



January 24, 2024

The Honorable CT Wilson, Chair
The Honorable Brian Crosby, Vice Chair
House Economic Matters Committee
House Office Building Room 231
Annapolis, Maryland 21401

HB 136: Employment Standards - Prevailing Wage and Living Wage - Employer Adverse Actions - Prohibition Position - Support With Amendments

Thank you Chair Wilson and Vice Chair Crosby and members of the House Economic Matters Committee for the opportunity to submit written testimony in support of HB 136, with some amendments

My name is Victoria Leonard, Political and Legislative Director for the Baltimore-Washington area of the Philadelphia/Baltimore/Washington Laborers' District Council (PBWLDC), an affiliate of the Laborers' International Union of North America (LiUNA). The PBWLDC represents more than 13,000 members. Our members are proudly employed on many infrastructure construction projects across the region. Nationwide, LiUNA represents more than 500,000 members.

LiUNA supports HB 136 with amendments to 1) ensure that the bill's anti-retaliation protections cover complaints under Maryland's Wage Payment and Collection (MWPC) Law, and 2) strengthen enforcement by allowing worker victims of wage-related retaliation to seek get the immediate relief they need in court without having to wait for the end of a 120-day administrative process.

As introduced, HB 136 does not cover protected activity under MWPC. The bill needs to be amended to ensure that workers are protected after making complaints concerning 1) an employer's failure to pay workers on time under Lab. & Empl. § 3-502 (e.g., an employer firing a worker for complaining about routinely getting paid several weeks late), 2) an employer's unlawful deductions under § 3-503 (e.g., an employer firing a worker for complaining about having hundreds of dollars deducted from their pay for a uniform without the required written consent of the employee), and 3) an employer's failure to pay promised wages under §§ 3-502 and 3-505 (e.g., an employer firing a worker for complaining about having received \$15/hour for weeks of work despite having been promised \$25/hour, because the failure to pay promised wages did not give rise to a minimum wage violation under the MWHL).

While HB 136 creates an administrative remedy for wage-related retaliation, it should be strengthened to also allow workers to go to court right-away, as they can under the Fair Labor Standards Act and under the laws in many other states. A private right of action would alleviate the burden on MDOL, allowing it to focus its staff time on assisting workers unable to find an attorney.

We urge the Committee to issue a favorable report for HB 136, with amendments.