

SENATE BILL 119

K3

0lr0072

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Labor)**

Requested: September 17, 2019

Introduced and read first time: January 8, 2020

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: January 28, 2020

CHAPTER _____

1 AN ACT concerning

2 **Labor and Employment – Wage Payment and Collection – Order to Pay Wages**

3 FOR the purpose of increasing the maximum amount of wages included in a complaint for
4 failure to pay wages that initiates a certain procedure for resolving wage complaints
5 and for which the Commissioner of Labor and Industry is authorized to issue an
6 order to pay wages; and generally relating to wage payment and collection.

7 BY repealing and reenacting, with amendments,
8 Article – Labor and Employment
9 Section 3–507.1
10 Annotated Code of Maryland
11 (2016 Replacement Volume and 2019 Supplement)

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

14 **Article – Labor and Employment**

15 3–507.1.

16 (a) On receipt of a complaint for failure to pay wages that do not exceed **[\$3,000]**
17 **\$5,000**, the Commissioner shall:

18 (1) send a copy of the complaint to the employer alleged to have failed to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 pay wages; and

2 (2) require a written response to the complaint within 15 days.

3 (b) (1) The Commissioner:

4 (i) shall review the complaint and any response to it; and

5 (ii) may investigate the claim.

6 (2) On the basis of the review and any investigation, the Commissioner
7 may:

8 (i) issue an order to pay wages under subsection (c) of this section if
9 the Commissioner determines that this subtitle has been violated; or

10 (ii) dismiss the claim.

11 (c) (1) The Commissioner may issue an order to pay wages that:

12 (i) describes the alleged violation;

13 (ii) directs payment of wages to the complainant; and

14 (iii) if appropriate, orders the payment of interest at the rate of 5%
15 per year accruing from the date the wages are owed.

16 (2) The Commissioner shall send the order to pay wages to the complainant
17 and to the employer at the employer's last known business address by both regular mail
18 and certified mail, return receipt requested.

19 (3) Within 30 days after receipt of the order to pay wages, the employer
20 may request a de novo administrative hearing, which shall be conducted in accordance with
21 Title 10, Subtitle 2 of the State Government Article.

22 (4) On receipt of a request for a hearing, the Commissioner shall schedule
23 a hearing.

24 (5) If a hearing is not requested, the order to pay wages shall become a final
25 order of the Commissioner.

26 (6) (i) If a petition for review is not filed within 30 days of the issuance
27 of the final order, the Commissioner may proceed in District Court of the county where the
28 employer resides or has a place of business to enforce payment.

29 (ii) In a proceeding under this subsection, the Commissioner is
30 entitled to judgment in the amount of the order to pay wages and any interest due on a

1 showing that:

- 2
3 against the employer;
- 4 1. the order to pay wages and interest, if any, was assessed
- 5 2. no appeal is pending;
- 6 3. the ordered wages and interest, if any, are wholly or partly
- 7 unpaid; and
- 8 4. the employer was duly served with a copy of the order to
- 9 pay wages and interest, if any, in accordance with this section.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.