



February 1, 2024

The Honorable , Pam Beidle, Chair
The Honorable Kathy Klausmeier, Vice Chair
Senate Finance Committee
3 East - Miller Senate Office Building
Annapolis, Maryland 21401

SB 233: Employment Standards - Prevailing Wage and Living Wage - Employer Adverse Actions - Prohibition Position - Support With Amendments

Thank you Chair Beidle and Vice Chair Klausmeier and members of the Senate Finance Committee for the opportunity to submit written testimony in support of SB 233, with some amendments.

My name is Victoria Leonard, Political and Legislative Director for the Baltimore-Washington area of the Philadelphia/Baltimore/Washington Laborers' District Council (PBWLDC), an affiliate of the Laborers' International Union of North America (LiUNA). The PBWLDC represents more than 13,000 members. Our members are proudly employed on many infrastructure construction projects across the region. Nationwide, LiUNA represents more than 500,000 members.

LiUNA supports SB 233 with amendments to 1) ensure that the bill's anti-retaliation protections cover complaints under Maryland's Wage Payment and Collection (MWPC) Law, and 2) strengthen enforcement by allowing worker victims of wage-related retaliation to seek get the immediate relief they need in court without having to wait for the end of a 120-day administrative process.

As introduced, SB 233 does not cover protected activity under MWPC. The bill needs to be amended to ensure that workers are protected after making complaints concerning 1) an employer's failure to pay workers on time under Lab. & Empl. § 3-502 (e.g., an employer firing a worker for complaining about routinely getting paid several weeks late), 2) an employer's unlawful deductions under § 3-503 (e.g., an employer firing a worker for complaining about having hundreds of dollars deducted from their pay for a uniform without the required written consent of the employee), and 3) an employer's failure to pay promised wages under §§ 3-502 and 3-505 (e.g., an employer firing a worker for complaining about having received \$15/hour for weeks of work despite having been promised \$25/hour, because the failure to pay promised wages did not give rise to a minimum wage violation under the MWHL).

While SB 233 creates an administrative remedy for wage-related retaliation, it should be strengthened to also allow workers to go to court right-away to get the urgent relief they need, as they can under the Fair Labor Standards Act and under state laws in many other states. A private right of action would alleviate the burden on MDOL, allowing it to focus its staff time on assisting workers unable to find an attorney.

We urge the Committee to issue a favorable report for SB 233, with amendments.