

HB0385/233023/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 385
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “of” insert “requiring that a notice containing certain information provided to an employee at the time of hiring be written;”; and in line 6, after “information;” insert “requiring the Commissioner of Labor and Industry to create and make available to an employer at no charge a pay stub template for certain purposes;”.

AMENDMENT NO. 2

On page 2, in line 1, after “hiring,” insert “**WRITTEN**”; in line 10, strike “**DATES OF WORK COVERED BY**” and substitute “**DATE OF PAYMENT AND THE BEGINNING AND ENDING DATES OF**”; in line 17, strike “**PURPOSE**” and substitute “**NAME**”; strike beginning with “A” in line 18 down through “**PAY**” in line 19 and substitute “**A LIST OF ADDITIONAL BASES OF PAY, INCLUDING BONUSES, COMMISSIONS ON SALES, OR OTHER BASES**”; and after line 26, insert:

“(C) THE COMMISSIONER SHALL CREATE AND MAKE AVAILABLE TO AN EMPLOYER AT NO CHARGE A PAY STUB TEMPLATE THAT MAY BE USED BY THE EMPLOYER TO COMPLY WITH THIS SECTION.”

AMENDMENT NO. 3

On page 2, after line 27, insert:

“(A) IF THE COMMISSIONER DETERMINES THAT AN EMPLOYER HAS VIOLATED § 3-504(A)(2) OF THIS SUBTITLE, THE COMMISSIONER MAY ISSUE AN ORDER THAT:

(1) DESCRIBES THE VIOLATION;

(2) DIRECTS THE EMPLOYER TO PROVIDE THE REQUIRED INFORMATION; AND

(3) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IMPOSES AN ADMINISTRATIVE PENALTY OF UP TO \$500 FOR EACH EMPLOYEE WHO WAS NOT PROVIDED A PAY STUB OR ONLINE PAY STATEMENT IN ACCORDANCE WITH § 3-504(A)(2) OF THIS SUBTITLE.

(B) THE COMMISSIONER SHALL SEND AN ORDER ISSUED UNDER SUBSECTION (A) OF THIS SECTION TO THE EMPLOYER AT THE EMPLOYER'S LAST KNOWN BUSINESS ADDRESS BY REGULAR MAIL AND CERTIFIED MAIL.

(C) THE AMOUNT OF A PENALTY IMPOSED UNDER THIS SUBSECTION SHALL BE BASED ON:

(1) THE GRAVITY OF THE VIOLATION;

(2) THE SIZE OF THE EMPLOYER'S BUSINESS;

(3) THE EMPLOYER'S GOOD FAITH; AND

(4) THE EMPLOYER'S HISTORY OF VIOLATIONS OF THIS SUBTITLE.

(D) THE ACTIONS TAKEN UNDER THIS SUBSECTION ARE SUBJECT TO THE NOTICE AND HEARING REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(E) (1) WITHIN 15 DAYS AFTER RECEIVING AN ORDER ISSUED UNDER SUBSECTION (A) OF THIS SECTION, AN EMPLOYER MAY REQUEST AN ADMINISTRATIVE HEARING.

(2) IF THE EMPLOYER DOES NOT REQUEST A HEARING AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ORDER OF THE COMMISSIONER, INCLUDING ANY ADMINISTRATIVE PENALTIES, IS FINAL.

(F) (1) WITHIN 30 DAYS AFTER THE COMMISSIONER ISSUES AN ORDER, AN EMPLOYER SHALL COMPLY WITH THE ORDER.

(2) IF AN EMPLOYER DOES NOT COMPLY WITH AN ORDER IN THE TIME PERIOD STATED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER MAY BRING AN ACTION TO ENFORCE THE ORDER:

(I) IN THE COUNTY WHERE THE EMPLOYER IS LOCATED; OR

(II) IF THE ADDRESS OF THE EMPLOYER CANNOT BE DETERMINED, IN THE COUNTY WHERE THE EMPLOYEE OR COMMISSIONER IS LOCATED.”.

On pages 2 and 3, strike in their entirety the lines beginning with line 28 on page 2 through line 11 on page 3, inclusive.