Maryland Minimum Wage and Overtime Law

Minimum Wage Rates

<table>
<thead>
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<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>$8.75</td>
<td>7/1/16</td>
</tr>
<tr>
<td>$9.25</td>
<td>7/1/17</td>
</tr>
<tr>
<td>$10.10</td>
<td>7/1/18</td>
</tr>
</tbody>
</table>

(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.

Amusement and Recreational Establishments (who meet certain requirements): must pay employees at least 85% of the State Minimum Wage Rate or $7.25, whichever is higher.

Employees under 20 years of age: must earn at least 85% of the State Minimum Wage Rate for the first 6 months of employment.

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

- Bowling establishments, and institutions providing on-premise care (other than hospitals) to the sick, the aged, or individuals with disabilities for all work over 48 hrs. per week
- 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 salesman
- 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

New minimum wage rates take effect. Employers in these counties are required to post the applicable rate information.

For more information or to file a complaint contact:
Department of Labor, Licensing and Regulation
Division of Labor and Industry—Employment Standards Service
1100 North Eutaw Street, Room 607
Baltimore, MD 21201
Telephone Number: (410) 767-2357 • Fax Number: (410) 333-7303
E-mail: dllremploymentstandards-dllr@maryland.gov

Employers are required by law to post this information. Pay records must be kept for 3 years or about the place of work. Penalties are prescribed for violations of the law.

Rev. 8/2016
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, or sibling.

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
1100 North Eutaw Street, Room 607 | Baltimore, MD 21201
ssl.assistance@maryland.gov
MARYLAND OCCUPATIONAL SAFETY and HEALTH ACT

safety and health protection on the job

The Maryland Occupational Safety and Health Act (OSHA) provides for safety and health protection for workers through the promotion of safe and healthy working conditions throughout the State. Requirements of the Act include the following:

Public Employers:
- Each public employer shall ensure that each of his or her employees is employed in 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.

Public Employees:
- Each public 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.

Inspection:
- The Act provides that the Maryland 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.

Citation:
- A public employee who believes that he or she has been discriminated against may file a complaint with the Commissioner within 30 days of the alleged discrimination.

Voluntary Activity:
- The Act encourages efforts by Maryland employers to reduce workplace hazards arising at the workplace. The Act is designed to encourage employers to reduce workplace hazards voluntarily and to develop and improve safety and health programs at all workplaces and industries.

Complaint:
- Public employers or their representatives may file a complaint with the Commissioner requesting an inspection if they believe one or more hazardous conditions exist in their workplace. The Commissioner will withhold names of employees complaining the request.

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: 410-527-2081

www.complianceassistance.us
**WORK PERMIT FOR MINORS**

**PERMISSIBLE HOURS OF EMPLOYMENT FOR ALL MINORS**

May not be employed or permitted to work more than 5 hours continuously without a non-working period of at least 1/2 hour.

**MINORS 14 – 15**

- 4 hours on any day when school is in session.
- 8 hours on any day when school is not in session.
- 23 hours in any week when school is in session for 5 days.
- 40 hours in any week when school is not in session.

May only work between the hours of 7:00 am and 8:00 pm.

May work until 9:00 pm from Memorial Day 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 described above.

**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 8 consecutive hours of non-work, non-school time in each 24-hour period.

**EXEMPTIONS**

Exceptions to hours and occupations may be granted by the Commissioner of Labor and Industry. Applications for exceptions should be addressed to the Commissioner giving explicit details.

**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.

**FEDERAL RESTRICTIONS**

Restrictions under the child labor provisions of the Federal Fair Labor Standards Act may be greater than State Standards. In all cases, the higher or more restrictive standard prevails. Information on Federal Standards is available from the Baltimore office (410) 962-6211 and the Hyattsville office (301) 436-6767 of the U.S. Department of Labor, Wage and Hour Division.
3-301. Definitions.
(a) In general. - In this subtitle the following words have the meanings indicated.
(b) Employer. –
   (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. (“Gender identity”
    means the gender–related identity, appearance, expression, or behavior of a person, regardless of the person's
    assigned sex at birth, which may be demonstrated by consistent and uniform assertion of the person’s gender
    identity, or any other evidence that the gender identity is sincerely held as part of the person’s core identity.)
(d) Wage. –
   (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. Scope of subtitle.
This subtitle applies to an employer of both men and women in a lawful enterprise.

3-303. Miscellaneous powers of Commissioner.
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. Equal pay for equal work.
(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) In general. - 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) Effect of requirement. – 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 or production; or
    (7) a bona fide factor other than sex or gender identity, including education, training, or experience in
        which the factor:
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
Department of Labor, Licensing and Regulation

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

TO BE POSTED
Pregnant & Working

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)

What Does That Mean?

If you have a disability that is contributed to or caused by pregnancy, you may request a reasonable accommodation at work. Your employer must explore “all possible means of providing the reasonable accommodation.” State Government Article, §20-609(d)

The law lists an assortment of options for both you and your employer to consider in order to comply with a request for reasonable accommodation. These include, but are not limited to:

- Changing job duties
- Changing work hours
- Relocation
- Providing mechanical or electrical aids
- Transfers to less strenuous or less hazardous positions
- Providing leave

Every situation is different. You must explore every available option with your employer to decide what accommodation best suits your needs.

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 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.

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
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 website 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 Department of Labor, Licensing and Regulation Claim Center listed below.
4. You are able to work, available for work, and actively seeking work.

NOTE: To insure 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 dependent’s birth certificate or other forms of proof of dependency.

IF YOU ARE TOTALLY OR PARTIALLY UNEMPLOYED CALL:

<table>
<thead>
<tr>
<th>Phone Number</th>
<th>To File A Claim</th>
<th>Area Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>410-368-5300</td>
<td>(toll free)</td>
<td>Baltimore City</td>
</tr>
<tr>
<td>1-877-293-4125</td>
<td>(toll free)</td>
<td>Anne Arundel</td>
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<tr>
<td>301-313-8000</td>
<td>(toll free)</td>
<td>Howard</td>
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<tr>
<td>1-877-293-4125</td>
<td>(toll free)</td>
<td>Calvert</td>
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<tr>
<td>301-313-8000</td>
<td>(toll free)</td>
<td>Charles</td>
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<td>1-877-293-4125</td>
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<td>Montgomery</td>
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<tr>
<td>301-313-8000</td>
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<td>Prince George’s</td>
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<tr>
<td>301-313-8000</td>
<td>(toll free)</td>
<td>St. Mary’s</td>
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SOLICITUD DE BENEFICIOS DEL DESEMPLEO PARA LA POBLACION DE HABLE HISPANA 301-313-8000
Para Releves en Maryland presione 711

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<td>301-723-2000</td>
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<td>1-877-293-4125</td>
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<td>Frederick</td>
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<td>410-853-1600</td>
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<td>Garrett</td>
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<tr>
<td>1-877-293-4125</td>
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TTY FROM BALTIMORE AREA AND OUT-OF-STATE 410-767-2727
For Maryland Relay Dial 711

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<td>410-334-8800</td>
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<td>1-877-293-4125</td>
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<td>Dorchester</td>
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<tr>
<td>301-313-8000</td>
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<td>(toll free)</td>
<td>Queen Anne</td>
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<td>410-853-1600</td>
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<td>1-877-293-4125</td>
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<td>1-877-293-4125</td>
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<td>Worcester</td>
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TTY TOLL FREE OUTSIDE BALTIMORE (but within Maryland) 1-800-827-4400
For Maryland Relay Dial 711

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 Eutaw Street, Room 613, Baltimore, Maryland 21201.

MARYLAND DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF UNEMPLOYMENT INSURANCE

THIS CARD MUST BE POSTED IN A CONSPICUOUS PLACE

www.complianceassistance.us