

## Minimum Wage Rates

**\$15.00**

Effective 1/1/24

**Montgomery Co.**  
Different minimum wage rates are in effect. Employers in this county are required to post the applicable rate information.

### (Labor and Employment Article, Title 3, Subtitle 4, Annotated Code of Maryland)

#### Minimum Wage

Most employees must be paid the Maryland State Minimum Wage Rate.

**Tipped Employees** (earning more than \$30 per month in tips) must earn the State Minimum Wage Rate per hour. Employers must pay at least **\$3.63** per hour. This amount plus tips must equal at least the State Minimum Wage Rate. Subject to the adoption of related regulations, restaurant employers who utilize a tip credit are required to provide employees with a written or electronic wage statement for each pay period showing the employee's effective hourly rate of pay including employer paid cash wages plus tips for tip credit hours worked for each workweek of the pay period. Additional information and updates will be posted on the Maryland Department of Labor website.

**Employees under 18 years of age** must earn at least 85% of the State Minimum Wage Rate.

#### Overtime

Most employees must be paid **1.5 times** their usual hourly rate for all work over **40 hrs.** per week. Exceptions:

- Agricultural workers for all work over **60 hrs.** per week

#### Exemptions

##### **Minimum Wage and Overtime Exemptions:**

- Immediate family member of the employer
- Certain agricultural employees
- Executives, administrative, and professional employees
- Volunteers for educational, charitable, religious, and non-profit organizations
- Employees under the age of 16 working less than 20 hours per week
- Outside salespersons
- Commissioned employees
- Employees enrolled as a trainee as part of a public school special education program
- Non-administrative employees of organized camps
- Certain establishments selling food and drink for consumption on the premises grossing less than \$400,000 annually
- Drive-in theaters

- Establishments engaged in the first canning, packing or freezing of fruits, vegetables, poultry, or seafood

##### **Overtime Only Exemptions (must earn the State Minimum Wage Rate):**

- Taxicab drivers
- Certain employees selling/servicing automobiles, farm equipment, trailers, or trucks
- Non-profit concert promoter, theater, music festival, music pavilion, or theatrical show
- Employers subject to certain railroad requirements of the U.S. Dept. of Transportation, the Federal Motor Carrier Act, and the Interstate Commerce Commission
- Seasonal amusement and recreational establishments that meet certain criteria

#### **FOR MORE INFORMATION OR TO FILE A COMPLAINT CONTACT:**

Maryland Department of Labor  
Division of Labor and Industry—Employment Standards Service  
10946 Golden West Drive, Suite 160  
Hunt Valley, MD 21031  
Telephone Number: (410) 767-2357 • Fax Number: (410) 333-7303  
E-mail: [dldiemploymentstandards-dllr@maryland.gov](mailto:dldiemploymentstandards-dllr@maryland.gov)

**EMPLOYERS ARE REQUIRED BY LAW TO POST THIS INFORMATION CONSPICUOUSLY.**  
**THIS IS A SUMMARY OF THE LAW. TO ENSURE COMPLIANCE, CONSULT A LEGAL ADVISOR.**

## WHISTLEBLOWER LAW

### *Subtitle 3. Maryland Whistleblower Law in the Executive Branch of State Government.*

#### **§ 5-301. Applicability.**

- (a) This subtitle applies to
  - (1) all employees and State employees who are applicants for positions in the Executive Branch of State government, including a unit with an independent personnel system; and
  - (2) if both the Commonwealth of Virginia and the District of Columbia enact similar whistleblower protections or waive their sovereign immunity as applied to the Washington Metropolitan Area Transit Authority for the purpose of providing whistleblower protections, all employees of the Washington Metropolitan Transit Authority.
- (b) For the purpose of subsection (a)(2) of this section, the General Assembly considers the following whistleblower protection laws to be similar to whistleblower protection laws established under Title 5, Subtitle 3 of the State Personnel and Pensions Article:
  - (1) the District of Columbia's Employees of District Contractors and Instrumentality Whistleblower Protection Act, Title 2, Chapter 2, Subchapter XII of the Code of District of Columbia; and
  - (2) the Commonwealth of Virginia's Fraud and Abuse Whistleblower Protection Act, Title 2.2, Chapter 30.1 of the Code of Virginia. (1996, ch. 347, § 1; 2020, ch. 193, § 1.)

#### **§ 5-302. Effect of subtitle.**

- (a) *Effect on legal actions.* – This subtitle does not preclude action for defamation or invasion of privacy.
- (b) *Effect on personnel actions.* – This subtitle does not prohibit a personnel action that would have been taken regardless of a disclosure of information.

#### **§ 5-303. Regulations.**

The Secretary shall adopt regulations for processing and resolving complaints brought under this subtitle.

#### **§ 5-304. Notice of subtitle.**

- (a) The head of each principal unit shall provide the employees of the unit with written notice of the protections and remedies provided by this subtitle.
- (b) In addition to the requirement specified in subsection (a) of this section, the Secretary of Juvenile Services shall:
  - (1) Provide all employees of the Department of Juvenile Services with written notice of the protections and remedies provided by § 5-305(2) and (3) of this subtitle; and

(2) Include information on the protections and remedies provided by § 5-305(2) and (3) of this subtitle in the Department's employee handbook and in any new employee orientation or training. (1996, ch. 347, § 1; 2020, ch. 483, § 1.)

#### **§ 5-305. Disclosure of information – Reprisal prohibited.**

Subject to the limitations of § 5-306 of this subtitle, a supervisor, appointing authority, or head of a principal unit may not take or refuse to take any personnel action as a reprisal against an employee who:

(1) discloses information that the employee reasonably believes evidences:

- (i) an abuse of authority, gross mismanagement, or gross waste of money;
- (ii) a substantial and specific danger to public health or safety; or
- (iii) a violation of law; or

(2) following a disclosure under item (1) of this section seeks a remedy provided under this subtitle or any other law or policy governing the employee's unit.

#### **§ 5-306. Disclosure of information – Protected disclosures.**

Section 5-305 of this subtitle applies to a disclosure that is specifically prohibited by law only if that disclosure is made exclusively to the Attorney General in the manner allowed in § 5-313 of this subtitle.

#### **§ 5-307. Election of procedures.**

(a) *State Personnel Management System* - An employee in the State Personnel Management System who seeks relief for a violation of § 5-305 of this subtitle may elect to file:

- (1) a complaint under § 5-309 of this subtitle; or
- (2) a grievance under Title 12 of this article.

(b) *University System of Maryland* - An employee of the University System of Maryland who is eligible to file a grievance under Title 13 of the Education Article and seeks relief for a violation of § 5-305 of this subtitle may elect to file:

- (1) a complaint under § 5-309 of this subtitle; or
- (2) a grievance under Title 13 of the Education article.

(c) *Morgan State University* - An employee of Morgan State University who is eligible to file a grievance under Title 14 of the Education Article and seeks relief for a violation of § 5-305 of this subtitle may elect to file:

- (1) a complaint under § 5-309 of this subtitle; or
- (2) a grievance under Title 14 of the Education article

#### **§ 5-308. Representation; finality of decision; resolution of complaint.**

(a) *Representation.* – (1) a complainant may be represented during the complaint process by any person the complainant chooses.

(2) Either party may be represented at a hearing by counsel.

(b) *Finality of decision.* – (1) if a complainant fails to appeal a decision in accordance with this subtitle, the complainant is considered to have accepted the decision.

(2) A failure to decide a complaint in accordance with this subtitle is considered a denial from which an appeal may be made.

(c) *Resolution of complaint.* – Each party shall make every effort to resolve a complaint at the lowest level possible.

### **§ 5-309. Filing of complaints; actions on complaint.**

(a) *Who may file; time requirements.* – (1) an employee subject to this subtitle may file with the Secretary a complaint that alleges a violation of § 5-305 of this subtitle.

(2) A complaint under this subtitle must be filed within 6 months after the complainant first knew of or reasonably should have known of the violation.

(b) *Notice of complaint; response.* – When a complaint is received, the Secretary or designee promptly shall:

(1) send a copy of the complaint to the head of the principal unit named in the complaint; and

(2) advise the head of the principal unit to respond in writing to the complaint within 20 days after receiving the copy.

(c) *Investigation; action upon complaint; written decision.* – Within 60 days after a complaint is received:

(1) the complaint shall be investigated to determine whether a violation of § 5-305 of this subtitle has occurred:

(i) by the Secretary or designee of the Secretary; or

(ii) if the Department is charged in the complaint, by a designee of the Governor; and

(2) the Secretary or designee or the Governor's designee shall:

(i) take the action described in subsection (d)(1) or (2) of this section; and

(ii) issue to the complainant and head of the principal unit a written decision that includes any remedial action taken.

(d) *Disposition by Secretary.* – (1) if the Secretary or designee or the Governor's designee determines that a violation has not occurred, the Secretary or Governor's designee shall dismiss the complaint.

(2) If the Secretary or designee or the Governor's designee determines that a violation has occurred, the Secretary or designee shall take appropriate remedial action.

(e) *Permissible remedial actions.* – As a remedial action for a violation of § 5-305 of this subtitle, the Secretary or designee may:

(1) order the removal of any related detrimental information from the complainant's State personnel records;

(2) require the head of the principal unit to:

(i) hire, promote, or reinstate the complainant or end the complainant's suspension from employment;

(ii) award the complainant back pay to the day of the violation;

(iii) grant the complainant leave or seniority;

(iv) take appropriate disciplinary action against any individual who caused the violation;

and

(v) take any other remedial action consistent with the purposes of this subtitle.

### **§ 5-310. Appeals.**

(a) *When permitted.* – A complainant may appeal to the Office of Administrative Hearings:

- (1) within 10 days after receiving a decision under § 5-309 of this subtitle; or
- (2) when a decision is not issued within 60 days after the complaint is filed and the complainant requests a hearing.

(b) *Hearings.* – (1) The Office of Administrative Hearings shall conduct a hearing on each appeal in accordance with Title 10, Subtitle 2 of the State Government Article. The Office is bound by any regulation, declaratory ruling, prior adjudication, or other settled, preexisting policy, to the same extent as the Department is or would have been bound if it were hearing the case.

(2) A record that is protected from disclosure under Title 4 of the General Provisions Article may be used as evidence in a hearing only if:

- (i) the material is essential to the conduct of the hearing; and
- (ii) names and other identifying information are deleted to the extent necessary to maintain confidentiality.

(3) The confidentiality of records and information protected from disclosure under Title 4 of the General Provisions Article shall be maintained in each hearing.

(c) *Decision; finality.* – (1) Within 45 days after the close of the hearing record, the Office of Administrative Hearings shall issue to the parties a written decision and may grant any appropriate relief under subsection (d) of this section.

(2) The decision of the Office of Administrative Hearings is final.

(d) *Relief available.* – A complainant who prevails at a hearing may be awarded any appropriate relief, including:

- (1) any remedial action allowed under § 5-309(e) of this subtitle; and
- (2) costs of litigation and reasonable attorney's fees.

(e) *Judicial review.* – A complainant or appointing authority may appeal the decision issued under subsection (c) of this section in accordance with § 10-222 of the State Government Article.

### **§ 5-311. Costs and attorney's fees.**

After reviewing a final decision under this subtitle, the court may award costs of litigation and reasonable attorney's fees to a prevailing complainant and any other appropriate relief.

### **§ 5-312. Referral of suspected criminal conduct.**

If, during an investigation under § 5-309(c) of this subtitle, the Secretary or Governor's designee finds that reasonable grounds exist to believe that a crime has been committed, the Secretary or Governor's designee shall:

- (1) promptly refer the matter to an appropriate prosecutor;
- (2) make all pertinent evidence available to the prosecutor; and
- (3) send to the individual believed to have committed the crime a notice that:
  - (i) contains a statement of the allegation;
  - (ii) notifies the individual that the matter has been referred to a prosecutor;
  - (iii) advises the individual of the individual's right to obtain counsel; and

(iv) advises the individual of the individual's right to refuse to respond to the allegation if a response might be incriminating.

**§ 5-313. Disclosure of protected information to Attorney General.**

For purposes of this subtitle, the Attorney General shall:

- (1) designate an assistant Attorney General to receive from applicants and employees any information the disclosure of which is otherwise protected by law;
- (2) investigate each allegation of illegality or impropriety;
- (3) take appropriate legal action; and
- (4) if the investigation concerns an allegation of illegality or impropriety in the Executive Branch, submit a confidential report to the Governor that describes the content of the disclosure.

**§ 5-314. Confidentiality.**

Information obtained as part of an investigation conducted under this subtitle is confidential within the meaning of Title 4 of the General Provisions Article.

# Employment Discrimination is Unlawful

State of Maryland  
Commission on Civil Rights  
6 Saint Paul Street, Suite 900  
Baltimore, MD 21202-1631

## How Does The Law Protect Me?

State Government Article, §20-602 of the Annotated Code of Maryland provides every Marylander equal protection in employment regardless of:

Race	Ancestry or National Origin	Marital Status
Sex	Religion	Sexual Orientation
Age	Physical or Mental Disability	Gender Identity
Ethnicity	Color	Genetic Information

## What Am I Protected From?

You are protected from unlawful discrimination from the following employment-related practices:

- Employers cannot discriminate in recruiting, interviewing, hiring, upgrading/promoting, setting work conditions, and discharging an employee.
- Labor organizations cannot deny membership to qualified persons or discriminate in apprenticeship programs.
- Employment agencies cannot discriminate in job referrals, ask discriminatory pre-employment questions, or circulate information that unlawfully limits employment.
- Newspapers and other media cannot publish job advertisements that discriminate.

## What If My Employer Retaliates?

**Retaliation is also prohibited under** the law when you exercise your rights to seek relief and redress. If an employee decides to file an employment discrimination complaint, an employer may not:

- Interfere with;
- Restrain;
- Deny the exercise; or
- Deny the attempt to exercise the right.

Any form of retaliation is grounds to file a Complaint of Discrimination with the Maryland Commission on Civil Rights (MCCR).

## What If I Am A Victim Of Discrimination?

If you believe your rights under the law have been violated, you must file a complaint with MCCR **within 6 months** of the alleged act of discrimination. A trained Civil Rights Officer will work with you to discuss what happened and determine if there is reason to believe a discriminatory violation occurred. You can reach MCCR by phone, email, fax, letter, or walk-in. **All procedures by MCCR are confidential until your case is certified for public hearing or trial.**



# WORKERS' COMPENSATION in Maryland

## LA COMPENSACIÓN DEL TRABAJADOR en Maryland

### Job Related Accidental Personal Injury or Occupational Disease?

If you are disabled and unable to work for more than three (3) days, your employer's workers' compensation insurance company may pay your medical bills and other expenses and replace two-thirds (2/3) of your salary (limited to the maximum set by law).

### If you are injured on the job:

1. Notify your employer or supervisor at once. You cannot receive full benefits unless your employer knows you are injured.
2. Tell the doctor who treats you that you were hurt on the job.
3. Complete an Employee's Claim Form C-1 (available by phone or on the Commission's website) and send it to us as soon as possible.

**Note: Withholding information or giving false information about any work-related activity or return to work could prevent you from receiving benefits and may subject you to fines, imprisonment or both.**

### ¿Accidentes por lesión/daño corporal relacionados con el Empleo o Enfermedad Profesional?

Si usted se encuentra incapacitado o inhabilitado para trabajar por más de tres días, el seguro de trabajadores que tienen las compañías pudiera cubrir las facturas médicas y otros gastos relacionados. También le compensarían 2/3 de sus ingresos (Hasta un monto máximo estipulado por la ley).

### Si usted sufre una lesión en el trabajo, debe:

1. Informarle a su empleador o supervisor de inmediato. No podría recibir todos sus beneficios a menos que su empleador fuere notificado que sufrió una lesión.
2. Informarle al médico quien le administre tratamiento que usted se lesionó en su trabajo.
3. Llenar el formulario Employee's Claim Form C-1 (disponible consultando la página del Internet para el Workers' Compensation o solicitando uno por teléfono). Diligenciarlo para que las oficinas del Workers' Compensation lo reciban lo antes posible.

**Aviso: El suministrar información falsa u ocultar información sobre cualquier actividad relacionada con su trabajo o relacionada con su regreso al trabajo, pudiera afectar los beneficios que recibiera o pudiera acarrearle multas, encarcelamiento o ambas.**

**Employer/Empleador** Integrated Water Services  
**Business Address/Dirección** 115 Wild Basin Rd S  
**City/State/Zip** Austin TX 78746  
Ciudad/Estado/Código Postal  
**Federal Employer ID (FEIN)** 04-2698999  
Identificación Federal Del Empleador  
**Telephone Number/Número Telefónico** 970-632-4917  
**Insurance Company Name** Berkley Environmental  
La Compañía de Seguro  
**Insurance Company Telephone** (800) 259-2560  
Telefónico de la Compañía de Seguro  
MD WCC Form C-24 05/2017

Click to clear

**Maryland Workers' Compensation Commission**  
**10 East Baltimore Street, Baltimore, Maryland 21202-1641**  
**(410) 864-5100 / Outside Baltimore (800) 492-0479**

**Webpage - <http://www.wcc.state.md.us> / TTY Users - 711 in Maryland or (800) 735-2258**

This notice must be printed on 8.5 "X 14" gold or yellow paper, display complete employer information and be posted in a conspicuous location at each work site or location in accordance with COMAR 14.09.01.02 and 14.09.01.10.



## APPLYING FOR A WORK PERMIT

Applications for work permits are accepted online at:  
[www.dlir.state.md.us/childworkpermit](http://www.dlir.state.md.us/childworkpermit). Steps:

- Minor or Parent/Guardian completes required information online and prints work permit
- **TO BE VALID:** The Minor, the Minor's Parent/ Guardian, and the Employer must sign the permit

## NOTE TO EMPLOYERS

- A minor under the age of 14 is not permitted to work and may not be employed.
- Minors 14 through 17 years of age may *only* work with a work permit.
- The work permit must be in the employer's possession before the minor is permitted to work.
- Employers must keep the work permit on file for three years.

### Permissible Hours of Employment

#### **All Minors:**

May not be employed or permitted to work more than five hours continuously without a non-working period of at least ½ hour.

#### **Minors 14—15:**

- **\*Non-school hours;**
- \*3 hours on any day when school is in session;
- 8 hours on any day when school is not in session
- \*18 hours in a school week;
- 40 hours in any week when school is not in session;
- \*May only work between the hours of 7:00 am and 7:00 pm.
- \*May work until 9:00 pm from June 1 until Labor Day.
- The hours worked by a minor enrolled in a bona fide work-study or student-learner program when school is normally in session may not be counted towards the permissible hours of work prescribed above.
- \*This is based upon a more restrictive Federal law.

#### **Minors 16—17:**

May spend no more than 12 hours in a combination of school hours and work hours each day.

Must be allowed at least eight consecutive hours of non-work, non-school time in each 24-hour period.

### Non-Employment Activities

Activities not considered employment if performed outside of the prescribed school day and the activity does not involve mining, manufacturing, or hazardous occupations. The activities include:

- Farm work performed on a farm.
- Domestic work performed in or about a home.
- Work performed in a business owned or operated by a parent or one standing in the place of a parent.
- Work performed by non-paid volunteers, in a charitable or non-profit organization, employed with the written consent of a parent or one standing in the place of a parent.
- Caddying on a golf course.
- Employment as an instructor on an instructional sailboat.
- Manufacturing of evergreen wreaths in or about a home.
- Delivery of newspapers to the consumer.
- Work performed as a counselor, assistant counselor, or instructor in a youth camp certified under the Maryland Youth Camp Act.
- Hazardous work performed by non-paid volunteers of a volunteer fire department or company or volunteer rescue squad who have completed or are taking a course of study relating to firefighting or rescue and who are 16 years of age or older.

### Special Permits

Special permits may be issued to minors of any age to be employed as a model, performer, or entertainer. The applications and permits are available only from the Baltimore office of the Division of Labor and Industry (address below) or online at:  
[www.labor.maryland.gov/labor/wages/empm.shtml](http://www.labor.maryland.gov/labor/wages/empm.shtml)

### Federal Restrictions

Employers are generally subject to both state child labor laws and the federal child labor provisions of the Fair Labor Standards Act (FLSA), 29 U.S.C. 212(c), and the FLSA regulations at 29 CFR Part 570. Certain provisions of Maryland state law may be less restrictive than federal law, and employers covered by the FLSA that only follow a less restrictive provision of Maryland state law will be in violation of federal law. See 29 U.S.C. 218(a). For more information on federal child labor law, please visit the U.S. Department of Labor's Wage and Hour Division Website at [www.dol.gov/whd](http://www.dol.gov/whd).

FOR MORE INFORMATION CONTACT:

**Maryland Department of Labor**

**Division of Industry - Employment Standards Service**

10946 Golden West Drive, Suite 160 • Hunt Valley, MD 21031

Telephone Number: (410) 767-2357 • Fax Number: (410) 333-7303 • E-mail: [dldiemploymentstandards-dlir@maryland.gov](mailto:dldiemploymentstandards-dlir@maryland.gov)

**(Labor and Employment Article, Section 3 -206,  
Annotated Code of Maryland)**

**OCCUPATIONS FORBIDDEN TO ALL MINORS:** Certain occupations are declared to be hazardous by the U.S. Secretary of Labor and have been adopted by reference by the Commissioner of Labor and Industry for the State of Maryland. All minors are forbidden to be employed at these occupations with certain exceptions including but not limited to Youth Apprenticeship.

- Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components.
- Occupations of motor-vehicle driver and outside helper.
- Coal-mine occupations.
- Logging occupations and occupations in the operation of any sawmill, lathe mill, shingle mill, or cooperage-stock mill.
- Occupations involved in the operation of power-driven woodworking machines.
- Occupations involving exposure to radioactive substances and to ionizing radiations.
- Occupations involved in the operation of elevators and other power-driven hoisting apparatus.
- Occupations involved in the operation of power-driven metal forming, punching, and shearing machines.

- Occupations in connection with mining, other than coal.
- Occupations involving slaughtering, meat-packing or processing, or rendering.
- Occupations involved in the operation of certain power-driven bakery machines.
- Occupations involved in the operation of certain power-driven paper products machines.
- Occupations involved in the manufacture of brick, tile, and kindred products.
- Occupations involved in the operation of circular saws, band saws, and guillotine shears.
- Occupations involved in wrecking, demolition, and shipbreaking operations.
- Occupations involved in roofing operations.
- Occupations involved in excavation operations.

In addition to the hazardous occupations as declared by the U.S. Secretary of Labor and adopted by the Commissioner of Labor and Industry, the following occupations are forbidden to all minors:

- Blast furnaces.
- Docks or wharves, other than marinas where pleasure boats are sold or served.
- Pilots, firemen, or engineers on any vessel or boat engaged in commerce.
- Railroads.
- Erection and repair of electrical wires.
- Any distillery where alcoholic beverages are manufactured, bottled, wrapped, or packed.

- The manufacturing of dangerous or toxic chemicals or compounds.
- Cleaning, oiling, or wiping of machinery.
- Any occupation forbidden by any local, state, or federal law.
- Any occupation which after investigation by the Commissioner is deemed injurious to the health and welfare of the minor.

A minor may not be employed to transfer monetary funds in any amount between 8 p.m. and 8 a.m. or in any amount over \$100.00 between 8 a.m. and 8 p.m. unless that minor is the child of the owner or operator, or the funds have been received in payment of goods or services delivered by the minor.

## AREAS OF EMPLOYMENT RESTRICTED FOR MINORS 14 AND 15 YEARS OF AGE

- (1) Manufacturing, mechanical, or processing occupations including occupations in workrooms, workplaces, or storage areas where goods are manufactured or processed.
- (2) Operation, cleaning, or adjusting of any power-driven machinery other than office machines.
- (3) Occupations in, about, or in connection with (except office or sales work not performed on site):

- |                      |              |   |  |
|----------------------|--------------|---|--|
| • scaffolding        | • brickyard  | • public messaging service                                  | • any occupation deemed injurious by the Commissioner after investigation. |
| • acids              | • gases      | • occupations causing dust or gases in injurious quantities | • transportation of persons or property                                    |
| • construction       | • lumberyard | • boats engaged in navigation or commerce                   |  |
| • dyes               | • lye        | • certain poultry activities                                |  |
| • railroads          | • airports   | • certain baking and cooking                                |  |
| • hoisting apparatus |              |   |  |

# Maryland

## Equal Pay for Equal Work

(Labor and Employment Article Title 3, Subtitle 3)

### §3–301.

- (a) In this subtitle the following words have the meanings indicated.
- (b)(1) “Employer” means:
  - (i) a person engaged in a business, industry, profession, trade, or other enterprise in the State;
  - (ii) the State and its units;
  - (iii) a county and its units; and
  - (iv) a municipal government in the State.
- (2) “Employer” includes a person who acts directly or indirectly in the interest of another employer with an employee.
- (c) “Gender identity” has the meaning stated in § 20–101 of the State Government Article.
- (d)(1) “Wage” means all compensation for employment.
- (2) “Wage” includes board, lodging, or other advantage provided to an employee for the convenience of the employer.

### §3–302.

This subtitle applies to an employer of both men and women in a lawful enterprise.

### §3–303.

In addition to any powers set forth elsewhere, the Commissioner may:

- (1) use informal methods of conference, conciliation, and persuasion to eliminate pay practices that are unlawful under this subtitle; and
- (2) supervise the payment of a wage owing to an employee under this subtitle.

### §3–304.

- (a) In this section, “providing less favorable employment opportunities” means:
  - (1) assigning or directing the employee into a less favorable career track, if career tracks are offered, or position;
  - (2) failing to provide information about promotions or advancement in the full range of career tracks offered by the employer; or
  - (3) limiting or depriving an employee of employment opportunities that would otherwise be available to the employee but for the employee’s sex or gender identity.
- (b)(1) An employer may not discriminate between employees in any occupation by:
  - (i) paying a wage to employees of one sex or gender identity at a rate less than the rate paid to employees of another sex or gender identity if both employees work in the same establishment and perform work of comparable character or work on the same operation, in the same business, or of the same type; or
  - (ii) providing less favorable employment opportunities based on sex or gender identity.
- (2) For purposes of paragraph (1)(i) of this subsection, an employee shall be deemed to work at the same establishment as another employee if the employees work for the same employer at workplaces located in the same county of the State.
- (c) Except as provided in subsection (d) of this section, subsection (b) of this section does not prohibit a variation in a wage that is based on:
  - (1) a seniority system that does not discriminate on the basis of sex or gender identity;
  - (2) a merit increase system that does not discriminate on the basis of sex or gender identity;
  - (3) jobs that require different abilities or skills;
  - (4) jobs that require the regular performance of different duties or services;
  - (5) work that is performed on different shifts or at different times of day;
  - (6) a system that measures performance based on a quality or quantity of production; or
  - (7) a bona fide factor other than sex or gender identity, including education, training, or experience, in which the factor:
    - (i) is not based on or derived from a gender-based differential in compensation;
    - (ii) is job related with respect to the position and consistent with a business necessity; and
    - (iii) accounts for the entire differential.
- (d) This section does not preclude an employee from demonstrating that an employer’s reliance on an exception listed in subsection (c) of this section is a pretext for discrimination on the basis of sex or gender identity.
- (e) An employer who is paying a wage in violation of this subtitle may not reduce another wage to comply with this subtitle.

### §3–304.1.

- (a) An employer may not:
  - (1) prohibit an employee from:

(i) inquiring about, discussing, or disclosing the wages of the employee or another employee; or  
(ii) requesting that the employer provide a reason for why the employee's wages are a condition of employment;

(2) require an employee to sign a waiver or any other document that purports to deny the employee the right to disclose or discuss the employee's wages; or

(3) take any adverse employment action against an employee for:

- (i) inquiring about the employee's wages or another employee's wages;
- (ii) disclosing the employee's own wages;
- (iii) discussing another employee's wages if those wages have been disclosed voluntarily;
- (iv) asking the employer to provide a reason for the employee's wages; or
- (v) aiding or encouraging another employee's exercise of rights under this section.

(b)(1) Subject to paragraph (2) of this subsection, an employer may, in a written policy provided to each employee, establish reasonable workday limitations on the time, place, and manner for inquiries about or the discussion or disclosure of employee wages.

(2) A limitation established under paragraph (1) of this subsection shall be consistent with standards adopted by the Commissioner and all other State and federal laws.

(3) Subject to subsection (d) of this section, limitations established under paragraph (1) of this subsection may include prohibiting an employee from discussing or disclosing the wages of another employee without that employee's prior permission.

(c) Except as provided in subsection (d) of this section, the failure of an employee to adhere to a reasonable limitation included in a written policy under subsection (b) of this section shall be an affirmative defense to a claim made against an employer by the employee under this section if the adverse employment action taken by the employer was for a failure to adhere to the reasonable limitation and not for an inquiry, a discussion, or a disclosure of wages in accordance with the limitation.

(d) (1) A prohibition established in accordance with subsection (b)(3) of this section against the discussion or disclosure of the wages of another employee without that employee's prior permission may not apply to instances in which an employee who has access to the wage information of other employees as a part of the employee's essential job functions if the discussion or disclosure is in response to a complaint or charge or in furtherance of an investigation, a proceeding, a hearing, or an action under this subtitle, including an investigation conducted by the employer.

(2) If an employee who has access to wage information as part of the essential functions of the employee's job discloses the employee's own wages or wage information about another employee obtained outside the performance of the essential functions of the employee's job, the employee shall be entitled to all the protections afforded under this subtitle.

(e) Nothing in this section shall be construed to:

- (1) require an employee to disclose the employee's wages;
- (2) diminish employees' rights to negotiate the terms and conditions of employment under federal, State, or local law;
- (3) limit the rights of an employee provided under any other provision of law or collective bargaining agreement;
- (4) create an obligation on any employer or employee to disclose wages;
- (5) permit an employee, without the written consent of an employer, to disclose proprietary information, trade secret information, or information that is otherwise subject to a legal privilege or protected by law; or
- (6) permit an employee to disclose wage information to a competitor of the employer.

§3-304.2

(A) On request, an employer shall provide to an applicant for employment the wage range for the position for which the applicant applied.

(B) (1) An employer may not:

(I) Retaliate against or refuse to interview, hire, or employ an applicant for employment because the applicant:

- 1. Did not provide wage history; or
  - 2. Requested the wage range in accordance with this section for the position for which the applicant applied;
- and

(II) Except as provided in paragraph (2) of this subsection:

- 1. Rely on the wage history of an applicant for employment in screening or considering the applicant for employment or in determining the wages for the applicant; or
- 2. Seek the wage history for an applicant for employment orally, in writing, or through an employee or an agent or from a current or former employer.

(2) After an employer makes an initial offer of employment with an offer of compensation to an applicant for employment, an employer may:

(I) Subject to paragraph (3) of this subsection, rely on the wage history voluntarily provided by the applicant for employment to support a wage offer higher than the initial wage offered by the employer: or

(II) Seek to confirm the wage history voluntarily provided by the applicant for employment to support a wage offer higher than the initial wage offered by the employer.

(3) An employer may rely on wage history under paragraph (2) of this subsection only if the higher wage does not create an unlawful pay differential based on protected characteristics under §3-304 of this subtitle.

(C) This section may not be construed to prohibit an applicant for employment from sharing wage history with an employer voluntarily.

§3-305.

(a) (1) Each employer shall keep each record that the Commissioner requires on:

- (i) wages of employees;
- (ii) job classifications of employees; and
- (iii) other conditions of employment.

(2) An employer shall keep the records required under this subsection for the period of time that the Commissioner requires.

(b) On the basis of the records required under this section, an employer shall make each report that the Commissioner requires.

§3-306.

(a) On request of an employer, the Commissioner shall provide without charge a copy of this subtitle to the employer.

(b) Each employer shall keep posted conspicuously in each place of employment a copy of this subtitle.

(c) The Commissioner, in consultation with the Maryland Commission on Civil Rights, shall develop educational materials and make training available to assist employers in adopting training, policies, and procedures that comply with the requirements of this subtitle.

§3-306.1.

(a) Whenever the Commissioner determines that this subtitle has been violated, the Commissioner shall:

- (1) try to resolve any issue involved in the violation informally by mediation; or
- (2) ask the Attorney General to bring an action on behalf of the applicant or employee.

(b) The Attorney General may bring an action under this section in the county where the violation allegedly occurred for injunctive relief, damages, or other relief.

§3-307.

(a)(1) If an employer knew or reasonably should have known that the employer's action violates § 3-304 of this subtitle, an affected employee may bring an action against the employer for injunctive relief and to recover the difference between the wages paid to employees of one sex or gender identity and the wages paid to employees of another sex or gender identity who do the same type work and an additional equal amount as liquidated damages.

(2) If an employer knew or reasonably should have known that the employer's action violates § 3-304.1 of this subtitle, an affected employee may bring an action against the employer for injunctive relief and to recover actual damages and an additional equal amount as liquidated damages.

(3) An employee may bring an action on behalf of the employee and other employees similarly affected.

(b) On the written request of an employee who is entitled to bring an action under this section, the Commissioner may:

- (1) take an assignment of the claim in trust for the employee;

- (2) ask the Attorney General to bring an action in accordance with this section on behalf of the employee; and

- (3) consolidate 2 or more claims against an employer.

(c) An action under this section shall be filed within 3 years after the employee receives from the employer the wages paid on the termination of employment under § 3-505(a) of this title.

(d) The agreement of an employee to work for less than the wage to which the employee is entitled under this subtitle is not a defense to an action under this section.

(e) If a court determines that an employee is entitled to judgment in an action under this section, the court shall allow against the employer reasonable counsel fees and other costs of the action, as well as prejudgment interest in accordance with the Maryland Rules.

§3-308.

(a) An employer may not:

- (1) willfully violate any provision of this subtitle;
- (2) hinder, delay, or otherwise interfere with the Commissioner or an authorized representative of the Commissioner in the enforcement of this subtitle;

- (3) refuse entry to the Commissioner or an authorized representative of the Commissioner into a place of employment that the Commissioner is authorized under this subtitle to inspect;

- (4) discharge or otherwise discriminate against an employee or applicant for employment because the employee or applicant for employment:



- (i) makes a complaint to the employer, the Commissioner, or another person;
- (ii) brings an action under this subtitle or a proceeding that relates to the subject of this subtitle or causes the action or proceeding to be brought; or
- (iii) has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle; or
- (5) Violate §3-304.2 of this subtitle.
- (b) An employee or an applicant for employment may not:
  - (1) make a groundless or malicious complaint to the Commissioner or an authorized representative of the Commissioner;
  - (2) in bad faith, bring an action under this subtitle;
  - (3) in bad faith, bring a proceeding that relates to the subject of this subtitle; or
  - (4) in bad faith, testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.
- (c) The Commissioner may bring an action for injunctive relief and damages against a person who violates subsection (a)(1), (4), or subsection (b)(1), (3), or (4) of this section.
- (d) (1) Except as provided in paragraph (2) of this subsection, an employer who violates any provision of subsection (a)(2) or (3) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$300.
  - (2) (i) This paragraph does not apply to a violation of §304.2.
  - (ii) If an employer is found to have violated this subtitle two or more times within a 3-year period, the Commissioner or a court may require the employer to pay a civil penalty equal to 10% of the amount of damages owed by the employer.
  - (iii) Each civil penalty assessed under this paragraph shall be paid to the General Fund of the State to offset the cost of enforcing this subtitle.
- (E) (1) If the Commissioner determines that an employer has violated §3-304.2 of this subtitle, the Commissioner:
  - (I) shall issue an order compelling compliance; and
  - (II) may, in the Commissioner's discretion,
    - 1. for a first violation, issue a letter to the employer compelling compliance;
    - 2. for a second violation, assess a civil penalty of up to \$300 for each applicant for employment for whom the employer is not in compliance; or
    - 3. for each subsequent violation, assess a civil penalty of up to \$600 for each applicant for employment for whom the employer is not in compliance if the violation occurred within 3 years after a previous determination that a violation had occurred.
- (2) In determining the amount of the penalty, if assessed, the Commissioner shall consider:
  - (I) the gravity of the violation'
  - (II) the size of the employer's business;
  - (III) the employer's good faith; and
  - (IV) the employer's history of violations under this subtitle.
- (3) If the Commissioner assesses a penalty under paragraph (1)(II) of this subsection, the penalty shall be subject to the notice and hearing requirements of Title 10, Subtitle 2 of the State Government Article.

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For additional information or to file a complaint, please contact:

**FOR MORE INFORMATION CONTACT:**  
**Department of Labor**  
**Division of Labor and Industry**  
**Employment Standards Service**  
10946 Golden West Drive, Suite 160 – Hunt Valley, MD 21031  
Phone: 410-767-2357

Rev. 2/22

## MARYLAND EARNED SICK AND SAFE LEAVE EMPLOYEE NOTICE

The Maryland Healthy Working Families Act requires employers with 15 or more employees to provide paid sick and safe leave for certain employees. It also requires that employers who employ 14 or fewer employees provide unpaid sick and safe leave for certain employees.

### Accrual

Earned sick and safe leave begins to accrue on February 11, 2018, or the date on which an employee begins employment with the employer, whichever is later. An employee accrues earned sick and safe leave at a rate of at least one hour for every 30 hours the employee works; however, an employee is not entitled to earn more than 40 hours of earned sick and safe leave in a year or accrue more than 64 hours of earned sick and safe leave at any time.

### Leave Usage

An employee is allowed to use earned sick and safe leave under the following conditions:

- To care for or treat the employee's mental or physical illness, injury, or condition;
- To obtain preventative medical care for the employee or the employee's family member;
- To care for a family member with a mental or physical illness, injury, or condition;
- For maternity or paternity leave; or
- The absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member and the leave is being used: (1) to obtain medical or mental health attention; (2) to obtain services from a victim services organization; (3) for legal services or proceedings; or (4) because the employee has temporarily relocated as a result of the domestic violence, sexual assault, or stalking.

A family member includes a spouse, child, parent, grandparent, grandchild, sibling, the legal guardian or ward of the employee or the employee's spouse, or an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor.

Employees are permitted to use earned sick and safe leave in increments in certain amounts established by their employer. Employees are required to give notice of the need to use earned sick and safe leave when it is foreseeable. An employer may deny leave in certain circumstances.

### Reporting

Employers are required to provide employees with a written statement of the employee's available earned sick and safe leave.

### Prohibitions

An employer is prohibited under the law from taking adverse action against an employee who exercises a right under the Maryland Healthy Working Families Act and an employee is prohibited from making a complaint, bringing an action, or testifying in an action in bad faith.

### How to File a Complaint or Obtain Additional Information

If you feel your rights have been violated under this law or you would like additional information, you may contact:

Commissioner of Labor and Industry  
10946 Golden West Drive, Suite 160 - Hunt Valley, MD 21031

[ssl.assistance@maryland.gov](mailto:ssl.assistance@maryland.gov)



## LICENCIA DE ENFERMEDAD Y SALIDA SEGURA DE MARYLAND NOTIFICACIÓN PARA EMPLEADOS

La Ley de Familias Trabajadoras Saludables de Maryland requiere que los empleadores con 15 o más empleados brinden licencia de enfermedad y seguro para ciertos empleados. También requiere que los empleadores que emplean a 14 o menos empleados brinden licencias no remuneradas por enfermedad y seguro para ciertos empleados.

### Acumulación

El permiso de enfermedad y seguro comienza a acumularse desde 11 de febrero de 2018 o la fecha en que un empleado comienza a trabajar para el empleador. Un empleado acumula un permiso de enfermedad y seguro a una tasa de una hora por cada 30 horas de trabajo. Un empleado tiene derecho a ganar un máximo de 40 horas de licencia de enfermedad y seguro en un año. Lo máximo que un empleado puede acumular es un total de 64 horas de licencia de enfermedad y seguro.

### Uso de Licencia

Un empleado puede usar la licencia de enfermedad y seguro acumulada bajo las siguientes condiciones:

- Para cuidar o tratar la enfermedad, lesión o condición mental o física del empleado;
- Para obtener atención médica preventiva para el empleado o miembro de la familia del empleado;
- Para cuidar a un miembro de la familia con una enfermedad, lesión o condición mental o física;
- Por licencia de maternidad o paternidad; o
- La ausencia del trabajo es necesaria debido a violencia doméstica, agresión sexual o acoso cometido contra el empleado o el miembro de la familia del empleado y el permiso se usa: (1) para obtener atención médica o de salud mental; (2) para obtener servicios de una organización de servicios para víctimas; (3) para servicios o procedimientos legales; o (4) porque el empleado se ha mudado temporalmente como resultado de la violencia doméstica, la agresión sexual o el acoso.

Un miembro de la familia incluye un cónyuge, hijos, padres, abuelos, nietos o hermanos el guardián legal o tutor de un empleado o del cónyuge del empleado, o un individuo que actúa como padre o madre, o que quedó en loco parentis del empleado o de su cónyuge cuando el empleado o el cónyuge del empleado eran menores de edad.

A los empleados se les permite usar la licencia de enfermedad y seguro acumulada en incrementos establecidos por su empleador. Se requiere que los empleados notifiquen la necesidad de utilizar la licencia de enfermedad y seguro ganadas cuando sea previsible. Un empleador puede negar la licencia bajo ciertas circunstancias.

### Informes

Se requiere que los empleadores proporcionen a los empleados por escrito el balance de las horas de licencia de enfermedad y seguro disponible al empleado.

### Prohibiciones

La ley prohíbe a un empleador emprender acciones adversas contra un empleado que ejerce su derecho conforme a la Ley de Familias Trabajadoras Saludables de Maryland y se le prohíbe a un empleado presentar una queja, iniciar una acción o testificar en una acción de mala fe.

### Cómo Presentar una Queja u Obtener Información Adicional

Si considera que se han violado sus derechos según esta ley o si desea obtener información adicional, puede comunicarse con:

# TO EMPLOYEES

**YOUR EMPLOYER IS SUBJECT TO** the Maryland Unemployment Insurance Law and pays taxes under this law. No deduction is made from your wages for this purpose.

**IF YOU ARE LAID OFF** or otherwise become unemployed, immediately file a claim by calling the telephone number for the area in which you reside or you may file a claim on the internet at the web site address indicated below.

**IF YOU ARE ELIGIBLE**, you may be entitled to unemployment insurance benefits for as many as 26 weeks.

**IF YOU ARE WORKING LESS THAN FULL TIME**, you may be eligible for partial benefits. If your regular hours of work have been reduced, promptly file a claim as instructed above, to determine your benefit rights.

**IF YOU HAVE BEEN FILING FOR BENEFITS AND RETURN TO WORK**, you must report your gross wages before deductions during the week you return to work regardless of whether or not you have been paid.

## YOU ARE ENTITLED TO BENEFITS IF:

1. You are unemployed through no fault of your own.
2. You have sufficient earnings in your Base Period.
3. You have registered for work and filed a claim for benefits with a Maryland Department of Labor claim center listed below.
4. You are able to work, available for work, and actively seeking work.

**NOTE:** To ensure prompt handling of your claim, it is necessary to have your Social Security number available. If you claim dependents under sixteen (16) years of age, you must know the Social Security number of each dependent when you file. If you do not know the Social Security numbers, you will be provided with instructions on how to provide a copy of the dependents' birth certificates or other forms of proof of dependency.

## IF YOU ARE TOTALLY OR PARTIALLY UNEMPLOYED CALL:

Phone Number To File A Claim	Area Served	Phone Number To File A Claim	Area Served	Phone Number To File A Claim	Area Served
301-313-8000 1-877-293-4125 (toll free)	Calvert Charles Montgomery Prince Georges St. Mary's	410-334-6800 1-877-293-4125 (toll free)	Caroline Dorchester Kent Queen Anne's Somerset Talbot Wicomico Worcester	410-853-1600 1-877-293-4125 (toll free)	Anne Arundel Baltimore City Baltimore County Carroll Cecil Harford Howard
301-723-2000 1-877-293-4125 (toll free)	Allegany Frederick Garrett Washington	<b>INSIDE THE STATE OF MARYLAND</b> (DENTRO DEL ESTADO DE MARYLAND) Maryland Relay Dial 711 TTY: 1-800-735-2258 Speech to Speech: 1-800-785-5630 Para Relevos en Maryland presione 711 ó 1-800-877-1264 (U.S.)		<b>OUTSIDE THE STATE OF MARYLAND</b> (FUERA DEL ESTADO DE MARYLAND) TTY: 1-800-735-2258 Speech to Speech: 1-800-785-5630 Para Relevos en Maryland presione 1-800-877-1264 (U.S.)	
SOLICITUD DE BENEFICIOS DEL DESEMPLEO PARA LA POBLACIÓN DE HABLE HISPANA 301-313-8000					

## TO FILE A CLAIM VIA THE INTERNET: [www.mdunemployment.com](http://www.mdunemployment.com)

## IMPORTANT NOTICE

Unemployment insurance is intended for persons who are unemployed through no fault of their own and who are ready, willing and able to work. Persons who receive benefits through false statements or fail to report ALL earnings will be disqualified and will be subject to criminal prosecution.

The Civil Rights Act of 1964 states that no person shall be discriminated against on the basis of race, color, religion, age, sex, or national origin. If you feel you have been discriminated against in the unemployment insurance process because of any of these factors, you may file a complaint with the Office of Fair Practices, 1100 North Eutaw Street, Room 613, Baltimore, Maryland 21201.

**MARYLAND DEPARTMENT OF LABOR - DIVISION OF UNEMPLOYMENT INSURANCE**

THIS CARD MUST BE POSTED IN A CONSPICUOUS PLACE

# TO BE POSTED

## HEALTH INSURANCE COVERAGE

You and other members of your family may be eligible under Maryland law to continue to be covered by your former employer's health insurance policy if:

- ◇ You quit your job or you were terminated from your employment for a reason other than for cause; and
- ◇ You are covered by your employer under a group hospital-medical policy or a health maintenance organization (HMO) for at least three (3) months prior to being separated from your employment; and
- ◇ You do not have other similar insurance.

If you wish to continue your health insurance, you **MUST** give your employer written notice no later than forty-five (45) days after your last day of work.

### IMPORTANT:

You will be responsible for paying the entire cost of the health insurance policy.

For further information about the program, you should contact your employer, or if necessary, telephone the Insurance Administration in Baltimore at (410) 468-2244 or 1-800-492-6116 (Ext. 2244).

State of Maryland  
Maryland Department of Labor

**THIS NOTICE APPLIES TO STATE LAW.  
YOU MAY HAVE BROADER BENEFITS UNDER FEDERAL LAW.**

# TO BE POSTED

## **EMPLOYER LETTER OR EMAIL TO AN EMPLOYEE ABOUT THE AVAILABILITY OF UNEMPLOYMENT COMPENSATION**

Unemployment Insurance (UI) benefits are available to workers who are unemployed and meet the requirements of Maryland's UI eligibility laws. You may file a claim for UI benefits in the first week that your employment stops or your work hours are reduced.

For assistance, more information about filing a claim, or to file a claim for UI, visit [MDunemployment.com](http://MDunemployment.com) or call a Claims Center at (410) 949-0022. Maryland Relay 711.

You will need to provide the following information in order to file a claim for UI benefits:

1. Your full legal name;
2. Your full social security number;
3. Telephone number and email address;
4. Name, date of birth and social security number of all dependents under 16;
5. Name, address, and telephone number for all employers within the last 18 months; and,
6. Employment start and end dates.

If applicable, you will need the following:

7. Your authorization to work (if you are not a U.S. Citizen);
8. Union name and local number;
9. DD-214 Member 4 if you were in the military; or,
10. Form SF-8 if you were a federal employee.

To receive unemployment insurance benefits in Maryland, you must:

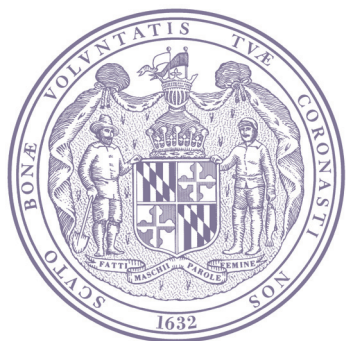
- Be Unemployed - Not performing any work for wages or working less than full-time and earning less than your benefit amount;
- Be monetarily eligible - Earned at least \$1,176 in one quarter and at least \$1,800 during two quarters combined in the base period (prior 18 months);
- Be able and available to work - Ready and willing to accept work without restrictions on your time or physical ability;
- Actively seeking work - Perform your work search requirements each week (this requirement is waived during the COVID-19 pandemic state of emergency);
- File weekly claim certifications - To receive benefit payments, you MUST file a certification each week; and,
- Register to work - You must be registered with the Division of Workforce Development through the Maryland Workforce Exchange System (available at [mwejobs.maryland.gov](http://mwejobs.maryland.gov)).

**EMPLOYER TEXT MESSAGE TO AN EMPLOYEE ABOUT THE  
AVAILABILITY OF UNEMPLOYMENT COMPENSATION**

Unemployment Insurance (UI) benefits are available to workers who are unemployed and meet the eligibility requirements of Maryland's UI laws. You may file a claim in the first week that your employment stops or your work hours are reduced.

For assistance or to file a claim, visit [MDunemployment.com](http://MDunemployment.com) or call a Claims Center at (410) 949-0022. Maryland Relay 711.

# safety and health protection on the job



## Employers:

The Maryland Occupational Safety and Health Act of 1973 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following:

Each employer shall furnish to each of his or her employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to employees; and shall comply with occupational safety and health standards issued under the Act.

## Employees:

Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Act that apply to his or her own actions and conduct on the job.

The Commissioner of Labor and Industry has the primary responsibility for administering the Act and issuing occupational safety and health standards. MOSH Safety and Health Inspectors conduct jobsite inspections to ensure compliance with the Act.

## Inspection:

The Act requires that a representative authorized by the employees be given an opportunity to accompany the MOSH Inspector for the purpose of aiding the inspection.

Where there is no authorized employee representative, the MOSH Inspector shall consult with a reasonable number of employees concerning safety and health conditions in the workplace.

## Complaint:

Employees or their representatives have the right to file a complaint with the Commissioner requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. The Commissioner will withhold names of employees complaining on request.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.

An employee who believes he or she has been discriminated against may file a complaint with the Commissioner and/or the Federal Occupational Safety and Health Administration Regional Office within 30 days of the alleged discrimination.

## Citation:

If upon an inspection the Commissioner believes an employer has violated the Act, a citation alleging such violations shall be issued to the employer. Each citation shall specify a time period within which the alleged violation must be corrected.

The MOSH citation must be prominently displayed at or near the place of alleged violation for three days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there.

ADDITIONAL INFORMATION AND COPIES OF THE ACT, SPECIFIC MARYLAND OCCUPATIONAL SAFETY AND HEALTH STANDARDS, AND OTHER APPLICABLE REGULATIONS MAY BE OBTAINED FROM

**MOSH TRAINING and EDUCATION**  
10946 Golden West Drive, Suite 160  
Hunt Valley, Maryland 21031  
Phone: 410-527-2091

Complaints about State Program administration may be made to Regional Administrator, Occupational Safety and Health Administration, The Curtis Center, Suite 740 West, 170 S. Independence Mall West, Philadelphia, PA 19106-3309

# MARYLAND OCCUPATIONAL SAFETY and HEALTH ACT

## PRIVATE SECTOR

### Proposed Penalty:

The Act provides for mandatory civil penalties against employers. Civil penalties up to the maximum penalty per day may be assessed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Act may be assessed civil penalties of up to 10 times the maximum penalty amount for each such violation.

In compliance with Labor and Employment Article, §5-810 Ch. 104, Acts of 2024:

- Beginning with inspections that take place on or after July 1, 2024, the maximum penalty is:
  - \$16,131 for each violation;
  - \$16,131 for each day an identified violation is not corrected within the period allowed for correction; and
  - \$161,323 for each willful or repeated violation.
- The new minimum civil penalty for a willful violation is \$11,162 for each violation.
- Beginning on January 1, 2025, the Commissioner of Labor will annually increase the maximum and minimum willful civil penalties by the calendar year percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) or a successor index, effective on July 15th of each year. The Commissioner of Labor will maintain the current penalty amounts on the MOSH website.

In addition to mandatory civil penalties, the Act also provides for imposition of criminal penalties. Any willful violation of the Act resulting in death of an employee is punishable, upon conviction, by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both. Conviction for a subsequent offense is punishable by a fine of not more than \$20,000 or by imprisonment for not more than one year, or by both.

### Voluntary Activity:

While providing penalties for violation, the Act also encourages efforts by labor and management to reduce injuries and illnesses arising out of employment. The Commissioner of Labor and Industry encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury, or illness to employees and supervisors. There are many public and private organizations that can provide information and assistance in this effort, if requested.





U.S. Department of Labor



# Job Safety and Health IT'S THE LAW!

## All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

*This poster is available free from OSHA.*

**Contact OSHA. We can help.**

## Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

