

HOUSE BILL 1413

K3, P4, L6

5lr2017

By: **Delegates Behler and J. Lewis**

Introduced and read first time: February 7, 2025

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Employer Communications During Nonworking**
3 **Hours – Right to Disconnect**

4 FOR the purpose of requiring employers to establish a policy that provides employees a
5 certain right to ignore communications from the employer during nonworking hours
6 and establishes nonworking hours by written agreement; prohibiting, except under
7 certain circumstances, an employer from requiring that an employee communicate
8 with the employer during nonworking hours; and generally relating to the right to
9 disconnect from employer communications during nonworking hours.

10 BY adding to
11 Article – Labor and Employment
12 Section 3–103(e)(7) and 3–718
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2024 Supplement)

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

17 **Article – Labor and Employment**

18 3–103.

19 (e) **(7) THE COMMISSIONER MAY INVESTIGATE WHETHER § 3–718 OF**
20 **THIS TITLE HAS BEEN VIOLATED ON RECEIPT OF A WRITTEN COMPLAINT OF AN**
21 **EMPLOYEE.**

22 **3–718.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "EMPLOYER" MEANS:

1. A PERSON ENGAGED IN A BUSINESS, AN INDUSTRY, A PROFESSION, A TRADE, OR OTHER ENTERPRISE IN THE STATE; OR

2. A UNIT OF STATE OR LOCAL GOVERNMENT.

(II) "EMPLOYER" INCLUDES AN AGENT, A REPRESENTATIVE, AND A DESIGNEE OF THE EMPLOYER.

(3) "NONWORKING HOURS" MEANS THE HOURS BEFORE AND AFTER AN EMPLOYEE'S ASSIGNED HOURS OF WORK.

(B) THIS SECTION DOES NOT APPLY TO AN EMPLOYEE COVERED BY A COLLECTIVE BARGAINING AGREEMENT.

(C) AN EMPLOYER SHALL ESTABLISH A POLICY THAT:

(1) PROVIDES EMPLOYEES THE RIGHT TO IGNORE COMMUNICATIONS FROM THE EMPLOYER DURING NONWORKING HOURS; AND

(2) ESTABLISHES NONWORKING HOURS BY WRITTEN AGREEMENT BETWEEN THE EMPLOYER AND EMPLOYEE.

(D) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, AN EMPLOYER MAY NOT REQUIRE THAT AN EMPLOYEE COMMUNICATE WITH THE EMPLOYER DURING NONWORKING HOURS IN ACCORDANCE WITH THE POLICY ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.

(E) AN EMPLOYER MAY REQUIRE THAT AN EMPLOYEE COMMUNICATE WITH THE EMPLOYER DURING NONWORKING HOURS:

(1) REGARDING A CHANGE TO THE EMPLOYEE'S SCHEDULE THAT OCCURS WITHIN 24 HOURS BEFORE THE CHANGE IS TO TAKE EFFECT; OR

(2) IF THERE IS AN UNFORESEEN SITUATION THAT:

(I) THREATENS THE HEALTH OR SAFETY OF AN EMPLOYEE, A CUSTOMER, OR THE PUBLIC;

(II) DISRUPTS OR SHUTS DOWN OPERATIONS OF THE EMPLOYER; OR

(III) CAUSES OR THREATENS TO CAUSE PHYSICAL OR ENVIRONMENTAL DAMAGE TO THE WORKPLACE.

(F) (1) IF AN EMPLOYER VIOLATES SUBSECTION (D) OF THIS SECTION, AN EMPLOYEE OF THE EMPLOYER MAY FILE A COMPLAINT WITH THE COMMISSIONER.

(2) IF THE COMMISSIONER RECEIVES A WRITTEN COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER SHALL:

(I) TRY TO RESOLVE THE ISSUE INFORMALLY; OR

(II) DETERMINE WHETHER THE EMPLOYER HAS VIOLATED THIS SECTION.

(3) IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER HAS VIOLATED THIS SECTION, THE COMMISSIONER SHALL:

(I) ISSUE AN ORDER COMPELLING COMPLIANCE WITH THIS SECTION; AND

(II) IN THE COMMISSIONER'S DISCRETION, ASSESS A CIVIL PENALTY OF:

1. UP TO \$300 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS NOT IN COMPLIANCE WITH THIS SECTION; OR

2. UP TO \$600 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS NOT IN COMPLIANCE WITH THIS SECTION IF THE VIOLATION OCCURRED WITHIN 3 YEARS AFTER AN EMPLOYEE FILED A PREVIOUS COMPLAINT THAT LED TO A DETERMINATION THAT A VIOLATION HAD OCCURRED.

(4) THE PROVISIONS OF PARAGRAPHS (2)(II) AND (3) OF THIS SUBSECTION ARE SUBJECT TO THE NOTICE AND HEARING REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(5) IF THE EMPLOYER FAILS TO COMPLY WITH AN ORDER ISSUED FOR A VIOLATION UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE COMMISSIONER MAY BRING AN ACTION TO ENFORCE THE ORDER AND CIVIL PENALTY IN THE CIRCUIT COURT IN THE COUNTY WHERE THE EMPLOYER IS LOCATED.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2025.