Article - Labor and Employment

§3–907.

(a) If, after investigation, the Commissioner determines that an employer failed to properly classify an individual as an employee in violation of § 3–903 of this subtitle, or knowingly failed to properly classify as an employee an employee in violation of § 3–904 of this subtitle, and issues a citation, the Commissioner shall notify the Comptroller, the Office of Unemployment Insurance, the Insurance Administration, and the Workers' Compensation Commission to enable these agencies to assure an employer's compliance with their laws, utilizing their own definitions, standards, and procedures.

(b) (1) An employer found in violation of § 3–903 of this subtitle by a final order of a court or an administrative unit shall be required, within 45 days after the final order:

(i) to pay restitution to any individual not properly classified; and

(ii) to otherwise come into compliance with all applicable labor laws, including those related to income tax withholding, unemployment insurance, wage laws, and workers' compensation.

(2) The requirement for compliance with applicable labor laws under paragraph (1)(ii) of this subsection may include requiring the employer to enter into an agreement, within 45 days after the final order, with a governmental unit for payment of any amounts owed by the employer to the unit.

(3) The requirement for compliance with applicable labor laws under paragraph (1)(ii) of this subsection:

(i) may not require payments for more than a 12–month period; and

(ii) may not require payments due for a period before the 12–month period before the citation was issued.

(c) An employer found in violation of § 3–904 of this subtitle by a final order of a court or an administrative unit shall be required, within 45 days after the final order:

(1) to pay restitution to any individual not properly classified; and

(2) to otherwise come into compliance with all applicable labor laws, including those related to income tax withholding, unemployment insurance, wage laws, and workers' compensation.