

☉ **MARYLAND WAGE AND HOUR LAW (*HOURS AND OVERTIME*)**

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

RELATED REGULATIONS: Md. Code Regs. 09.12.41

GENERAL SUMMARY: The Wage and Hour Law generally requires, among other things, that subject employers pay their non-exempt employees a wage of 1½ times their usual hourly wage rate for any hours worked in excess of 40 during any workweek. With some exceptions, the overtime requirement applies to most employers in Maryland, and the right to overtime pay applies to most employees other than children under the age of 16 who are employed no more than 20 hours in a week.

PROVISIONS APPLICABLE TO AGRICULTURE

PREMIUM OVERTIME — A farm employer who used more than 500 worker-days of agricultural labor in each calendar quarter of the preceding calendar year must pay each covered worker overtime wages equal to 1½ times the worker's usual hourly wage rate, but only for any time worked in excess of 60 hours during any workweek.

EXCEPTIONS — Subject employers, as described above, are not obligated to pay overtime 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.

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)*. Any non-exempt farmworker who is employed by an employer subject to the Wage and Hour Law and who does not receive overtime pay as required may file a wage claim with the Division. The agency must investigate the claim, and if the charge appears valid, may take action to collect the unpaid wages on the worker's behalf. In addition to civil liability, employers who violate the law's overtime provisions are subject to criminal prosecution and fines.

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.