

## WHERE TO FIND HELP

Listed below is a quick reference guide to information on various subject areas involving employment.

**Employment Discrimination** – Maryland Commission on Civil Rights (MCCR): (410) 767-8600, Equal Employment Opportunity Commission (EEOC): (410) 209-2237

**Child Labor** – Maryland Division of Labor and Industry: (410) 767-2357

**Retirement Benefits** (401k & ERISA) – U.S. D.O.L. Pension Welfare Benefits Administration: (866) 444-3272

**Health Care Benefits after Termination of Employment (COBRA)** – U.S. D.O.L., Employee Benefits Security Administration: (866) 444-3272

**State Scaled or “Prevailing” Wage** – Maryland Division of Labor and Industry, Prevailing Wage Unit: (410) 767-2342

**Federal Scaled or “Prevailing” Wage** – U.S. D.O.L., Wage and Hour Division: (410) 962-6211

**Unemployment Benefits** – Maryland Office of Unemployment Insurance: Claimant: (800) 827-4839 Employer: (800) 492-5524

**Maryland Workers’ Compensation** (for work related injuries and illness): (410) 767-0900

**I-9 Requirements** – U.S. D.O.L.: (410) 962-4984

**Unions and Collective Bargaining Agreements** – National Labor Relations Board (NLRB): (866) 677-NLRB (6562)

**Maryland Department of Assessments & Taxation** (SDAT): (888) 246-5941

**Maryland Occupational Safety and Health (MOSH)**: (410) 527-4499

**Maryland Dislocated Workers Unit**: (410) 767-2250

**The following are available online:**  
([labor.maryland.gov/labor/wages/](http://labor.maryland.gov/labor/wages/))

### **Required Posters**

Minimum Wage and Overtime  
Equal Pay for Equal Work  
Employment of Minors Fact Sheet  
Lie Detector Signature Sheet  
Notice to Tipped Employees  
Sick and Safe Leave

### **Publications**

The Maryland Guide to Wage Payment and Employment Standards

### **Laws**

Wage Payment and Collection  
Wage and Hour Law Regulations

### **Forms**

Wage Claim  
Credit Check Complaint  
Child Labor Violation Claim  
Wage Lien  
Lie Detector Signature  
Sick and Safe Leave

**For additional information, contact:**

Employment Standards Service  
10946 Golden West Drive, Suite 160  
Hunt Valley, MD 21031

Email:

[DLDLIEmploymentStandards-DLLR.maryland.gov](mailto:DLDLIEmploymentStandards-DLLR.maryland.gov)



## **Employment Standards Service**



*To Protect and promote employment rights of Marylanders through quality wage payment and collection investigations, and by providing effective information to employers and employees regarding the laws of*

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## Does my employer have to give a break, benefits or days off?

Unless an employee works in a retail establishment and meets the requirements of the **Healthy Retail Employee Act**, there is no law requiring an employer provide breaks, including lunch breaks, unless the employee is under the age of 18. Minors under 18 must receive a 30-minute break for every 5 hours of work. In addition, State law does not guarantee days off for holidays or any special holiday pay for private sector employees, except an unpaid religious day of rest each week for retail employees who give prior written notice to their employers.

Maryland law does not require the award of **benefits**. Examples include vacation leave, sick leave, compensatory time, holidays and holiday pay, health and life insurance, bonuses, severance pay, etc. The right to claim benefits only arises through a prior agreement of the parties.

### When is final pay due upon termination?

Each employer shall pay an employee, or the authorized representative of an employee, all wages due for work that the employee performed before the termination of employment, on or before the day on which the employee would have been paid the wages if the employment had not terminated.

### Does the employer have to give a reason for termination?

In Maryland, employees work "at the will" of their employers. This means, in the absence of an express contract, agreement or policy to the contrary, an employee may be hired or fired for almost any reason -- whether fair or not -- or for no reason at all; based on non-discrimination.

Under Maryland law, the age of a minor or the immigration status of an alien have no bearing on a worker's rights to receive earned wages.

The **Flexible Leave Act** authorizes employees of employers with 15 or more individuals to use "leave with pay" for an illness in the employee's immediate family which includes a child, spouse or parent. Leave with pay is considered time away from work for which an employee is paid and includes sick

The **Maryland Wage Payment and Collection Law** sets forth the rights by which employees receive wages. The law states when and how often employees must be paid, general guidelines for making wage deductions, which actions are prohibited and how employees may enforce their rights.

The Maryland **Wage and Hour Law** concerns minimum wage and overtime. The law specifies which categories of employers and employees are exempt and provide enforcement powers and remedies. The Maryland Wage and Hour Law is similar to the Federal Fair Labor Standards Act (FLSA), but contains some important differences. In every case, workers and employers are advised to contact the U.S. Department of Labor, Wage and Hour Division at (410) 962-6211 to assure compliance under federal law. Where either state or federal law is more stringent, the higher standard applies.

Federal, state and local governments are exempt from the provisions of both the Wage Payment and Collection Law and the Wage and Hour Law but they must comply with FLSA.

### Overtime in general

Overtime is payment to an employee of one and one-half (1.5) times the regular hourly wage for work performed in excess of 40 hours in a 7-day week. For some occupations in Maryland, overtime is calculated based on a different period of time. Certain farm-workers, for example, receive overtime for hours worked over 60 in a week. However, under state and federal laws, some employers are exempt from the requirement to pay overtime, and some employees are exempt from the right to receive it.

Leave hours, including vacation, sick time, holiday, etc., are not counted toward the accumulated hours in a week for overtime purposes. Overtime is calculated on hours actually worked.

## Tipped Employees: Payment of less than Minimum Wage

Employers are allowed to pay tipped employees (defined as employees regularly earning more than \$30 per month in tips) not less than \$3.63 per hour (\$4 per hour for Mo. Co.), provided each employee earns enough tips to bring their average hourly wage to at least the State/County minimum wage. Deficiencies must be supplemented by the employer to bring the employee to the minimum wage level.

**Note:** *Tipped employees who are from time to time assigned to perform non-tip related tasks must be paid by their employer at least the full minimum wage rate for that non-tipped time.*

## Performing Credit Checks for Employment

The **Job Applicant Fairness Act** generally prohibits employers in Maryland from using a job applicant or employee's credit report to determine: (1) whether to hire a job applicant; (2) whether to terminate an employee; or (3) the rate of pay or other conditions of employment for an employee. An employer covered by the law may use an employee or job applicant's credit history or credit report in limited circumstances:

- When a job applicant has already been offered the job and the credit report will not be used to determine the job applicant's pay or other terms and conditions of employment.
- If the employer has a bona fide reason for requesting or using the information that is substantially job-related and disclosed in writing to the employee or applicant.

## User Name and Password Privacy Protection and Exclusions

An employer may not request or require that an employee or applicant disclose any user name, password, or other means for accessing a personal account or service through an electronic communications device. An employer may require an employee to disclose any user name,

