

HOUSE BILL 181

K3, Q3

3lr1570
CF 3lr1870

By: **Delegates Stewart, Amprey, Charkoudian, Foley, Lehman, Moon, Ruth, Shetty, and Solomon**

Introduced and read first time: January 18, 2023

Assigned to: Economic Matters and Ways and Means

A BILL ENTITLED

AN ACT concerning

Four-Day Workweek Pilot Program and Income Tax Credit – Established (Four-Day Workweek Act of 2023)

FOR the purpose of establishing the Four-Day Workweek Pilot Program in the Maryland Department of Labor for the purpose of promoting, incentivizing, and supporting the experimentation and study of the use of a 4-day workweek by private and public employers; requiring governmental units that institute 4-day workweeks to provide information requested by the Department; allowing certain qualifying employers who participate in the Program to claim a certain credit against the State income tax; and generally relating to the Four-Day Workweek Pilot Program.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 1-101(a) and (c)
Annotated Code of Maryland
(2016 Replacement Volume and 2022 Supplement)

BY adding to
Article – Labor and Employment
Section 3-1801 through 3-1805 to be under the new subtitle “Subtitle 18.
Four-Day Workweek Pilot Program and Tax Credit”
Annotated Code of Maryland
(2016 Replacement Volume and 2022 Supplement)

BY adding to
Article – Tax – General
Section 10-757
Annotated Code of Maryland
(2022 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Labor and Employment

1–101.

(a) In this article the following words have the meanings indicated.

(c) “Governmental unit” means:

(1) the State;

(2) a county, municipal corporation, or other political subdivision of the
State; or

(3) a unit of the State government or of a political subdivision.

SUBTITLE 18. FOUR–DAY WORKWEEK PILOT PROGRAM AND TAX CREDIT.

3–1801.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DEPARTMENT” MEANS THE MARYLAND DEPARTMENT OF LABOR.

(C) “PROGRAM” MEANS THE FOUR–DAY WORKWEEK PILOT PROGRAM.

(D) “QUALIFYING EMPLOYER” MEANS AN EMPLOYER THAT ENTERS AN AGREEMENT TO PARTICIPATE IN THE PROGRAM UNDER § 3–1803 OF THIS SUBTITLE.

3–1802.

(A) THERE IS A FOUR–DAY WORKWEEK PILOT PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSE OF THE PROGRAM IS TO PROMOTE, INCENTIVIZE, AND SUPPORT THE EXPERIMENTATION AND STUDY OF THE USE OF A 4–DAY WORKWEEK BY PRIVATE AND PUBLIC EMPLOYERS IN THE STATE.

(C) THE DEPARTMENT SHALL:

(1) ADMINISTER THE PROGRAM, INCLUDING THE TAX CREDIT AUTHORIZED UNDER § 3–1804 OF THIS SUBTITLE;

(2) ENCOURAGE GOVERNMENTAL UNITS TO INSTITUTE A 4-DAY WORKWEEK;

(3) STUDY AND GATHER INFORMATION ON THE IMPACT OF THE PROGRAM ON QUALIFYING EMPLOYERS AND GOVERNMENTAL UNITS;

(4) CONDUCT AND PROMOTE RESEARCH ON 4-DAY WORKWEEKS THAT EXIST OUTSIDE THE PROGRAM, INCLUDING 4-DAY WORKWEEKS ESTABLISHED INTERNATIONALLY;

(5) FACILITATE PUBLIC DISCUSSION WITH QUALIFYING EMPLOYERS AND GOVERNMENTAL UNITS THAT HAVE INSTITUTED A 4-DAY WORKWEEK; AND

(6) PUBLISH THE DATA AND REPORTS REQUIRED UNDER THIS SUBTITLE.

(D) A GOVERNMENTAL UNIT THAT INSTITUTES A 4-DAY WORKWEEK SHALL PROVIDE ANY INFORMATION REQUESTED BY THE DEPARTMENT FOR THE PURPOSE OF THE DEPARTMENT COMPLYING WITH SUBSECTION (C)(3) OF THIS SECTION.

(E) FOR EACH OF FISCAL YEARS 2025 THROUGH 2028, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$250,000 TO THE DEPARTMENT FOR PROGRAM ACTIVITIES.

(F) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

3-1803.

(A) (1) AN EMPLOYER MAY APPLY TO THE DEPARTMENT TO PARTICIPATE IN THE PROGRAM.

(2) THE APPLICATION SHALL INCLUDE:

(I) A PROPOSAL TO TRANSITION THE APPLICANT'S WORKFORCE OR A DIVISION OF THE APPLICANT'S WORKFORCE FROM A 5-DAY WORKWEEK TO A 4-DAY WORKWEEK; AND

(II) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(B) A PROPOSAL INCLUDED IN AN APPLICATION UNDER SUBSECTION (A)(2)(I) OF THIS SECTION SHALL:

(1) APPLY TO AT LEAST 30 EMPLOYEES; AND

(2) INCLUDE INFORMATION INDICATING THAT THE APPLICANT DID NOT HAVE ANY PRIOR INTENTION OF TRANSITIONING ITS WORKFORCE OR A DIVISION OF ITS WORKFORCE FROM A 5-DAY WORKWEEK TO A 4-DAY WORKWEEK.

(C) THE DEPARTMENT MAY ACCEPT AN APPLICATION FOR PARTICIPATION IN THE PROGRAM IF THE APPLICANT ENTERS AN AGREEMENT:

(1) PROVIDING THAT AN EMPLOYEE TRANSITIONING TO A 4-DAY WORKWEEK WILL NOT RECEIVE A REDUCTION IN PAY OR BENEFITS; AND

(2) ALLOWING THE DEPARTMENT TO RESEARCH THE IMPACT OF TRANSITIONING TO A 4-DAY WORKWEEK THROUGH EMPLOYEE SURVEYS, INTERVIEWS, AND OTHER INFORMATION GATHERING.

3-1804.

(A) (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION AND § 10-757 OF THE TAX - GENERAL ARTICLE, A QUALIFYING EMPLOYER MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN THE AMOUNT STATED ON THE TAX CREDIT CERTIFICATE ISSUED BY THE DEPARTMENT UNDER THIS SECTION.

(2) THE DEPARTMENT MAY ISSUE A TAX CREDIT CERTIFICATE TO A QUALIFYING EMPLOYER THAT:

(I) PARTICIPATES IN THE PROGRAM FOR AT LEAST 1 YEAR; AND

(II) SUBMITS A REPORT TO THE DEPARTMENT DETAILING ITS TRANSITION TO A 4-DAY WORKWEEK.

(3) BEFORE ISSUING A TAX CREDIT CERTIFICATE, THE DEPARTMENT SHALL CONFIRM THAT THE QUALIFYING EMPLOYER HAS MAINTAINED COMPLIANCE WITH ITS PROPOSAL TO PARTICIPATE IN THE PROGRAM.

(4) THE DEPARTMENT MAY NOT ISSUE TO ANY QUALIFYING EMPLOYER MORE THAN TWO TAX CREDIT CERTIFICATES UNDER THIS SECTION.

(B) (1) THE DEPARTMENT SHALL DETERMINE THE AMOUNT STATED ON A TAX CREDIT CERTIFICATE ISSUED UNDER THIS SECTION.

(2) THE DEPARTMENT MAY DETERMINE THE AMOUNT STATED ON A TAX CREDIT CERTIFICATE THROUGH THE USE OF:

(I) A FIXED DOLLAR AMOUNT FOR EACH QUALIFYING EMPLOYER;

(II) A FIXED DOLLAR AMOUNT FOR EACH EMPLOYEE OF THE QUALIFYING EMPLOYER PARTICIPATING IN THE PROGRAM;

(III) A PERCENTAGE OF THE WAGES PAID TO EACH EMPLOYEE OF THE QUALIFYING EMPLOYER PARTICIPATING IN THE PROGRAM; OR

(IV) A DOLLAR AMOUNT THAT ASSISTS IN OFFSETTING A QUALIFYING EMPLOYER'S COSTS TO HIRE NEW EMPLOYEES DUE TO THE QUALIFYING EMPLOYER'S PARTICIPATION IN THE PROGRAM.

(3) THE DEPARTMENT MAY DETERMINE THE AMOUNT STATED ON THE TAX CREDIT CERTIFICATE BY USING ANY COMBINATION OF THE OPTIONS DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(C) (1) FOR EACH FISCAL YEAR, THE DEPARTMENT MAY NOT ISSUE TAX CREDIT CERTIFICATES FOR CREDIT AMOUNTS IN THE AGGREGATE TOTALING MORE THAN \$750,000.

(2) IF THE AGGREGATE AMOUNT OF TAX CREDIT CERTIFICATES ISSUED DURING A FISCAL YEAR TOTALS LESS THAN THE MAXIMUM PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ANY EXCESS AMOUNT MAY BE ISSUED IN A SUBSEQUENT FISCAL YEAR.

(D) THE DEPARTMENT SHALL:

(1) ADOPT REGULATIONS THAT ESTABLISH CRITERIA AND PROCEDURES FOR:

(I) ISSUING THE TAX CREDIT CERTIFICATES AUTHORIZED UNDER THIS SECTION; AND

(II) DETERMINING THE AMOUNT OF A TAX CREDIT CERTIFICATE ISSUED UNDER THIS SECTION; AND

(2) ON OR BEFORE JANUARY 31 EACH YEAR, PROVIDE A REPORT TO THE COMPTROLLER THAT IDENTIFIES EACH QUALIFIED EMPLOYER THAT WAS

ISSUED A TAX CREDIT CERTIFICATE DURING THE IMMEDIATELY PRECEDING YEAR AND THE AMOUNT STATED ON THE TAX CREDIT CERTIFICATE.

3-1805.

(A) ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE STATUS OF THE PROGRAM, INCLUDING:

- (1) THE NUMBER OF EMPLOYERS PARTICIPATING IN THE PROGRAM;
- (2) THE NUMBER OF GOVERNMENTAL UNITS THAT HAVE INSTITUTED A 4-DAY WORKWEEK;
- (3) THE IMPACT OF A 4-DAY WORKWEEK ON THE EMPLOYERS PARTICIPATING IN THE PROGRAM AND GOVERNMENTAL UNITS;
- (4) THE STATUS OF THE TAX CREDIT AUTHORIZED UNDER THIS SUBTITLE; AND
- (5) ANY FINDINGS OR RECOMMENDATIONS BASED ON RESEARCH CONDUCTED ON 4-DAY WORKWEEKS THAT EXIST IN AND OUTSIDE THE PROGRAM.

(B) THE DEPARTMENT SHALL ANNUALLY PUBLISH ON ITS WEBSITE:

- (1) THE REPORTS REQUIRED UNDER THIS SECTION; AND
- (2) THE DETAILS OF THE QUALIFYING EMPLOYERS' 4-DAY WORKWEEK PROPOSALS.

Article – Tax – General

10-757.

AN INDIVIDUAL OR CORPORATION MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX EQUAL TO THE AMOUNT STATED ON THE TAX CREDIT CERTIFICATE ISSUED UNDER § 3-1804 OF THE LABOR AND EMPLOYMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023, and shall be applicable to all taxable years beginning after December 31, 2022, but before January 1, 2028. It shall remain effective for a period of 5 years and, at the end of June 30, 2028, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

