HOUSE BILL 1246

 $m K3 \\ HB \ 1288/09 - ECM \\ CF \ SB \ 418$

By: Delegates Ramirez, Barnes, Heller, Hucker, Ivey, Manno, Montgomery, Taylor, and Vaughn

Introduced and read first time: February 18, 2010

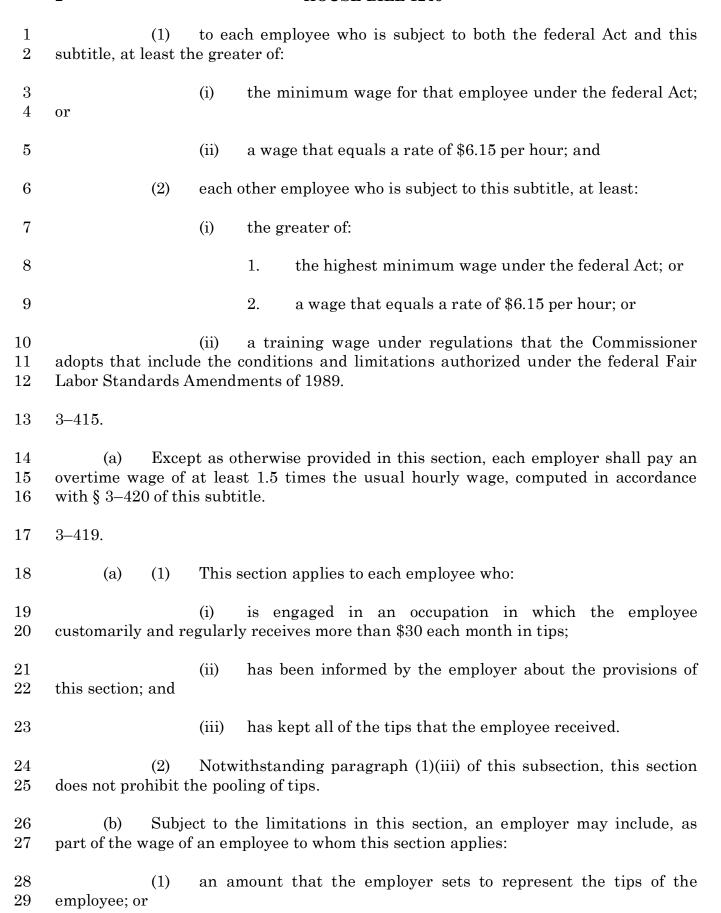
Assigned to: Economic Matters

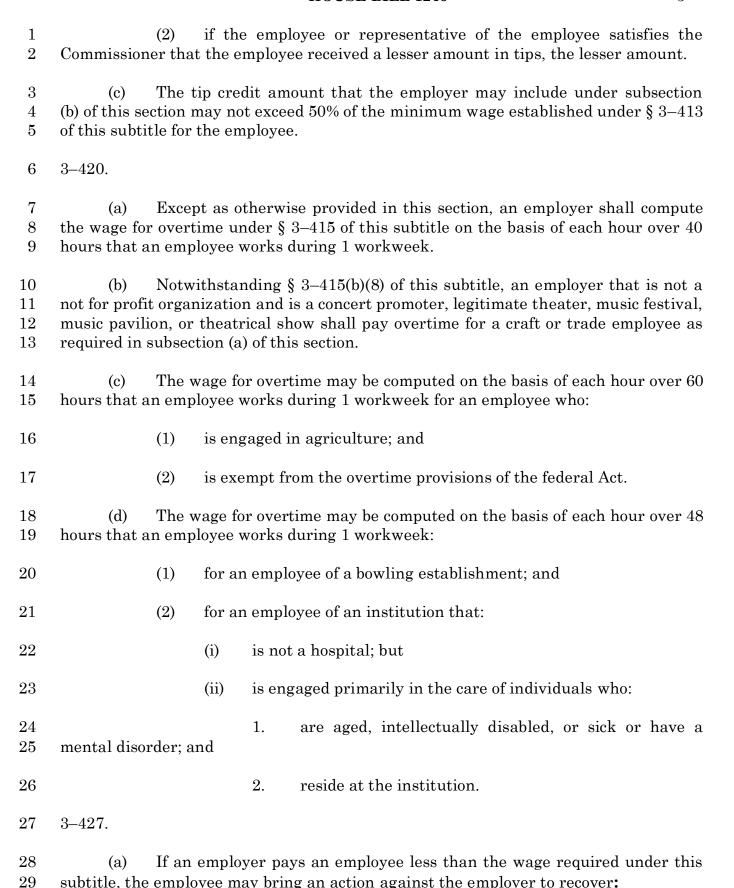
A BILL ENTITLED

1	AN ACT concerning
2	Labor and Employment – Maryland Wage and Hour Law – Damages
3	FOR the purpose of allowing an employee to recover liquidated damages under certain
4	circumstances; requiring, instead of authorizing, a court to allow certain costs
5 6	against an employer for a certain recovery in a certain action; and generally relating to violations of the wage and hour laws.
7	BY repealing and reenacting, without amendments,
8	Article – Labor and Employment
9	Section 3–413, 3–415(a), 3–419, and 3–420
10 11	Annotated Code of Maryland (2008 Replacement Volume and 2009 Supplement)
10	
12	BY repealing and reenacting, with amendments,
13 14	Article – Labor and Employment Section 3–427
14 15	Annotated Code of Maryland
16	(2008 Replacement Volume and 2009 Supplement)
17	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18	MARYLAND, That the Laws of Maryland read as follows:
19	Article – Labor and Employment
20	3–413.
21	(a) In this section, "employer" includes a governmental unit.
22	(b) Except as provided in § 3–414 of this subtitle, each employer shall pay:

[Brackets] indicate matter deleted from existing law.







$\frac{1}{2}$	(1) the difference between the wage paid to the employee and the wage required under this subtitle;
3 4 5	(2) AN ADDITIONAL AMOUNT EQUAL TO TWO TIMES THE DIFFERENCE BETWEEN THE WAGE PAID TO THE EMPLOYEE AND THE WAGE REQUIRED UNDER THIS SUBTITLE AS LIQUIDATED DAMAGES; AND
6 7	(3) THE COUNSEL FEES AND COSTS SPECIFIED IN SUBSECTION (D) OF THIS SECTION.
8 9	(b) On the written request of an employee who is entitled to bring an action under this section, the Commissioner may:
10	(1) take an assignment of the claim in trust for the employee;
11 12	(2) ask the Attorney General to bring an action in accordance with this section on behalf of the employee; and
13	(3) consolidate 2 or more claims against an employer.
14 15 16	(c) The agreement of an employee to work for less than the wage to which the employee is entitled under this subtitle is not a defense to an action under this section.
17 18	(d) If a court determines that an employee is entitled to recovery in an action under this section, the court [may] SHALL allow against the employer:
19	(1) reasonable counsel fees and other costs;
20 21	(2) THE DIFFERENCE BETWEEN THE WAGE REQUIRED UNDER THIS SUBTITLE AND THE WAGE PAID TO THE EMPLOYEE; AND
22 23 24	(3) AN ADDITIONAL AMOUNT EQUAL TO TWO TIMES THE DIFFERENCE BETWEEN THE WAGE PAID TO THE EMPLOYEE AND THE WAGE REQUIRED UNDER THIS SUBTITLE AS LIQUIDATED DAMAGES.
25 26	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010 .