

# **Maryland & Federal Employment Notices**

DATE POSTED: Labor Laws change often. Please call your distributor twice a year to confirm if you are in compliance. All Rights Reserved. Unauthorized copies are illega

\$400.000 annually

Overtime Only Exemption

Maryland Department of Labo

·Drive-in theaters

·Certain establishments selling food and drinkfor consumption on the premises grossing lessthar

(must earn the State Minimum Wage Rate): • Taxicab drivers • Certain employees selling/servicingautomobiles, farm equipment, trailers, or trucks

sonal amusement and recreationalestablishments that meet certain criteria

Non-profit concert promoter, theater, musicfestival, music pavilion, or theat

FOR MORE INFORMATION OR TO FILE A COMPLAINT CONTACT:

tstandards-dllr@maryland.gov

PRESCRIBED FOR VIOLATION OF THE LAW

leave was previously taken or certified

signated as FMLA leave.

Division, or may bring a private lawsuit against an employe

The FMLA does not affect any federal or state law prohibiting discr

Office of Special Co

Carrier Act, and the Interstate Commerce Commissio

•Establishments engaged in the first canning, packing or freezing of fruits, vegetables, poultry, or seafood

Employers subject to certain railroadrequirements of the U.S. Dept. ofTransportation, the Federal Motor

Division of Labor and Industry—Employment Standards Service 10946 Golden West Drive, Suite 160 Hunt Valley, MD 21031 Telephone Number: (410) 767-2357 • Fax Number: (410) 333-7303 E-mail:

EMPLOYERS ARE REQUIRED BY LAW TO POST THIS INFORMATION CONSPICUOUSLY. THIS IS A

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what

additional information is required. EMPLOYER RESPONSIBILITIES: Once an employer becomes aware that an employee's need for leav

is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave in the second second

ENFORCEMENT: Employees may file a complaint with the U.S. Department of Labor, Wage and Hou

For additional information: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd U.S. Department of Labor • Wage and Hour Division

local law or collective bargaining agreement that provides greater family or medical leave rights

SUMMARY OF THE LAW. TO ENSURE COMPLIANCE, CONSULT A LEGAL ADVISOR.PENALTIES ARE



nation or supersede any state or





THE POSTER BE AT LEAST 8.5" X 14" INCHES WITH 10 POINT TY

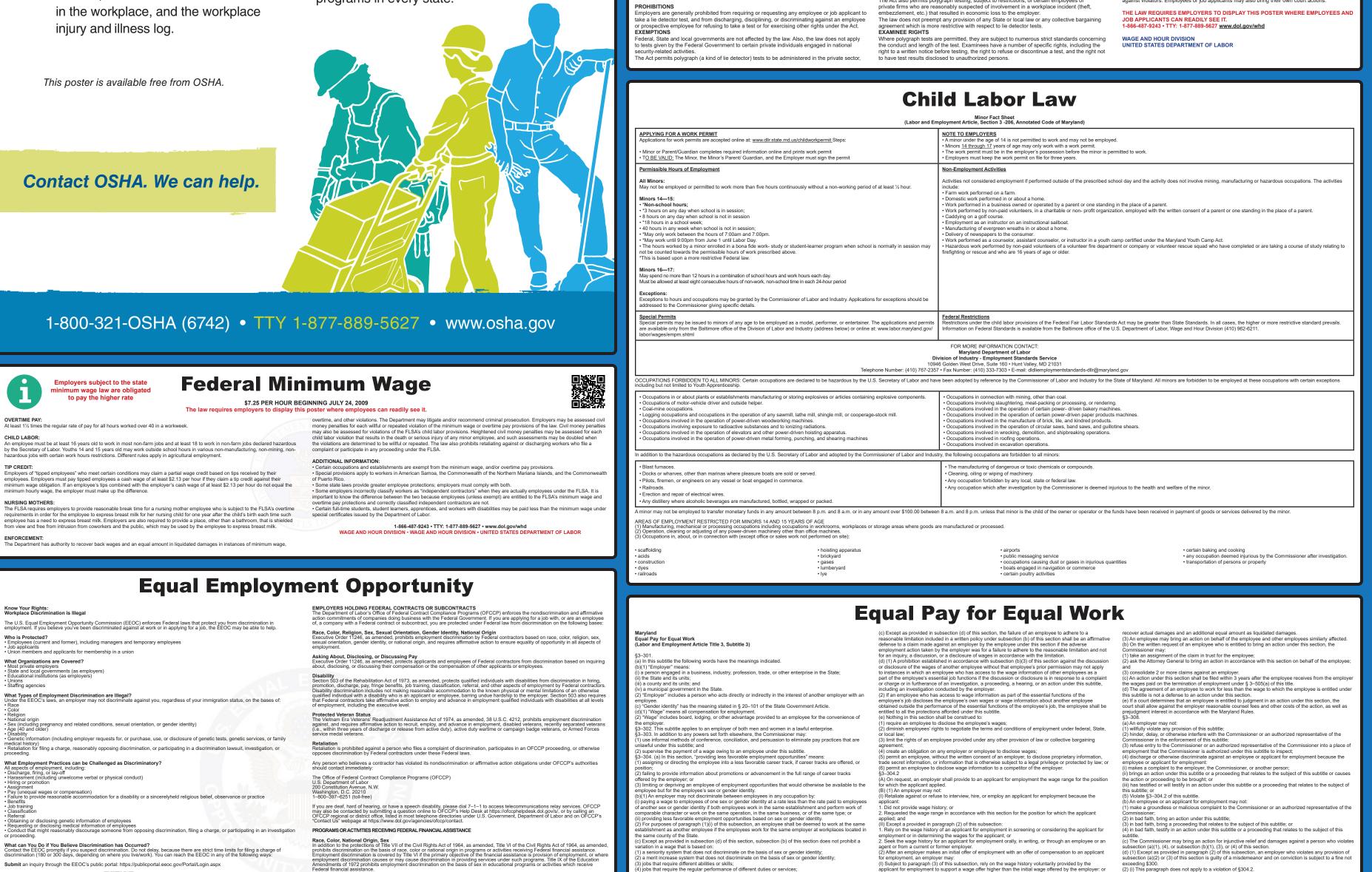
### All workers have the right to:

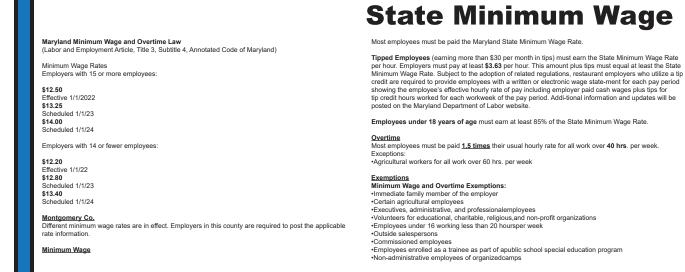
- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards injury and illness log.

### **Employers must:**

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

**On-Site Consultation services are** available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.





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LEAVE ENTITLEMENTS: Eligible employees who work for a covered employer can take up to 12 weeks unpaid, job-protected leave in a 12-month period The birth of a child or placement of a child for adoption or foster care; To bond with a child (leave must be taken within 1 year of the child's birth or place To care for the employee's spouse, child, or parent who has a qualifying serious health condition; For the employee's own qualifying serious health condition that makes the employee unable to perform e employee's job For qualifying exigencies related to the foreign deployment of a military member who is the employee's ouse, child, or paren n eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a ous injury or illness.

n employee does not need to use leave in one block. When it is medically necessary or otherwise itted, employees may take leave intermittently or on a reduced schedule nployees may choose, or an employer may require, use of accrued paid leave while taking FMLA ave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. BENEFITS & PROTECTIONS: While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.



## SOUR AND STATE GOVERNMENT EMPLOYERS • YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or or types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present m the uniformed services, and applicants to the uniformed services.

### REEMPLOYMENT RIGHTS

REEMPLOTMENT INUMINE vou have the reemployed in your civilian job if you leave that job to perform service in the uniformed service and: • you ensure that your employer receives advance written or verbal notice of your service; • you have five years or less of cumulative service in the uniformed services while with that particular employer; • you return to work or apply for reemployment in a timely manner after conclusion of service; and • you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

### If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, ir some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you: • are a past or present member of the uniformed service; • have applied for membership in the uniformed service; or • are obligated to s uniformed service; then an employer may not deny you: • initial employment; • reemployment; • retention in employment; • promotion; or • are employment because of this status.

## **Polygraph Protection**

The Employee Polygraph Protection Act prohibits most private employers from using li detector tests either for pre-employment screening or during the course of employment

alam, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

ENFORCEMENT

The Secretary of Labor may bring court actions to restrain violations and assess civil pe against violators. Employees or job applicants may also bring their own court actions.

family me ecessary. Employees must inform the employer if the need for leave is for a reason for which FMLA

## **USERRA**

# ber cannot perform daily activities, or that hospitalization or continuing medical tre

trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. ELIGIBILITY REQUIREMENTS: An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must: Have worked for the employer for at least 12 months; · Have at least 1,250 hours of service in the 12 months before taking leave;\* an . Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite ecial "hours of service" requirements apply to airline flight crew employees

**Family Medical Leave Act** 

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical

to it with equivalent pay, benefits, and other employment terms and conditions. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or

REQUESTING LEAVE: Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as ossible and, generally, follow the employer's usual procedures.

es must be paid the Maryland State Minimum Wage Rate

nember of the employe

oned emplo

ees must be paid 1.5 times their usual hourly rate for all work over 40 hrs. per week

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include ming an employer that the employee is or will be unable to perform his or her job functions, that a

### HEALTH INSURANCE PROTECTION

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and you lependents for up to 24 months while in the military. • Even if you don't elect to continue coverage during your military service, you have the right to be reinstat ny our employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

### ENFORCEMENT

ENF-URCEMENT
• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
• For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <a href="https://www.dol.gov/">https://www.dol.gov/</a> agencies/vets/, An interactive online USERRA Advisor can be viewed at <a href="https://webapps.dol.gov/leaws/vets/userra">https://webapps.dol.gov/leaws/vets/userra</a> If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. • You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a s with a proceeding under USERRA, even if that person has no service connection.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this vers to notify address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of the employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees es of their rights under USERRA, and





subject to restrictions, to certain prospective emplo

What can You Do if You Believe Discrimination has Occurred? tact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of imination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways: Submit an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx



Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov

Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination on causes or may cause discrimination in providing services under such programs. Title VI of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

## **Health Insurance Coverage**

MPORTANT

#### TO BE POSTED HEALTH INSURANCE COVERAGE

and other members of your family may be eligible under Maryland law to continue to be covered by your former employer's health nsurance policy if:

You guit your job or you were terminated from your employment for a reason other than for cause; and You are covered by your employer under a group hospital-medical policy or a health maintenance organization (HMO) for at least three (3) months prior to being separated from your employment; and

You do not have other similar insurance.

If you wish to continue your health insurance, you MUST give your employer written notice no later than forty-five (45) days after your last day of work.

You will be responsible for paying the entire cost of the health insurance policy. For further information about the program, you should contact your employer, or if necessary, telephone the Insurance Administration in Baltimore at (1410) 468-2244 or 1-800-492-6116 (Ext. 2244).

State of Marvland Maryland Department of Labor

IF YOU HAVE BEEN FILING FOR BENEFITS AND RETURN TO WORK, you must report your gross wages before deductions during

THIS NOTICE APPLIES TO STATE LAW. YOU MAY HAVE BROADER BENEFITS UNDER FEDERAL LAW. TO BE POSTED

the same county of the State. (c) Except as provided in subsection (d) of this section, subsection (b) of this section does not prohibit a variation in a wage that is based on: (1) a seniority system that does not discriminate on the basis of sex or gender identity; (2) a merit increase system that does not discriminate on the basis of sex or gender identity; (3) jobs that require different abilities or skills; (4) jobs that require the require the require profile profile profilerent duties or services; (5) work that is performed on different shifts or at different times of day;

6) a system that measures performance based on a quality or quantify of production; or 7) a bona fide factor other than sex or gender identity, including education, training, or experience, in

hich the factor:

which the factor: i) is not based on or derived from a gender-based differential in compensation; ii) is job related with respect to the position and consistent with a business necessity; and iii) accounts for the entire differential. d) This section does not preclude an employee from demonstrating that an employer's reliance on ar exception listed in subsection (c) of this section is a pretext for discrimination on the basis of sex or gender identify.

gender identity. (e) An employer who is paying a wage in violation of this subtitle may not reduce another wage to comply with this subtitle. §3–304.1.

(a) An employer may not: prohibit an employee from:

 inquiring about, discussing, or disclosing the wages of the employee or another employee; or
 in equesting that the employer provide a reason for why the employee's wages are a condition of

Title 3, Subtitle 5 Annotated Code of Maryland SUBTITLE 5 - WAGE PAYMENT AND COLLECTION

) Form of Payment- Each employer shall pay a wage:

ection 3-501 - Definit

a) Pay Periods

cess the funds

EMPLOYEE NOTICE

Section 3-503 - Deductions

tion 3-502 - Payment of Wage.

employment; (2) require an employee to sign a waiver or any other document that purports to deny the employee the right to disclose or discuss the employee's wages; or (3) take any adverse employment action against an employee for: (i) inquiring about the employee's wages or another employee's wages;

osing the employee's own wages: i) discussing another employee's wages if those wages have been disclosed voluntarily;

(iii) discussing another employee's wages if those wages have been disclosed voluntarily; (iv) asking the employer to provide a reason for the employee's wages; or (v) aiding or encouraging another employee's exercise of rights under this section. (b)(1) Subject to paragraph (2) of this subsection, an employer may, in a written policy provided to each employee, establish reasonable workday limitations on the time, place, and manner for inquiries about or the discussion or disclosure of employee wages. (2) A limitation established under paragraph (1) of this subsection shall be consistent with standards adopted by the Commissioner and all other State and federal laws. (3) Subject to subsection (d) of this section, limitations established under paragraph (1) of this subsection may include prohibiting an employee from discussing or disclosing the wages of another employee without that employee's notice neuroision.

that employee's prior permission

a) In General- In this subtitle the following words have the meanings indicated. b) Employer - "Employer' includes any person who employs an individual in the State or a successor of

(1) Each employer: (i) Shall set regular pay periods (ii) Except as provided in paragraph (2) of this subsection, shall pay each employee at least once in every 2 weeks or twice each month. (2) An employer may pay an administrative, executive, or professional employee less frequently than required under paragraph (1) (ii) of this subsection. (b) Paydays- If the regular payday of an employee is a non work day, an employer shall pay the employee on the preceding workday.

This section does not prohibit the: direct deposit of the wage of an employee into a personal bank account of the employee in accordance be a subjection of the employee or

ccess the funds through withdrawal, purchase, or transfer if: (i) authorized by the employee; and (ii) ar ees applicable to the debit card or card account are disclosed to the employee in writing in at least 12

uthorization of the employee; or or the wage of an employee to a debit card or card account from which the employee is able to e funds through withdrawal, purchase, or transfer if: (i) authorized by the employee; and (ii) any

In United States currency; or overlible at face value into United States currency.
 By a check that, on demand, is convertible at face value into United States currency.

neans all compensation that is due to an employee for employment. vcludes: (i) A bonus (ii) A commission (iii) A fringe benefit (iv) Any other remuneration promised

 Rely on the wage history of an applicant for employment in screening or considering the applicant for employment or in determining the wages for the applicant; or
 Seek the wage history for an applicant for employment rally, in writing, or through an employee or an agent or from a current or former employer.
 (2) After an employer makes an initial offer of employment with an offer of compensation to an applicant for employment, an employer may:
 (1) Subject to paragraph (3) of this subsection, rely on the wage history voluntarily provided by the applicant for employment to support a wage offer higher than the initial wage offered by the employer: or
 (1) Subject to confirm the wage history voluntarily provided by the applicant for employment to support a wage offer higher than the initial wage offered by the employer: or
 (3) An employer may rely on wage history under paragraph (2) of this subsection only if the higher wage does not create an unlawful nav differential based on protected characteristics under \$3-304 of this does not create an unlawful pay differential based on protected characteristics under §3-304 of this Subtrue. (C) This section may not be construed to prohibit an applicant for employment from sharing wage history with an employer voluntarily. §3–305. (a) (1) Each employer shall keep each record that the Commissioner requires on: (i) wages of employees; (ii) job classifications of employees; and (iii) other conditions of amployment. iii) other conditions of employment. 2) An employer shall keep the records required under this subsection for the period of time that the formissioner requires. b) On the basis of the records required under this section, an employer shall make each report that the §3-306. for whom the employer is not in compliance if the violation occurred within 3 years after a previous determination had occurred. (2) In determining the amount of the penalty, if assessed, the Commissioner shall consider: (I) the gravity of the violation' (II) the size of the employer's business; (III) the employer's good faith; and (IV) the employer's history of violations under this subtitle. (3) If the Commissioner assesses a penalty under paragraph (1)(II) of this subsection, the penalty shall be subject to the notice and hearing requirements of Title 10, Subtitle 2 of the State Government Article. On request of an employer, the Commissioner shall provide without charge a copy of this subtitle to the employer. (b) Each employer shall keep posted conspicuously in each place of employment a copy of this subtitle. (c) The Commissioner, in consultation with the Maryland Commission on Civil Rights, shall develop educational materials and make training available to assist employers in adopting training, policies, and procedures that comply with the requirements of this subtitle. §3-306.1. ) Whenever the Commissioner determines that this subtitle has been violated, the Commissioner shall:

1) try to resolve any issue involved in the violation informally by mediation: or 2) ask the Attorney General to bring an action on behalf of the applicant or employee

(b) The Attorney General may bring an action under this section in the county where the violation allegedly occurred for injunctive relief, damages, or other relief.

J1. If an employer knew or reasonably should have known that the employer's action violates § 3–304 s subtitle, an affected employee may bring an action against the employer for injunctive relief and to er the difference between the wages paid to employees of one sex or gender identify and the wages o employees of another sex or gender identity who do the same type work and an additional equal of an invited dominant of the second paid to er paid to employees of another sex or gender identity who do the same type work and an additional equal amount as liquidated damages. (2) If an employer knew or reasonably should have known that the employer's action violates § 3–304.1 of this subtitle, an affected employee may bring an action against the employer for injunctive

Department of Labor Department of Labor Division of Labor and Industry Employment Standards Service 10946 Golden West Drive, Suite 160 – Hunt Valley, MD 21031 Phone: 410-767-2357

For additional information or to file a complaint, please contact;

FOR MORE INFORMATION CONTACT:

damages owed by the employer

(I) shall issue an order compelling compliance; and (II) may, in the Commissioner's discretion (..., for a first violation (...)

## **Unemployment Insurance**

#### TO EMPLOYEES

YOUR EMPLOYER IS SUBJECT TO the Maryland Unemployment Insurance Law and pays taxes under this law. No deduction is ade from your wages for this purpos

IF YOU ARE LAID OFF or otherwise become unemployed, immediately file a claim by callling the telephone number for the area in which you reside or you may file a claim on the internet at the web site address indicated belo

IF YOU ARE ELIGIBLE, you may be entitled to unemployment insurance benefits for as many as 26 week

IF YOU ARE WORKING LESS THAN FULL TIME, you may be eligible for partial benefits. If your regular hours of work have been reduced, promptly file a claim as instructed above, to determine your benefit rights

YOU ARE ENTITLED TO BENEFITS IF

1. You are unemployed through no fault of your own. 2. You have sufficient earnings in your Base Period. 3. You have registered for work and filed a claim for benefits with a Maryland Department of Labor claim center listed below You are able to work, available for work, and actively seeking work

NOTE: To ensure prompt handling of your claim, it is necessary to have your Social Security number available. If you claim dependents under sixteen (16) years of age, you must know the Social Security number of each dependent when you file. If you do not know the Social Security numbers, you will be provided with instructions on how to provide a copy of the dependents' birth certificates or other forms of proof of dependency.

Phone Number To File A Claim	Area Served	Phone Number To File A Claim	Area Served	Phone Number To File A Claim	Area Served	
301-313-8000 1-877-293-4125 (toll free) 301-723-2000 1-877-293-4125 (toll free)	Calvert Charles Montgomery Prince Georges St. Mary's Allegany Frederick Garrett Washington	410-334-6800 1-877-293-4125 (toll free)	Caroline Dorchester Kent Queen Anne's Somerset Talbot Wicomico Worcester	410-853-1600 1-877-293-4125 (toll free)	Anne Arundel Baltimore City Baltimore County Carroll Cecil Harford Howard	
SOLICITUD DE BENEFICIOS DEL DESEMPLEO PARA LA POBLACIÓN DE HABLE HISPANA 301-313-8000		(DENTRC M Speec Para Rele	INSIDE THE STATE OF MARYLAND (DENTRO DEL ESTADO DE MARYLAND) Maryland Relay Dial 711 TTY: 1-800-735-2256 Speech to Speech: 1-800-785-5630 Para Relevos en Maryland presione 711 ó 1-800-877-1264 (U.S.)		OUTSIDE THE STATE OF MARYLAND (FUERA DEL ESTADO DE MARYLAND) TTY: 1-800-735-2258 Speech: 1-800-785-5630 Para Relevos en Maryland presione 1-800-877-1264 (U.S.)	

www.mdunemployment.con IMPORTANT NOTICE

Unemployment insurance is intended for persons who are unemployed through no fault of their own and who are ready, willing and able to work. Persons who receive benefits through false statements or fail to report ALL earnings will be disqualified and will be subject to riminal prosecut

The Civil Rights Act of 1964 states that no person shall be discriminated against on the basis of race, color, religion, age, sex, or national origin. If you feel you have been discriminated against in the unemployment insurance process because of any of these factors, you may file a complaint with the Office of Fair Practices, 1100 North Eutaw Street, Room 613, Baltimore, Maryland 21201.

MARYLAND DEPARTMENT OF LABOR - DIVISION OF UNEMPLOYMENT INSURANCE THIS CARD MUST BE POSTED IN A CONSPICUOUS PLACE DLLR/DUI 328 (Revised 3-20) Maryland Department of Labor - Employment Article, Title 8, Sec. 8-603

### **Pregnancy Accommodations**

#### now Your Rights

f you are pregnant, you have a legal right to a reasonable acc tion if your pregnancy causes or contributes to a disability and he accommodation does not impose an undue hardship on your employer. State Government Article, §20-609(b)

What Does That Mean?

If you have a disability that is contributed to or caused by pregnancy, you may request a reasonable accommodation at work employer must explore "all possible means of providing the reasonable accommodation." State Government Article, §20-609(d)

The law lists an assortment of options for both you and your employer to consider in order to comply with a request for reasonable ese include, but are not limited to accommodation. These • Changing job duties • Changing work hours

Providing mechanical or electrical aids
 Transfers to less strenuous or less hazardous positions
 Providing leave

Every situation is different. You must explore every available option with your employer to decide what accommodation best suits your

It depends on what your employer requests. The law allows an employer, at his or her discretion, to require certification from your health care provider regarding the medical advisability of a reasonable accommodation, but only to the same extent certification is

f required, the certification must include: Date a reasonable accommodation is medically advisable.
 Probable duration of the accommodation should be provided.
 Explanation as to the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodation are solved as the medical advisability of the reasonable accommodati

equired for other temporary disabilities. State Government Article, §20-609(t

Can I Still Get In Trouble?

Can 1Still Get In Trouble? Retaliation is prohibited under State Government Article, §20-609(h) when exercising your rights. If an employee seeks to exercise her right to request a reasonable accommodation for a temporary disability due to pregnancy, an employer may not: • Interfere with; • Restrain; • Deny the exercise; or • Deny the extercise; or • Deny the attempt to exercise the right. Any form of retaliation is grounds to file a Complaint of Discrimination with the Maryland Commission on Civil Rights (MCCR).

What If I Am A Victim Of Discrim

If you believe your rights under the law have been violated, you must file a complaint with MCCR within 300 days of the alleged act of discrimination. A trained Civil Rights Officer will work with you to discuss what happened and determine if there is reason to believe a discriminatory violation occurred. You can reach MCCR by phone, email, fax, letter, or walk-in. All procedures by MCCR are confidentia until your case is certified for public hearing or trial.

Main: (410) 767-8600 | Toll Free: 1 (800) 637-6247 | TTY: (410) 333-1737 | Fax: (410) 333-1841 mccr@maryland.gov | www.mccr.maryland.gov

## **Wage Payment & Collection**

tion from the wage of an employee unless the deduction is Authorized expressly in writing by the employee,
 Allowed by the Commissioner because the employee

(4) Otherwise made in accordance with any law or any rule or regulation issued by a government unit Section 3-504 - Notice of Wages and Paydays. (a) Responsibility of Employer - An employer shall give to each employee: (1) At the time of hiring, notice of: (i) The rate of pay of the employee, and (ii) The regular paydays that the employee refe.

(2) For each pay period, a statement of the gross earnings of the employee and deductions from those

gross earnings, and (3) At least 1 pay period in advance, notice of any change in a payday or wage (b) Wage Increase- This section does not prohibit an employer from increasing a wage without advance

ouce. ection 3-505 - Payment on Termination of Employment. ach employer shall pay an employee or the authorized representative of an employee all wages due fo rork that the employee performed before the termination of employment, on or before the day on which he employee would have been paid the wages if the employment had not been terminated. Section 3-506 - Reciprocal Agreements. To collect wages that employers unlawfully withhold, the Commissioner may enter into a reciprocal agreement with a labor department or other similar unit that has jurisdiction in another state over wage

collection. Section 3-507 - Enforcement. (a) In general - Whenever the commissioner determines that this subtitle has been violated, the Commissioner of the section of the

May try to resolve any issue involved in the violation informally by mediation

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

(3) May bring an action on behalf of an employee in the county where the violation allegedly occur 1) If, in an action under subsection (a) of this section, a court finds that an employer withheld the wage of

(i) This paragraph does not apply to a violation of §304.2.
 (i) fan employer is found to have violated this subtitle two or more times within a 3-year period, the

(iii) Each civil penalty assessed under this paragraph shall be paid to the General Fund of the State to

(II) may, in the Commissioner's discretion, 1. for a first violation, issue a letter to the employer compelling compliance; 2. for a second violation, assess a civil penalty of up to \$300 for each applicant for employment for whom the employer is not in compliance; or 3. for each subsequent violation, assess a civil penalty of up to \$600 for each applicant for employment

offset the cost of enforcing this subtitle. (E) (1) If the Commissioner determines that an employer has violated §3-304.2 of this subtitle, the

for whom the employer is not in compliance if the violation occurred within 3 years after a previous

ner or a court may require the employer to pay a civil penalty equal to 10% of the amount of

ree in violation of this subtitle and not as a result of a bona fide dispute, the court may award the employee an amount not exceeding 3 times the wage, and reasonable counsel fees and other costs. (2) If wages of an employee are recovered under this section, they shall be paid to the employee without

Cost to the employee. Section 3-507.1 - Action of recover unpaid wages. (a) In general - Notwithstanding any remedy available under §3-507 of this subtitle, if an employer fails to pay an employee in accordance with §3-502 or § 3-505 of this subtitle, after 2 weeks have elapsed from the date on which the employer is required to have paid the wages, the employee may bring an action against the employer to recover the unpaid wages. (b) Award and costs - If, in an action under subsection (a) of this section, a court finds that an employer withheld the wage of an employee in violation of this subtitle and not as a result of a bona fide dispute, the court may award the employee an amount not exceeding 3 times the wage, and reasonable coursel fees and other costs.

on 3-508 - Prohibited Acts and Penalties.

(a) Prohibited Acts of Employer- An employer may not willfully violate this subtitle. (b) Prohibited Acts of Employer- An employee may not knowingly make to a governmental unit or official of a governmental unit a false statement with respect to any investigation or proceeding under this subtitle, with the intent that the governmental unit or official consider or otherwise act in connection with

natures -employer who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is t to a fine not exceeding \$1,000. employee who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is

tion (b) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500. Section 3-509 - Short Title.

Employers are required to provide employees with a written statement of the employee's available earned

An employer is prohibited under the law from taking adverse action against an employee who exercises

a right under the Maryland Healthy Working Families Act and an employee is prohibited from making a

If you feel your rights have been violated under this law or you would like additional information, you may

pplaint, bringing an action, or testifying in an action in bad faith

How to File a Complaint or Obtain Additional Information

Commissioner of Labor and Industry 10946 Golden West Drive, Suite 160 - Hunt Valley, MD 21031 ssl.assistance@maryland.gov

This subtitle may be cited as the Maryland Wage Payment and Collection Law.

### **Earned Sick and Safe Leave**

MARYLAND EARNED SICK AND SAFE LEAVE

The Maryland Healthy Working Families Act requires employers with 15 or more employees to proaid sick and safe leave for certain employees. It also requires that employers who employ 14 or fewer mployees provide unpaid sick and safe leave for certain employees.

Earned sick and safe leave begins to accrue on February 11, 2018, or the date on which an employee Laineu sex and saie teate begins to accide on replay 11, 2017, or un date or mind an employée begins employee accide seamed six and safe leave at a rate of at least one hour for every 30 hours the employee works; however, an employee is not entitled to earm more than 40 hours of earmed six and safe leave in a year or acciue more than 64 hours of earned sick and safe leave at any time.

OCCUPATIONAL SAFETY and HEALTH ACT (PRIVATE SECTOR)

The Maryland Occupational Safety and Health Act of 1973 provides job safety and health protection

r workers through the promotion of safe and healthful working conditions throughout the State. equirements of the Act include the following:

Employers: Each employer shall furnish to each of his or her employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious har employees; and shall comply with occupational safety and health standards issued under the Act

Employees: Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Act that apply to his or her own actions and conduct on the job. The Commissioner of Labor and Industry has the primary responsibility for administering the Act and issuing occupational safety and health standards. MOSH Safety and Health Inspectors conduct jobsite inspections to ensure compliance with the Act.

Inspection: The Act requires that a representative authorized by the employees be given an opportunity to accompany the MOSH Inspector for the purpose of aiding the inspection. Where there is no authorized employee representative, the MOSH Inspector shall consult with a reasonable number of employees concerning safety and health conditions in the workplace.

Leave Usan in employee is allowed to use earned sick and safe leave under the following conditions: To care for or treat the employee's mental or physical illness, injury, or conditional state of the state of

 To obtain preventative medical care for the employee or the employee's family member 10 obtain preventative intercar care for the employee of the employee's family member;
 To care for a family member with a mental or physical liness, injury, or condition;
 For maternity or paternity leave; or
 The absence from work is necessary due to domestic violence, sexual assault, or stalking committed

against the employee or the employee's family member and the leave is being used: (1) to obtain medical or mental health attention; (2) to obtain services from a victim services organization; (3) for legal services r proceedings; or (4) because the employee has temporarily relocated as a result of the domestic violence, sexual assault, or stalking. A family member includes a spouse, child, parent, grandparent, grandchild, sibling, the legal guardian or

ward of the employee or the employee's spouse, or an individual who acted as a parent or stood in locc parentis to the employee or the employee's spouse when the employee or the employee's spouse was

Employees are permitted to use earned sick and safe leave in increments in certain amounts established by their employer. Emplo er. Employees are required to give notice of the need to use earned sick and safe leave reable. An employee may deny leave in certain circumstances.

**State OSHA Private** 

Complaint: Employees or their representatives have the right to file a complaint with the Commissioner requesting an inspection if they believe unsafe of unhealthful conditions exist in their workplace. The Commissioner will withhold names of employees complaining on request. The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act. An employee who believes he or she has been discriminated against may file a complaint with the Commissioner and/or the Federal Occupatior Safety and Health Administration Regional Office within 30 days of the alleged discrimination.

Citation: If upon inspection the Commissioner believes an employer has violated the Act, a citation alleging such violations shall be issued to the employer. Each citation shall specify a time period within The MOSH citation must be corrected. The MOSH citation must be corrected. The MOSH citation must be prominently displayed at or near the place of alleged violation for three days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there.

Proposed Penalty: The Act provides for mandatory civil penalties against employers of up to \$7,000 for each serious violation and for optional penalties of up to \$7,000 for each non serious violation. Civ enalties of up to \$7,000 per day may be proposed for failure to correct violations within the propos eriod. Also, any employer who willfully or repeatedly violates the Act may be assessed civil penalti up \$70,000 for each such violation. Criminal penalties are also provided for in the Act. Any willful violation resulting in death of an employee, upon conviction, is purishable by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both. Conviction of an employer after a first conviction

doubles these maximum penalties

sick and safe leave

Prohibition

Voluntary Activity: While providing penalties for violations, the Act also encourages efforts by labor and Voluntary Activity: While providing penalties for violations, the Act also encourages efforts by labor and management to reduce injuries and illnesses arising out of employment. The Commissioner of Labor and Industry encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries. Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury, or illness to employees and supervisors. There are many public and private organizations that can provide informatio and assistance in this effort, if requested.

ADDITIONAL INFORMATION AND COPIES OF THE ACT, SPECIFIC MARYLAND OCCUPATIONAL SAFETY AND HEALTH STANDARDS, AND OTHER APPLICABLE REGULATIONS MAY BE OBTAINED FROM:

THE COMMISSIONER OF LABOR AND INDUSTRY 1100 North Eutaw Street, Baltimore, Maryland 21201, Phone 410-767-SAFE

Complaints about State Program administration may be made to Regional Administrator, Occupational Safety and Health Administration, The Curtis Center, Suite 740 West, 170 S. Independence Mall West, Philadelphia, PA 19106-3309.

### **Employment Discrimination**

#### SB 531 – Discrimination – Race – Hair Texture and Hairstyles

Modifies the definition of "race" in Maryland's Fair Employment Practices Act to include "traits associated with race, including hair texture, afro hairstyles, and protected hairstyles." A "protective hairstyle" includes braids, twiss, and locks. The legislation also deletes from FEPA Section 20-605, which permitted certain employment practices based on a "bona fide occupational qualification reasonably necessary to the normal operations of that business or enterprise", permitted schools educational succession equalmentation reasonator recessary to the normal operations of that Dustness or enterprise"; permitted sch institutions from hining and employing employees of a particular religion in specific situations; and permitted organizatio bona fide seniority systems and benefit plans so long as such systems and plans are not a subterfuge to evade FEPA. zations to observe

#### This legislation is effective October 1, 2020.

Employment Discrimination is Unlawful How Does The Law Protect Me? State Government Article, §20-602 of the Annotated Code of Maryland provides every Marylander equal protection in employment regardless of: Race, Sex, Age, Ethnicity, Ancestry or National Origin, Religion, Physical or Mental Disability, Color, Marital Status, Sexual, Orientation, Gender Identity, Genetic Information What Am I Protected From? You are protected from unlawful discrimination from the following employment-related practices: • Employers cannot discriminate in recruiting, interviewing, hiring, upgrading/promoting, setting work conditions, and discharging an employee.

Labor organizations cannot deny membership to qualified persons or discriminate in apprenticeship programs Emplo Employment agencies cannot discriminate in job referrals, ask discriminatory pre-employment que nlawfully limits employment. ns. or circulate information that apers and other media cannot publish iob advertisements that discriminate.

What If My Employer Retaliates ion is also prohibited under the law when you exercise your rights to seek relief and redress. If an employee decides to file ar

Interfere with; • Restrain; • Deny the exercise; or • Deny the attempt to exercise the right. Any form of retaliation is grounds to file a Complaint of Discrimination with the Maryland Commission on Civil Rights (MCCR). What If I Am A Victim Of Discrimina

What If I Am A Victim Of Discrimination? If you believe your rights under the law have been violated, you must file a complaint with MCCR within 300 days of the alleged act of discrimination. A trained Civil Rights Officer will work with you to discuss what happened and determine if there is reason to believe a discriminatory violation occurred. You can reach MCCR by phone, email, fax, letter, or walk-in. All procedures by MCCR are confidential until your case is certified for public hearing or trial.

Main: (410) 767-8600 | Toll Free: 1 (800) 637-6247 | TTY: (410) 333-1737 | Fax: (410) 333-1841 mccr@maryland.gov

## **State OSHA Public**

in the inspection procedure. Where there is no authorized employee representative, the inspector shall consult with a reasonable number of employees concerning safety and health **conditions in the** workplace.
Complaint: Public employees or their representatives have the right to file a complaint with the

Compared Fusion employees of mell representatives have the right to file a complaint with the Commissioner requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. The Commissioner will withhold names of employees complaining on request The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act. A public employee who believes he or she has been discriminated against may file a complaint with the Commissioner within 30

days of the alleged discrimination. **Citation:** If upon an inspection performed by the Division of Labor and Industry, the Commission believes a public employer has violated the Act, a citation alleging such violations shall be issued the public employer. Each citation shall specify a time period within which the alleged violation corrected. The MOSH citation must be prominently displayed at or near the place of alleged violation of alleged violation and the prominently displayed at or near the place of alleged violation of the MOSH citation must be prominently displayed at or near the place of alleged violation of the MOSH citation must be prominently displayed at or near the place of alleged violation of the MOSH citation must be prominently displayed at or near the place of alleged violation of the MOSH citation must be prominently displayed at or near the place of alleged violation of the MOSH citation must be prominently displayed at or near the place of alleged violation of the MOSH citation must be prominently displayed at or near the place of alleged violation of the MOSH citation must be prominently displayed at or near the place of alleged violation of the MOSH citation must be place the must be all the must be all the must be place the must be all the must be also be all the must b three days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there. Voluntary Activity: The Act encourages efforts by labor and management to reduce injuries and illnesses arising out of employment. The Commissioner of Labor and Industry encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries. Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury, or illness to employees and

ADDITIONAL INFORMATION AND COPIES OF THE ACT, SPECIFIC MARYLAND OCCUPATIONAL SAFETY AND HEALTH STANDARDS, AND OTHER APPLICABLE REGULATIONS MAY BE OBTAINED

THE COMMISSIONER OF LABOR AND INDUSTRY, 1100 North Eutaw Street, Baltimore, Marylanv 21201, Phone: 410-767-SAFE Complaints about the Public Employer Self-inspection Program may be made to the Commissioner of Labor and Industry at the above address

		<b>Workers' Compensation</b>		Lie Detector Tests		
_	If you are disab and other exper If you are injur 1. Notify your e 2. Tell the docto 3. Complete an Note: Withhold	Accidental Personal Injury or Occupational Disease? sabled and unable to work for more than three (3) days, your employer's workers' compensation insurance company may pay your n penses and replace two-thirds (2/3) of your salary (limited to the maximum set by law). ijured on the job: remployer or supervisor at once. You cannot receive full benefits unless your employer knows you are injured. sctor who treats you that you were hurt on the job. an Employee's Claim Form C-1 (available by phone or on the Commission's website) and send it to us as soon as possible. olding information or giving false information about any work-related activity or return to work could prevent you from receiving benefit to fines, imprisonment or both.		Labor and Employment Article Title 3, Subtitle 7, Annotated Code of Maryland Section 3-702 - Lie Detector Tests. (a) "Employer" Defined - In this section, "employer" means: (1) a person engaged in a business, industry, profession, trade, or other enterprise in the State; (2) the State; (3) a county; and (4) a municipal corporation in the State. (b) Scope of Section - (1) This section does not apply to the federal government or any of its units.	<ol> <li>the St. Mary's County Detention Center.</li> <li>This section does not apply to an applicant for employment as a correctional officer with the Department of Corrections for Prince George County.</li> <li>Prohibited Activity - An employer may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a lie detector or similar tes (d) Notice of Prohibition -</li> <li>Each application for employment shall set out, in bold-faced upper case type, the following notice: "Under Maryland law, an employer may not sr require or demand, as a condition of employment, prospective employment</li> </ol>	
		Employer :		<ul> <li>(2) This section does not apply to an individual who is an employee of or applies for assignment to the internal Investigative Unit of the Department of Public Safety and Correctional Services.</li> <li>(3) This section does not apply to an individual who applies for employment</li> </ul>	or continued employment, that an individual submit to or take a lie detector or similar test. An employer who violates this law is guilty of a misdemeanor and subject to a fine not exceeding \$100." (2) Each application shall provide a space for an applicant to sign an	
		Business Address :				
		City / State / Zip :		or is employed: (i)as a law enforcement officer, as defined in §3-101 of the Public Safety Article:	<ul> <li>acknowledgment of the notice required under this subsection.</li> <li>(e) Acknowledgment of Applicant - An applicant shall sign the acknowledgment of the notice required under subsection (d) of this section.</li> </ul>	
		Federal Employer ID (FEIN):		<ul> <li>(ii) as an employee of a law enforcement agency of the State, a county, or a municipal corporation:</li> </ul>	(f) Rights of Applicants and Employees - If an employer violates subsection (c) or (d) of this section, an applicant for employem or prospective	
		Telephone Number:		<ul> <li>(iii) as a communications officer of the Calvert County Control Center;</li> <li>(iv) as a correctional officer of the Calvert County Detention Center or in any</li> </ul>	employment or an employee may submit to the Commissioner a written complaint.	
		Insurance Company Name:		other capacity that involves direct personal contact with an inmate in the Detention Center; (v) as a correctional officer of the Washington County Detention Center or	<ul> <li>(g) Enforcement -</li> <li>(1) Whenever the Commissioner determines that this section has been violated, the Commissioner may:</li> </ul>	
		Insurance Company Telephone:		in any other capacity that involves direct personal contact with an inmate in the Center; or	<ul> <li>(i) try to resolve any issue involved in the violation informally by mediation or</li> </ul>	
				(vi) as a correctional officer of	(ii) ask the Attorney General to bring an action on behalf of the applicant or	

## **Emergency Notice**

#### AMBULANCE: FIRE-RESCUE: HOSPITAL: PHYSICIAN ALTERNATE: POLICE: OSHA: HAZARDOUS MATERIAL:

### **Payday Notice**

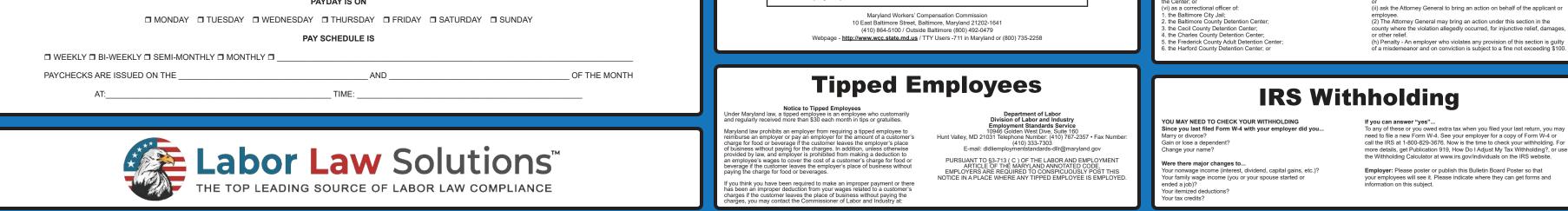
PAYDAY IS ON

## ne Maryland Occupational Safety and Health Act of 1973 provides job safety and health prote r workers through the promotion of safe and healthful working conditions throughout the State equirements of the Act include the following:

Public Employers: Each public employer shall furnish to each of his or her employees employment and a ce of employment free from recognized hazards that are causing or are likely to cause death or serious m to employees; and shall comply with occupational safety and health standards issued under the Act. harm to employees; and shall comply with occupational satety and health standards issued under the Act. **Public Employees**: Each public employees shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Act that apply to his or her own actions and conduct on the job. The Commissioner of Labor and Industry has the primary responsibility for administering the Act and issuing occupational safety and health standards. **Inspection**: The Act provides that the State Government and each of its political subdivisions or any agency thereof shall develop, conduct and maintain a program of self-inspection. This program is to be approved and monitored by the Commissioner of Labor and Industry. The Act requires that a representative or representatives authorized by the employees be given an opportunity to participate

OCCUPATIONAL SAFETY and HEALTH ACT (PUBLIC SECTOR)

us harm to



LABORLAWSOLUTIONS.COM

MAKING UNAUTHORIZED COPIES IS AGAINST THE LAW AND MAY SUBJECT YOU TO CIVIL AND CRIMINAL LIABILITY