

Minimum Wage

Department of Labor, Division of Labor and Industry
Minimum Wage and Overtime Law
(Labor and Employment Article, Title 3, Subtitle 4, Annotated Code of Maryland)

Minimum Wage Rates

Employers with 15 or more employees:

- \$13.25 Effective 1/1/23
- \$15.00 Effective 1/1/24

Employers with 14 or fewer employees:

- \$12.80 Effective 1/1/23
- \$15.00 Effective 1/1/24

Scheduled 1/1/24

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

Minimum Wage

Most employers 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 \$3.83 per hour. This amount plus tips must equal at least the State Minimum Wage Rate. Subject to the adoption of related regulations, restaurant employees 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 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 employers 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.

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 NUMBERS: (410) 767-2357
FAX NUMBER (410) 333-7303
E-MAIL: dil@employmentstandards.dil.maryland.gov

EMPLOYERS ARE REQUIRED 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.

NOTICE: This law has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Discrimination

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
- Physical or Mental Disability
- Sex
- Marital Status
- Age
- Ethnicity
- Ancestry or National Origin
- Religion

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.

Main: (410) 767-8400 Toll Free: (800) 637-6247 TTY: (410) 333-1737 Fax: (410) 333-1841 mccr.maryland.gov www.mccr.maryland.gov

WORKERS' COMPENSATION

LA COMPENSACIÓN DEL TRABAJADOR

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:

- Notify your employer or supervisor at once. You cannot receive full benefits unless your employer knows you are injured.
- Tell the doctor who treats you if you were hurt on the job.
- Complete an Employer'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.

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.

Maryland Workers' Compensation Commission

10 East Baltimore Street, Baltimore, Maryland 21202-1641
(410) 864-5100 / Outside Baltimore (800) 492-0479
Website - <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.

Equal Pay

Department of Labor
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) "Employer" means:

- A person engaged in a business, industry, profession, trade, or other enterprise in the State;
- The State or any of its agencies;
- A county and its units; and
- A municipal corporation in the State.

(c) "Employee" includes a person who acts directly or indirectly in the interest of another employer with an employer.

(d) "Gender identity" has the meaning stated in § 5-301 of the State Government Article.

(e) "Wage" means all compensation for employment.

(f) "Wage" includes board, lodging, or other advantage provided to an employee for the convenience of the employer.

§3-302.

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

§3-303.

In addition to any other law that enforces the Commission may:

- Issue informal methods of conference, conciliation, and persuasion to eliminate pay practices that are unlawful under this subtitle;
- Investigate and enforce the Commission's authority to enforce this subtitle;
- Supervise the payment of a wage owing to an employee.

§3-304.

(a) In this section, "providing less favorable employment opportunities" means:

- Assigning or directing the employee into a less favorable career track, if career tracks are offered, or position;
- Failing to provide information about promotions or advancement in the full range of career tracks offered by the employer; or
- Limiting or denying an employee of employment opportunities that would otherwise be available to the employee but for the employee's sex or gender identity.

(b) An employer may not discriminate between employees in an occupation by:

- 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 in the same type of work;
- Providing less favorable employment opportunities based on sex or gender identity;
- Applying a system that requires performance based on a quality or quantity of production or a time standard that requires performance based on a quality or quantity of production; or
- A bonus factor favoring either sex or gender identity in a job classification, training, or experience in which the factor:
 - is not based on a device from a gender-based differential in compensation;
 - is based on a device from a gender-based differential in compensation;
 - is based on a device from a gender-based differential in compensation;
 - is based on a device from a gender-based differential in compensation;

(c) This section does not preclude an employer from demonstrating that an employer's reliance on an exception listed in subsection (b) of this section is in part for discrimination on the basis of sex or gender identity.

(d) 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:

- Permit an employee from:
- Inquiring about, discussing, or disclosing the wage of the employee or another employee; or
- Responding that the employer provides a reason for why the employee's wage is a condition of employment;
- 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
- Take any adverse employment action against an employee that:
- Inquires about or discusses the employee's wages or another employee's wages;
- Discusses the employee's wages;
- Inquires about another employee's wages if those wages have been disclosed voluntarily;
- Asking the employee to provide a reason for the employee's wages; or
- Adding or encouraging another employee exercise or rights under this section.

(b) 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.

(c) A limitation established under paragraph (1) of this subsection shall be consistent with standards established by the Commission and all other State and Federal laws.

(d) A limitation 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.

(e) Except as provided in subsection (b) of this section, the failure of an employee to adhere to a reasonable limitation included in a written policy established under paragraph (1) of this subsection shall not be a basis for an affirmative defense to a claim made against an employer by the Commission and all other State and Federal laws.

(f) Except as provided in paragraph (2) of this subsection, an employer who violates any provision of subsection (a)(1) or (3) of this section in response to an inquiry or a disclosure of wages or an exercise of a right under this subtitle shall be liable for the amount of damages awarded by a court in a civil penalty equal to 10% of the amount of damages awarded by the Commission or a court.

(g) Each civil penalty assessed under this paragraph shall be paid to the General Fund of the State to offset the cost of enforcement of this subtitle.

(h) If an employer who has access to wage information as part of the essential functions of the employees job discloses the employee's name and wages to an unauthorized person, the employer is liable for the amount of damages awarded by a court in a civil penalty equal to 10% of the amount of damages awarded by the Commission or a court.

(i) The Commission shall be entitled to all the protections afforded under this subtitle.

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

- Require an employer to disclose the employee's wages;
- Deny an employee's right to negotiate the terms and conditions of employment under Federal, State, or local law;
- Limit the rights of an employee provided under any provision of law or collective bargaining agreement;
- Create an obligation on any employer or employee to disclose wages;
- Permit an employer, without the written consent of an employee, to disclose proprietary information, trade secret information, or information that is otherwise subject to a legal privilege or protection by law;
- Permit an employee to disclose wage information to a competitor of the employer.

§3-304.2.

(a) An employer shall provide to an applicant for employment the wage range for the position for which the applicant applies.

(b) An employer may not:

- Retaliate against or refuse to interview, hire, or employ an applicant for employment because the applicant:
 - Did not provide wage history; or
 - Requested the wage range in accordance with this section for the position for which the applicant applies; and
- Except as provided in paragraph (2) of this subsection:
 - Only use 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
 - Seek the wage history for an applicant for employment, in writing, or through an employer or an agent from a current or former employer.

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

- 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
- Request to confirm the wage history voluntarily provided by the applicant for employment to support a wage offer not higher than the initial wage offered by the employer.

(d) If 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.

(e) This section may be construed to provide an applicant for employment during wage history with an employer voluntarily.

§3-305.

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

- Wages of employees;
- Job classifications of employees; and
- Other conditions of employment.

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

(c) 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 report to the employer.

(b) Each employer shall keep periodic compliance records of this section 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 the rules, 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:

- Try to resolve any issue involved in the violation voluntarily by mediation;
- Ask the Attorney General to bring an action under this section in the county where the violation allegedly occurred for injunctive relief and/or other relief;
- The Attorney General may bring an action under this section in the county where the violation allegedly occurred for injunctive relief and/or other relief.

§3-307.

(a) 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 of work and an additional equal amount as liquidated damages.

(b) An employer who knowingly or recklessly fails to know 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.

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

(d) The writter request for an action is conditioned by filing an action under the Commission may:

- Take an assignment of the claim in favor of the employer;
- Ask the Attorney General to bring an action under this section on behalf of the employer; and
- Take any action that is necessary to enforce this subtitle.

(e) An action under this section shall be filed within 3 years after the employee receives from the employer the wages paid to employees of one sex or gender identity under § 3-304 of this subtitle.

(f) The employer may not be liable for less than the wage which the employee is entitled under this subtitle is not a defense to an action under this section.

(g) An action under this section, the court shall allow against the employer responsible for causing the facts and other facts of the action, as well as a judgment in the amount with the Maryland Department of Labor.

§3-308.

(a) An employer may not:

- Willfully violate any provision of this subtitle;
- Induce, delay, or otherwise interfere with the Commissioner or an authorized representative of the Commissioner in a place of employment that the Commissioner is authorized under this subtitle to inspect; or
- Discourage or otherwise discriminate against an employee or applicant for employment because the employee or applicant for employment:
- Makes a complaint to the employer, the Commissioner, or another person;
- 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
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(b) Violates § 3-304.1 of this subtitle.

(c) An employer or an applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(d) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(e) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(f) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(g) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(h) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(i) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(j) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(k) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(l) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

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- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(n) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

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- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(p) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(q) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
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- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

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- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

(t) If an employer's action or applicant for employment may not:

- Make a statement or maliciously interfere with the Commissioner or an authorized representative of the Commissioner;
- Make a complaint to the employer, the Commissioner, or another person;
- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

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- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
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- Proceed to be brought; or
- Has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle;

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- Bring an action under this subtitle or a proceeding that relates to the subject of this subtitle;
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