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February 1, 2024

TO: The Honorable Pamela Beidle
Chair, Finance Committee

FROM: Tiffany Johnson Clark
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 233 – Employment Standards, Prevailing Wage, and Living Wage- Employer Adverse Actions – Prohibition – **Letter of Information**

The Office of the Attorney submits this letter of information to the Finance Committee on Senate Bill 233 – Employment Standards, Prevailing Wage, and Living Wage – Employer Adverse Actions – Prohibition. Senate Bill 233 prohibits employers from taking or threatening to take adverse action against employees who take specified actions relating to Equal Pay for Equal Work, Maryland Wage and Hour, Workplace Fraud, Prevailing Wage, and Living Wage laws and creates a uniform enforcement process. The bill creates new anti-retaliation provisions for the Living Wage law and standardizes and/or strengthens existing anti-retaliation provisions and enforcement within the other laws.

When the Commissioner of Labor and Industry has determined that the State's Equal Pay for Equal Work law has been violated, Senate Bill 233 requires the Commissioner to (1) try to resolve any issue informally by mediation or (2) ask the Attorney General to bring an action on behalf of the applicant or employee.

In our initial read of the bill, the OAG believed we could absorb the requirements of the bill with existing resources. However, upon closer examination, we believe that the OAG will be required to create an employment law unit within the Civil Division of the OAG to fully comply with the bill. Since the OAG does not currently have a division or unit that specializes in employment law, the OAG would require an Assistant Attorney General, a paralegal, and an investigator all with experience and knowledge in employment law.