

MARYLAND LABOR LAW POSTINGS



PREGNANT AND WORKING

Pregnant & Working

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

Know Your Rights!

If you are pregnant, you have a legal right to a reasonable accommodation if your pregnancy causes or contributes to a disability and the accommodation does not impose an undue hardship on your employer. *State Government Article, §20-609(b)*

Do I Need A Doctor's Note?

It depends on what your employer requests. The law allows an employer, at his or her discretion, to require certification from your health care provider regarding the medical advisability of a reasonable accommodation, but only to the same extent certification is required for other temporary disabilities. *State Government Article, §20-609(f)*

If required, the certification must include:

- Date a reasonable accommodation is medically advisable.
- Probable duration of the accommodation should be provided.
- Explanation as to the medical advisability of the reasonable accommodation.

Can I Still Get In Trouble?

Retaliation is prohibited under *State Government Article, §20-609(h)* when exercising your rights. If an employee seeks to exercise her right to request a reasonable accommodation for a temporary disability due to pregnancy, 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 300 days 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.

Main: (410) 767-8600 | Toll Free: 1 (800) 637-6247 | TTY: (410) 333-1737 | Fax: (410) 333-1841
mccr@maryland.gov | www.mccr.maryland.gov

MINIMUM WAGE



Maryland Minimum Wage and Overtime Law



Minimum Wage Rates

Employers with 15 or more employees:

\$13.25

Effective 1/1/23

\$14.00

Scheduled 1/1/24

Employers with 14 or fewer employees:

\$12.80

Effective 1/1/23

\$13.40

Scheduled 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.

Employers 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 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
- Employees 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: ddiemploymentstandards-dli@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.

PENALTIES ARE PRESCRIBED FOR VIOLATIONS OF THE LAW. Rev. 1/2023

EARNED SICK AND SAFE LEAVE



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
sdlassistance@maryland.gov

HEALTH INSURANCE

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

PH/016 6116

UNEMPLOYMENT INSURANCE

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 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	SOLICITUD DE BENEFICIOS DEL DESEMPEÑO PARA LA POBLACION DE HABLE HISPANA 301-313-8000		INSIDE THE STATE OF MARYLAND (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 o 1-800-877-1264 (U.S.)	
			OUTSIDE THE STATE OF MARYLAND (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.)		

TO FILE A CLAIM VIA THE INTERNET: 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 Euter Street, Room 613, Baltimore, Maryland 21201.

MARYLAND DEPARTMENT OF LABOR - DIVISION OF UNEMPLOYMENT INSURANCE

THIS CARD MUST BE POSTED IN A CONSPICUOUS PLACE

DLR/DUI 328 (Revised 3-20) Maryland Department of Labor - Employment Article, Title 8, Sec. 8-403

EQUAL PAY FOR EQUAL WORK



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) "Employee" 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.

(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 is not based on or derived from a gender-based differential in compensation;

(d) This section does not preclude an employer 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;
- (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 workplace 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 does 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 employer 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 right 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 employer or an agent or from a current or former employer

(2) 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 \$200 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.

(3) If the Commissioner assesses a penalty under subsection (2) of this section, the penalty shall be subject to the notice and hearing requirements of Title 10, Subtitle 2 of the State Government Article.

(4) This paragraph does not apply to a violation of §304.2.

(5) 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.

(6) 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.

(7) 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 \$200 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.

(8) If the Commissioner assesses a penalty under subsection (7) of this section, the penalty shall be subject to the notice and hearing requirements of Title 10, Subtitle 2 of the State Government Article.

(9) This paragraph does not apply to a violation of §304.2.

(10) 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.

(11) 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.

(12) 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 \$200 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.

(13) If the Commissioner assesses a penalty under subsection (12) of this section, the penalty shall be subject to the notice and hearing requirements of Title 10, Subtitle 2 of the State Government Article.

(14) This paragraph does not apply to a violation of §304.2.

(15) 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.

(16) 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.

(17) 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 \$200 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.

(18) If the Commissioner assesses a penalty under subsection (17) of this section, the penalty shall be subject to the notice and hearing requirements of Title 10, Subtitle 2 of the State Government Article.

(19) This paragraph does not apply to a violation of §304.2.

(20) If an employer is found to have violated