

● MARYLAND WAGE AND HOUR LAW

STATUTORY CITATION: Md. Code, Lab. & Empl. §§ 3-401 – 3-431

RELATED REGULATIONS: Md. Code Regs. 09.12.41

GENERAL SUMMARY: Among other provisions, the Wage and Hour Law establishes a state minimum wage of \$8.75 an hour beginning July 1, 2016. The minimum wage is scheduled to rise to \$9.25 on July 1, 2017, and \$10.10 on July 1, 2018.

With some exceptions, the requirement to pay the minimum wage applies to most employers in Maryland. The right to receive the minimum wage applies to most employees, but it does not apply, among other exceptions, to any child under the age of 16 who is employed no more than 20 hours in a week.

PROVISIONS APPLICABLE TO AGRICULTURE

MINIMUM WAGE — Farm operators and other agricultural establishments that used more than 500 worker-days of agricultural labor in each calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination) are generally required to pay their agricultural workers no less than the state minimum wage for every hour of employment.

EXCEPTIONS — Subject employers, as described above, are not obligated to pay the minimum wage to workers in either of the following exempt classifications:

(1) Individuals who (a) are employed as hand-harvest workers and paid on a piece-rate basis in an operation generally recognized as a piecework operation in the region, (b) commute to the farm daily from their permanent residence, and (c) were employed in agriculture for less than 13 weeks in the preceding calendar year.

(2) Workers 16 years of age or younger who are (a) employed as hand-harvest piece-rate workers in a recognized piecework operation, (b) employed on the same farm as their parent or a person standing in the place of their parent, and (c) paid at the same piece rate paid to workers over age 16 on the same farm.

RECORDKEEPING AND POSTING — Every farm employer subject to any provision of the Wage and Hour Law must make, and retain for a period of at least 3 years, a record of the name, address and occupation of each employee, the worker's rate of pay, the amount paid each pay period, and the hours worked each day and each workweek. The employer is also required to post a summary of the law and its associated regulations in a conspicuous and accessible location in or about the workplace.

SPECIAL NOTES OR ADVISORIES

RETALIATION — An employer may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by the Wage and Hour Law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Employment Standards Service Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Baltimore, Maryland 21201 (410-767-2357)*. The law requires the Division of Labor and Industry to vigorously enforce the policies embodied in it and grants agents of the Division the authority to enter any workplace in the state, examine and copy payroll records, and question employees. Any worker who has not received full wages in accordance with the law may file a wage claim with the Division, which is authorized to take assignment of the claim and bring court action to collect the claim on the worker's behalf. Employers who pay less than the required minimum wage may be fined up to \$1,000 for each violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — Workers have the option of bringing private suit against an employer for recovery of unpaid wages under the Wage and Hour Law, as an alternative to enforcement by the Division of Labor and Industry. A judgment in the plaintiff's favor may, in addition to the wages involved, include court costs and attorney's fees.