

# HOUSE BILL 790

K3

9lr1941

---

By: Delegates Queen, Charkoudian, Dumais, Fennell, Glenn, Hettleman, Kelly, Korman, Krimm, Lopez, Luedtke, Moon, Palakovich Carr, Patterson, Pena-Melnyk, Proctor, Qi, Shetty, Stewart, Valderrama, C. Watson, Wilkins, and K. Young

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2019

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Equal Pay for Equal Work – Enforcement – Civil Penalties**  
3 **(Equal Pay Remedies and Enforcement Act)**

4 FOR the purpose of ~~requiring~~ authorizing, under certain circumstances, the Commissioner  
5 of Labor and Industry or a court to require a certain employer to pay a certain civil  
6 penalty for ~~a violation of~~ violating the Equal Pay for Equal Work Law; ~~authorizing~~  
7 ~~the Commissioner or a court to order certain additional civil penalties or certain~~  
8 ~~relief under certain circumstances;~~ requiring that a certain penalty be paid to the  
9 General Fund for a certain purpose; and generally relating to enforcement of the  
10 Equal Pay for Equal Work Law.

11 BY repealing and reenacting, with amendments,  
12 Article – Labor and Employment  
13 Section 3–308  
14 Annotated Code of Maryland  
15 (2016 Replacement Volume and 2018 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Labor and Employment**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 3-308.

2 (a) An employer may not:

3 (1) willfully violate any provision of this subtitle;

4 (2) hinder, delay, or otherwise interfere with the Commissioner or an  
5 authorized representative of the Commissioner in the enforcement of this subtitle;

6 (3) refuse entry to the Commissioner or an authorized representative of the  
7 Commissioner into a place of employment that the Commissioner is authorized under this  
8 subtitle to inspect; or

9 (4) discharge or otherwise discriminate against an employee because the  
10 employee:

11 (i) makes a complaint to the employer, the Commissioner, or  
12 another person;

13 (ii) brings an action under this subtitle or a proceeding that relates  
14 to the subject of this subtitle or causes the action or proceeding to be brought; or

15 (iii) has testified or will testify in an action under this subtitle or a  
16 proceeding that relates to the subject of this subtitle.

17 (b) An employee may not:

18 (1) make a groundless or malicious complaint to the Commissioner or an  
19 authorized representative of the Commissioner;

20 (2) in bad faith, bring an action under this subtitle;

21 (3) in bad faith, bring a proceeding that relates to the subject of this  
22 subtitle; or

23 (4) in bad faith, testify in an action under this subtitle or a proceeding that  
24 relates to the subject of this subtitle.

25 (c) The Commissioner may bring an action for injunctive relief and damages  
26 against a person who violates subsection (a)(1) or (4) or subsection (b)(1), (3), or (4) of this  
27 section.

28 (d) **(1)** An employer who violates any provision of subsection (a)(2) or (3) of this  
29 section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$300.

30 **(2) (I) IF AN EMPLOYER IS FOUND TO HAVE VIOLATED THIS**  
31 **SUBTITLE TWO OR MORE TIMES WITHIN A 3-YEAR PERIOD, THE COMMISSIONER OR**

1 A COURT ~~SHALL~~ MAY REQUIRE THE EMPLOYER TO PAY A CIVIL PENALTY EQUAL TO  
2 10% OF THE AMOUNT OF DAMAGES OWED BY THE EMPLOYER.

3 (II) ~~THE COMMISSIONER OR A COURT MAY ORDER ADDITIONAL~~  
4 ~~CIVIL PENALTIES AND ANY OTHER APPROPRIATE RELIEF FOR VIOLATIONS OF THIS~~  
5 ~~SUBTITLE.~~

6 (H) EACH CIVIL PENALTY ASSESSED UNDER THIS PARAGRAPH  
7 SHALL BE PAID TO THE GENERAL FUND OF THE STATE TO OFFSET THE COST OF  
8 ENFORCING THIS SUBTITLE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2019.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.