

Retaliation – Employee asks about wages and gets fired, receives a cut in hours, is reassigned, or threatened, etc.

Existing Law & Loopholes

Wage & Hour Law – Prohibits some forms of retaliation (demotion, discharge), BUT

- The only penalty is the possibility of a misdemeanor prosecution with a fine of up to \$1,000 on conviction
- Prosecution does not get workers their jobs back or otherwise remedy the retaliation or wage theft
- States’ attorneys rarely, if ever, prosecute

Wage Payment & Collection Law: No protection from retaliation.

FLSA - Prohibits some forms of retaliation against workers pursuing federal wage claims, and permits civil enforcement, BUT

- Only applies to violations of the federal minimum wage (\$7.25/hr for non-tipped) and overtime
- Generally covers only larger, multi-state businesses

MWPA Fix

- Allows employee to get their job back if terminated
- Employee can recover wages owed
- Covers retaliation against employees claiming denials of the federal or state minimum wage, overtime, and other promised wages
- Covers all businesses
- Allows employee to file suit against employer who retaliates against the employee for inquiring or complaining about wage theft, or supporting others who complain
- Employee can recover damages for actual harm suffered – e.g. loss of employment, reduced wages
- Creates civil penalties for repeat

Misleading or Confusing Paystubs – Paystubs do not show hours worked, pay rate, or employer contact information, so employees do not know if they have been paid correctly and cannot resolve errors

Existing Law & Loopholes

Wage Payment & Collection Law- Employer must provide paystub for each pay period, BUT it need only include gross earnings and total deductions. In addition, at time of hire, employer must provide notice of employee’s pay rate, paydays, and leave benefits.

Wage & Hour Law – Employer must keep records of each employee’s pay rate, hours worked per day and week, and amount paid per pay period, BUT are not required to put the same information on paystubs.

FLSA – Employer must keep records of each employee’s pay rate, hours worked per day and week, straight-time and overtime earnings, and itemized deductions, BUT are not required to put the same information on paystubs.

-No penalties under any applicable law for failure to provide a paystub, even when that failure facilitates wage theft

MWPA Fix

-Requires that paystub include all information that employers must maintain in their records under the Wage & Hour Law and/or the FLSA

-Requires adequate employer identification on paystub

-Allows employees to seek additional damages, capped at \$2,500 total, for paystub violations where they have also experienced wage theft

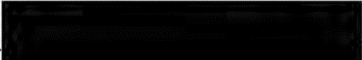
	<u>Existing Law & Loopholes</u>	<u>MWPA Fix</u>
<p><u>Mis-classification</u> – Employees are wrongly classified as independent contractors even though not in business for themselves, and thereby denied minimum wage, overtime, employer share of payroll taxes etc.</p>	<p><u>Wage & Hour Law, Wage Payment Law</u>– Does not define “independent contractor,” leading to confusion over who is exempt from the wage laws and resulting in exclusion of protected employees, and damage to the state coffers.</p> <p><u>Unemployment Insurance Law</u> – Defines an independent contractor as an individual who is (a) free from control and direction over work performance; (b) customarily engaged in an independently established business doing the type of work at issue; and (c) performing work outside the usual course of business for the person/entity for whom the work is performed.</p> <p>Example: Retailer contracts with a plumber to fix its sink; plumber also provides services to other businesses, setting own rates and hours.</p> <p><u>Workplace Fraud Act</u> – Incorporates “independent contractor” from UI law and prohibits independent contractor misclassification,</p>	<p>-Uses the same definition of “independent contractor” in Maryland’s wage laws as in Maryland’s UI law to clarify who is legitimately exempt.</p>

Paystub Transparency



32588

REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
	CONTRACT LABOR & 1099's				1,360.00

CHECK DATE	CHECK NO.	PAYEE	DISCOUNTS TAKEN	CHECK AMOUNT
12/3/09	32588			\$1,360.00

FROZ/BLOCK ACC

THIS DOCUMENT HAS A VOID FANTOGRAPH MICROPATTERN, A COIN REACTIVE ARTIFICIAL WATERMARK AND A REFLECTIVE SECURITY STRIP



1013 BEARDS HILL RD
ABERDEEN, MD 21001

CHECK DATE	CHECK NUMBER
11/6/2015	10212

PAY THIS AMOUNT
*****\$565.99

PAY: Five Hundred Sixty Five and 99/100 Cents *****

TO THE ORDER OF: [REDACTED]

PNC BANK N.A.
PITTSBURGH, PA 15219

[REDACTED SIGNATURE]

Authorized Signature

[REDACTED MICROPATTERN]