

# HOUSE BILL 1314

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By: **Delegate Hucker**

Introduced and read first time: February 7, 2014

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2014

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

1 AN ACT concerning

2 **Maryland Wage Payment and Collection Law – Awards of Certain Fees and**  
3 **Costs and Prohibition Against Retaliation**

4 FOR the purpose of ~~requiring~~ authorizing the court, on a certain finding in an action  
5 on behalf of an employee for a violation of the Maryland Wage Payment and  
6 Collection Law, to award the Attorney General reasonable counsel fees and  
7 other costs; ~~requiring~~ authorizing the court, on a certain finding in an action by  
8 an employee for a violation of the Maryland Wage Payment and Collection Law,  
9 to award the employee reasonable counsel fees and other costs; prohibiting an  
10 employer from taking certain adverse actions against an employee under  
11 certain circumstances; establishing that a certain penalty applies to a violation  
12 of this Act; defining a certain term; clarifying certain language; and generally  
13 concerning the Maryland Wage Payment and Collection Law.

14 BY repealing and reenacting, with amendments,  
15 Article – Labor and Employment  
16 Section 3–507 and 3–507.2  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2013 Supplement)

19 BY adding to  
20 Article – Labor and Employment  
21 Section 3–507.3  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume and 2013 Supplement)

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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 BY repealing and reenacting, without amendments,  
 2 Article – Labor and Employment  
 3 Section 3–508(a) and (c)(1)  
 4 Annotated Code of Maryland  
 5 (2008 Replacement Volume and 2013 Supplement)

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

8 **Article – Labor and Employment**

9 3–507.

10 (a) Whenever the Commissioner determines that this subtitle has been  
 11 violated, the Commissioner:

12 (1) may try to resolve any issue involved in the violation informally by  
 13 mediation;

14 (2) with the written consent of the employee, may ask the Attorney  
 15 General to bring an action in accordance with this section on behalf of the employee;  
 16 and

17 (3) may bring an action on behalf of an employee in the county where  
 18 the violation allegedly occurred.

19 (b) (1) If, in an action under subsection (a) of this section, a court finds  
 20 that an employer withheld the wage of an employee in violation of this subtitle [and  
 21 not]:

22 **(I) THE COURT ~~SHALL~~ MAY AWARD THE ATTORNEY**  
 23 **GENERAL REASONABLE COUNSEL FEES AND OTHER COSTS; AND**

24 **(II) UNLESS THE WAGE WAS WITHHELD** as a result of a bona  
 25 fide dispute, the court may award the employee an amount not exceeding 3 times the  
 26 wage[, and reasonable counsel fees and other costs].

27 (2) If wages of an employee are recovered under this section, they  
 28 shall be paid to the employee without cost to the employee.

29 3–507.2.

30 (a) Notwithstanding any remedy available under § 3–507 of this subtitle, if  
 31 an employer fails to pay an employee in accordance with § 3–502 or § 3–505 of this  
 32 subtitle, after 2 weeks have elapsed from the date on which the employer is required

1 to have paid the wages, the employee may bring an action against the employer to  
2 recover the unpaid wages.

3 (b) If, in an action under subsection (a) of this section, a court finds that an  
4 employer withheld the wage of an employee in violation of this subtitle [and not]:

5 ~~(1)~~ **(1) THE COURT ~~SHALL~~ MAY AWARD THE EMPLOYEE**  
6 **REASONABLE COUNSEL FEES AND OTHER COSTS; AND**

7 ~~(2)~~ **(2) UNLESS THE WAGE WAS WITHHELD** as a result of a  
8 bona fide dispute, the court may award the employee an amount not exceeding 3 times  
9 the wage[, and reasonable counsel fees and other costs].

10 **3-507.3.**

11 **(A) IN THIS SECTION, “ADVERSE ACTION” INCLUDES:**

12 **(1) DISCHARGE;**

13 **(2) DEMOTION;**

14 **(3) DISCIPLINE;**

15 **(4) ANY OTHER ACTION THAT WOULD REASONABLY DETER AN**  
16 **EMPLOYEE FROM ENGAGING IN PROTECTED ACTIVITY UNDER THIS SUBTITLE;**  
17 **OR**

18 **(5) THREATENING AN EMPLOYEE WITH ACTION LISTED UNDER**  
19 **ITEMS (1) THROUGH (4) OF THIS SUBSECTION.**

20 **(B) AN EMPLOYER MAY NOT TAKE ADVERSE ACTION AGAINST AN**  
21 **EMPLOYEE BECAUSE THE EMPLOYEE:**

22 **(1) MAKES A COMPLAINT THAT THE EMPLOYEE HAS NOT BEEN**  
23 **PAID IN ACCORDANCE WITH THIS SUBTITLE;**

24 **(2) BRINGS AN ACTION UNDER THIS SUBTITLE OR A PROCEEDING**  
25 **THAT RELATES TO THE SUBJECT OF THIS SUBTITLE;**

26 **(3) HAS OPPOSED A PRACTICE PROHIBITED UNDER THIS**  
27 **SUBTITLE; OR**

28 **(4) COOPERATED IN AN INVESTIGATION OR TESTIFIED,**  
29 **PARTICIPATED, OR ASSISTED IN THE FURTHERANCE OF:**

1 (I) ANY ACTION UNDER THIS SUBTITLE; OR

2 (II) ANY PROCEEDING RELATED TO THE SUBJECT OF THIS  
3 SUBTITLE.

4 3-508.

5 (a) An employer may not willfully violate this subtitle.

6 (c) (1) An employer who violates subsection (a) of this section is guilty of a  
7 misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.