

# SENATE BILL 726

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HB 872/16 – ECM

7lr0319

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By: **Senators Smith, Benson, Brochin, Currie, Guzzone, Kelley, Lee, Manno, Muse, Nathan–Pulliam, Pinsky, Ramirez, Robinson, Young, and Zucker**  
Introduced and read first time: February 3, 2017  
Assigned to: Finance

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## A BILL ENTITLED

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

13 BY repealing and reenacting, with amendments,  
14 Article – Labor and Employment  
15 Section 3–507 and 3–507.2  
16 Annotated Code of Maryland  
17 (2016 Replacement Volume)

18 BY adding to  
19 Article – Labor and Employment  
20 Section 3–507.3  
21 Annotated Code of Maryland  
22 (2016 Replacement Volume)

23 BY repealing and reenacting, without amendments,  
24 Article – Labor and Employment  
25 Section 3–508(a) and (c)(1)  
26 Annotated Code of Maryland  
27 (2016 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



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

3 **Article – Labor and Employment**

4 3–507.

5 (a) Whenever the Commissioner determines that this subtitle has been violated,  
6 the Commissioner:

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

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

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

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

15 **(I) THE COURT MAY AWARD THE ATTORNEY GENERAL**  
16 **REASONABLE COUNSEL FEES AND OTHER COSTS; AND**

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

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

22 3–507.2.

23 (a) Notwithstanding any remedy available under § 3–507 of this subtitle, if an  
24 employer fails to pay an employee in accordance with § 3–502 or § 3–505 of this subtitle,  
25 after 2 weeks have elapsed from the date on which the employer is required to have paid  
26 the wages, the employee may bring an action against the employer to recover the unpaid  
27 wages.

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

30 **(1) THE COURT MAY AWARD THE EMPLOYEE REASONABLE COUNSEL**  
31 **FEES AND OTHER COSTS; AND**

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

4 **3-507.3.**

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

6           **(1) DISCHARGE;**

7           **(2) DEMOTION;**

8           **(3) DISCIPLINE;**

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

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

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

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

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

19           **(3) HAS OPPOSED A PRACTICE PROHIBITED UNDER THIS SUBTITLE;**  
20 **OR**

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

23           **(I) ANY ACTION UNDER THIS SUBTITLE; OR**

24           **(II) ANY PROCEEDING RELATED TO THE SUBJECT OF THIS**  
25 **SUBTITLE.**

26 **3-508.**

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

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

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4  October 1, 2017.