

SB0230/223624/1

BY: Senator Norman

AMENDMENTS TO SENATE BILL 230, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, strike beginning with “specifying” in line 6 down through “period;” in line 9; in line 9, after “employee” insert “, under certain circumstances,”; in line 10, after “court” insert “to recover certain damages”; in line 11, strike “within a certain time period”; strike beginning with “damages” in line 11 down through “relief” in line 12 and substitute “fees and costs”; in line 12, after “circumstances;” insert “prohibiting an employee who is a supervisor from being held personally liable for a violation of certain provisions of this Act; prohibiting an employer from hindering, delaying, or otherwise interfering with the Commissioner or an authorized representative of the Commissioner in the enforcement of certain provisions of this Act;”; and in line 15, strike “authorizing” and substitute “requiring”.

On page 1 of the Finance Committee Amendments (SB0230/717870/2), in line 23 of Amendment No. 1, strike “authorizing” and substitute “requiring”.

AMENDMENT NO. 2

On page 13 of the bill, in line 16, strike “**FAILS TO KEEP ACCURATE RECORDS OR**”; and after line 19, insert:

“(A) (1) IF AN EMPLOYEE BELIEVES THAT AN EMPLOYER HAS VIOLATED THIS SUBTITLE, THE EMPLOYEE MAY FILE A WRITTEN COMPLAINT WITH THE COMMISSIONER.

(2) IF THE COMMISSIONER RECEIVES A COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER:

(Over)

(I) 1. SHALL ATTEMPT TO RESOLVE THE ISSUE INFORMALLY BY MEDIATION; AND

2. SHALL DETERMINE WHETHER THE EMPLOYER HAS VIOLATED THIS SUBTITLE; AND

(II) UNLESS AN AFFECTED EMPLOYEE BRINGS AN ACTION UNDER SUBSECTION (B)(1) OF THIS SECTION, MAY BRING A CIVIL ACTION IN THE APPROPRIATE COURT FOR INJUNCTIVE RELIEF AND DAMAGES.

(B) (1) IF THE COMMISSIONER FINDS THAT AN EMPLOYER HAS VIOLATED THIS SUBTITLE, AN AFFECTED EMPLOYEE MAY BRING A CIVIL ACTION IN THE APPROPRIATE COURT OF LAW AGAINST THE EMPLOYER TO RECOVER:

(I) DAMAGES EQUAL TO THE AMOUNT OF ANY UNPAID EARNED SICK AND SAFE LEAVE DUE TO THE EMPLOYEE; AND

(II) ANY ACTUAL ECONOMIC DAMAGES.

(2) IF A COURT DETERMINES THAT AN EMPLOYEE IS ENTITLED TO JUDGMENT IN AN ACTION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL AWARD REASONABLE ATTORNEY'S FEES AND OTHER COSTS.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN EMPLOYEE WHO IS A SUPERVISOR MAY NOT BE HELD PERSONALLY LIABLE FOR A VIOLATION OF THIS SUBTITLE.

(D) AN EMPLOYER MAY NOT HINDER, DELAY, OR OTHERWISE INTERFERE WITH THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER IN THE ENFORCEMENT OF THIS SUBTITLE.

On pages 13 through 15 of the bill, strike in their entirety the lines beginning with line 20 on page 13 through line 6 on page 15, inclusive.

On page 10 of the Finance Committee Amendments, in line 1 of Amendment No. 6, strike "MAY" and substitute "SHALL".