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MARYLAND ASPHALT ASSOCIATION



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February 1, 2024

Senator Pamela Beidle, Chair
Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401

**RE: SB 233 – LETTER OF INQUIRY – Employment Standards, Prevailing Wage, and Living Wage
– Employer Adverse Actions – Prohibition**

Dear Chair Beidle and Members of the Committee:

The Maryland Asphalt Association (MAA) is comprised of 19 producer members representing more than 48 production facilities, 25 contractor members, 25 consulting engineer firms and 41 other associate members. MAA works proactively with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

Senate Bill 233 would prohibit employers from taking or threatening to take adverse action against an employee when the employee takes certain actions, including making a complaint or inquires about his or her rights. The bill permits the Commissioner to investigate a violation, conduct an investigation, and issue an order, including assessing civil penalties. Additionally, within 3 years after the order, an employee may bring a private right of action to enforce the order. If the employee prevails, the court may award damages, including punitive and injunctive relief.

We don't disagree with this legislation in parts. We recognize that where a dispute comes up, mediation between the parties is necessary. But we have concerns over the bill's unintended consequences, primarily as it relates to the punitive portions of this legislation. There are no caps to the damages that the court can award and we worry this could allow employees to take advantage of employers. We are submitting this letter of inquiry to see if the sponsor and the committee could look further into this legislation and review these issues.

We appreciate you taking the time to review Senate Bill 233.

Sincerely,

A handwritten signature in black ink that reads "Tim Smith".

Tim E. Smith, P.E.
President
Maryland Asphalt Association