth Circuit
Vacates And Remands *Scott v. Baltimore County*

Rockville, Maryland –

Hoffman Employment Law, LLC is pleased to announce that a full panel for the United States Court of Appeals for the Fourth Circuit, in a published opinion following oral argument on March 19, 2024, has vacated and remanded a lower federal court decision which effectively denied employment rights (minimum wage and overtime rights) to hundreds of minimum security Baltimore County, Maryland detainees, who voluntarily served in a "work detail," sorting recyclables at the Baltimore County recycling center.

According to attorney Howard B. Hoffman, who initially filed the case in January 2021 on behalf of Michael Scott, who was briefly incarcerated in Baltimore County's detention center:

> "Today's decision is a historic precedent-setting decision which is not just a victory for these hardworking workers, but for all U.S. workers whose wages may be impacted by the use of inmate labor. We are especially pleased that the Court looked at the economic realities of Baltimore County's use of inmate labor, which in our view was highly abusive, rather than look at the mere labels that penal institutions typically hide behind, claiming that work is 'rehabilitative' for the inmates.
>
> This case is not just about the employment rights of these specific workers, who dutifully toiled in some of the harshest conditions in the United States making Baltimore County millions of dollars in revenue from its sale of cardboard, aluminum, and plastics, but it is also a criminal justice reform case. After the U.S. civil war, convict leasing grew exponentially to replace freed slaves, and the briefs of our amicus, notably the ACLU and the Maryland Public Justice Center, bring amazing light to these abhorrent practices.
>
> This decision should not be viewed as a loss for municipalities, such as Baltimore County. Rather, this decision is truly a win-win for counties and their citizens, as it is an opportunity to alleviate the incredible financial pain of families, including children, who depend upon

the income of incarcerees. Baltimore County is not incorrect in looking at tapping a labor pool of persons who present themselves as the most minimal of security threats. But working them 12 hours a day, six days a week, for $20/day is abusive. There is a legal way for Baltimore County to have accessed this labor pool, and that is principally by paying at least the minimum wage as any private employer would have to do. We stand ready to discuss with Baltimore County officials ways in which their incarcerees can be productively used, without impacting the non-incarcerated worker wages rates, and in addition, to produce truly rehabilitative programs allowing incarcerees to develop meaningful job skills while providing for their families while they are detained. Depending on how Baltimore County reacts to this opinion, the Fourth Circuit's decision can provide a great first step in the direction of true criminal justice reform and provide the sort of relief that community advocates have long sought. This is not just a wakeup call to all jurisdictions who might be involved in similar work details, but this decision represents a great day for all Marylanders who are concerned about unfair and abusive working conditions, including incarcerees who toil in some of the most difficult and dirtiest jobs in the United States. There is a better way forward for counties. We will wait to determine how Baltimore County decides to react."