

HOUSE BILL 1226

K3

4r1785
CF SB 994

By: **Delegate Foley**

Introduced and read first time: February 8, 2024

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Predictable Scheduling Act**

3 FOR the purpose of establishing certain requirements on food service establishments,
4 hospitality establishments, and retail establishments regarding work schedules for
5 employees, including requirements related to the provision of work schedules to
6 employees, notifications regarding changes to the schedules, and payment of wages
7 to employees whose work schedules are changed by the employer; authorizing certain
8 employees to request an adjustment in a work schedule before beginning a shift and
9 to decline to work hours that occur during a certain period; and generally relating to
10 work schedules.

11 BY repealing and reenacting, with amendments,
12 Article – Labor and Employment
13 Section 2–106(b) and 3–102(a)
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2023 Supplement)

16 BY adding to
17 Article – Labor and Employment
18 Section 3–103(n); and 3–1801 through 3–1812 to be under the new subtitle “Subtitle
19 18. Predictable Scheduling”
20 Annotated Code of Maryland
21 (2016 Replacement Volume and 2023 Supplement)

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

24 **Article – Labor and Employment**

25 2–106.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) Except as provided in subsection (c) of this section, and in addition to authority to adopt regulations that is set forth elsewhere, the Commissioner may adopt regulations that are necessary to carry out:

(1) Title 3, Subtitle 3 of this article;

(2) Title 3, Subtitle 5 of this article;

(3) Title 3, Subtitle 13 of this article;

(4) TITLE 3, SUBTITLE 18 OF THIS ARTICLE;

[(4)] (5) Title 4, Subtitle 2, Parts I through III of this article;

[(5)] (6) Title 5 of this article;

[(6)] (7) Title 6 of this article; and

[(7)] (8) Title 7 of this article.

3–102.

(a) In addition to any duties set forth elsewhere, the Commissioner shall:

(1) enforce Subtitle 2 of this title;

(2) carry out Subtitle 3 of this title;

(3) enforce Subtitle 4 of this title;

(4) enforce Subtitle 9 of this title;

(5) enforce Subtitle 16 of this title; [and]

(6) ENFORCE SUBTITLE 18 OF THIS TITLE; AND

[(6)] (7) enforce a local minimum wage law.

3–103.

(N) THE COMMISSIONER MAY CONDUCT AN INVESTIGATION TO DETERMINE WHETHER A PROVISION OF SUBTITLE 18 OF THIS TITLE HAS BEEN VIOLATED, ON THE COMMISSIONER'S OWN INITIATIVE OR ON RECEIPT OF A WRITTEN COMPLAINT OF AN EMPLOYEE.

SUBTITLE 18. PREDICTABLE SCHEDULING.

1 **3-1801.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) (1) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS:

5 (I) PAID AN HOURLY WAGE;

6 (II) NOT EXEMPT FROM THE MINIMUM WAGE AND OVERTIME
7 REQUIREMENTS OF THE FEDERAL FAIR LABOR STANDARDS ACT; AND

8 (III) EMPLOYED BY AN EMPLOYER.

9 (2) "EMPLOYEE" DOES NOT INCLUDE AN INDEPENDENT
10 CONTRACTOR.

11 (C) (1) "EMPLOYER" MEANS A PERSON THAT EMPLOYS INDIVIDUALS IN A
12 FOOD SERVICE ESTABLISHMENT, HOSPITALITY ESTABLISHMENT, OR RETAIL
13 ESTABLISHMENT.

14 (2) "EMPLOYER" INCLUDES A FRANCHISEE.

15 (D) "FOOD SERVICE ESTABLISHMENT" MEANS AN ENTITY IN THE INDUSTRY
16 OF FOOD SERVICES AND DRINKING PLACES, AS DEFINED UNDER THE NORTH
17 AMERICAN INDUSTRY CLASSIFICATION SYSTEM, NAICS 722, OR A SIMILAR
18 DESIGNATION ADOPTED BY THE COMMISSIONER, THAT:

19 (1) EMPLOYS NOT LESS THAN 500 EMPLOYEES IN THE UNITED
20 STATES OR WORLDWIDE; OR

21 (2) (I) IS PART OF A CHAIN OF AT LEAST 30 RESTAURANTS IN THE
22 UNITED STATES OR WORLDWIDE; OR

23 (II) IS A FRANCHISEE.

24 (E) (1) "FRANCHISEE" MEANS A PERSON TO WHOM A FRANCHISE OF A
25 FOOD SERVICE ESTABLISHMENT, HOSPITALITY ESTABLISHMENT, OR RETAIL
26 ESTABLISHMENT IS GRANTED.

27 (2) "FRANCHISEE" INCLUDES A DISTRIBUTOR, WHOLESALER,
28 JOBBER, OR RETAILER THAT IS GRANTED AUTHORITY UNDER A FRANCHISE TO USE

1 A TRADEMARK, TRADE NAME, SERVICE MARK, OR OTHER IDENTIFYING SYMBOL OR
2 NAME.

3 (F) "HOSPITALITY ESTABLISHMENT" MEANS AN ENTITY THAT IS A HOTEL,
4 MOTEL, OR CASINO HOTEL AS DEFINED UNDER THE NORTH AMERICAN INDUSTRY
5 CLASSIFICATION SYSTEM, NAICS 721110 AND 721120, OR A SIMILAR DESIGNATION
6 ADOPTED BY THE COMMISSIONER, THAT EMPLOYS NOT LESS THAN 500 EMPLOYEES
7 IN THE UNITED STATES OR WORLDWIDE.

8 (G) "RETAIL ESTABLISHMENT" MEANS AN ENTITY DEFINED UNDER THE
9 NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM, NAICS 4410 THROUGH
10 4599, OR A SIMILAR DESIGNATION ADOPTED BY THE COMMISSIONER THAT EMPLOYS
11 NOT LESS THAN 500 EMPLOYEES WORLDWIDE.

12 (H) "SCHEDULED WORK HOURS" MEANS THE HOURS AN EMPLOYEE IS
13 SCHEDULED TO WORK UNDER A WORK SCHEDULE.

14 (I) "SHIFT" MEANS THE CONSECUTIVE HOURS, INCLUDING BREAKS OF
15 LESS THAN 1 HOUR, AN EMPLOYER REQUIRES AN EMPLOYEE TO WORK OR TO BE
16 AVAILABLE FOR WORK.

17 (J) "WORK SCHEDULE" MEANS A WRITTEN NOTICE OF AN EMPLOYEE'S
18 SHIFTS DURING A CONSECUTIVE 7-DAY PERIOD THAT INCLUDES THE SPECIFIC
19 START AND END TIME FOR EACH SHIFT.

20 (K) "WORK SCHEDULE CHANGE" MEANS A MODIFICATION TO THE
21 EMPLOYEE'S WORK SCHEDULE MADE BY THE EMPLOYER, INCLUDING:

22 (1) THE ADDITION OR REDUCTION OF HOURS;

23 (2) THE CANCELLATION OF A PART OF A SHIFT; OR

24 (3) A CHANGE IN THE TIME, DATE, OR LOCATION OF A SHIFT.

25 3-1802.

26 (A) THIS SUBTITLE MAY NOT BE CONSTRUED TO:

27 (1) DISCOURAGE OR PROHIBIT AN EMPLOYER FROM ADOPTING OR
28 RETAINING A POLICY THAT IS MORE BENEFICIAL TO EMPLOYEES THAN THE
29 REQUIREMENTS UNDER THIS SUBTITLE;

30 (2) DIMINISH THE OBLIGATION OF AN EMPLOYER TO COMPLY WITH A

1 CONTRACT, A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYMENT BENEFIT
2 PLAN, OR ANY OTHER AGREEMENT THAT ESTABLISHES POLICIES THAT ARE MORE
3 BENEFICIAL TO AN EMPLOYEE THAN THE REQUIREMENTS OF THIS SUBTITLE; OR

4 (3) PREEMPT, LIMIT, OR OTHERWISE AFFECT THE APPLICABILITY OF
5 ANY OTHER LAW, POLICY, OR STANDARD ESTABLISHING SCHEDULING POLICIES
6 THAT PROVIDE ADDITIONAL RIGHTS OR EXTEND OTHER PROTECTIONS TO
7 EMPLOYEES BEYOND THOSE PROVIDED UNDER THIS SUBTITLE.

8 (B) FOR PURPOSES OF ENFORCING THIS SUBTITLE, AN EMPLOYER SHALL
9 BEAR THE BURDEN OF PROOF THAT AN INDIVIDUAL IS AN INDEPENDENT
10 CONTRACTOR AND NOT AN EMPLOYEE OF THE EMPLOYER.

11 3-1803.

12 (A) (1) AN EMPLOYER SHALL PROVIDE A NEW EMPLOYEE WITH THE
13 EMPLOYEE'S FIRST WORK SCHEDULE NOT LATER THAN THE DATE OF THE
14 EMPLOYEE'S FIRST SHIFT.

15 (2) THE WORK SCHEDULE PROVIDED UNDER PARAGRAPH (1) OF THIS
16 SUBSECTION SHALL COVER THE CONSECUTIVE 7-DAY PERIOD BEGINNING WITH THE
17 DATE OF THE FIRST SHIFT.

18 (B) (1) AT LEAST 14 DAYS BEFORE THE START OF ANY 7-DAY WORK
19 SCHEDULE, AN EMPLOYER SHALL CONSPICUOUSLY DISPLAY THE WORK SCHEDULE
20 AT EACH EMPLOYEE'S WORK SITE AND DISTRIBUTE THE WORK SCHEDULE TO EACH
21 EMPLOYEE.

22 (2) A WORK SCHEDULE SHALL LIST ALL CURRENT EMPLOYEES AT A
23 RESPECTIVE WORK SITE.

24 (C) (1) AN EMPLOYER SHALL:

25 (I) NOTIFY AN EMPLOYEE IN WRITING ABOUT A WORK
26 SCHEDULE CHANGE AS SOON AS PRACTICABLE BEFORE THE CHANGE TAKES
27 EFFECT; AND

28 (II) POST A REVISED WORK SCHEDULE THAT REFLECTS THE
29 CHANGE WITHIN 24 HOURS AFTER THE CHANGE IS MADE.

30 (2) AN EMPLOYEE MAY DECLINE TO WORK HOURS NOT INCLUDED IN
31 AN ORIGINAL WORK SCHEDULE OR IN A SUBSEQUENTLY REVISED SCHEDULE.

1 **(3) IF AN EMPLOYEE CONSENTS TO WORK HOURS NOT INCLUDED IN**
2 **AN ORIGINAL SCHEDULE OR IN A SUBSEQUENTLY REVISED SCHEDULE, THE**
3 **EMPLOYEE SHALL PROVIDE THE CONSENT IN WRITING.**

4 **(D) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
5 **BEFORE BEGINNING A SHIFT, AN EMPLOYEE MAY SUBMIT TO AN EMPLOYER AN**
6 **ORAL, WRITTEN, OR ELECTRONIC REQUEST TO ADJUST THE EMPLOYEE'S WORK**
7 **SCHEDULE.**

8 **(II) A REQUEST MADE UNDER SUBPARAGRAPH (I) OF THIS**
9 **PARAGRAPH MAY INCLUDE A REQUEST FOR THE EMPLOYER TO:**

10 **1. SCHEDULE OR REFRAIN FROM SCHEDULING THE**
11 **EMPLOYEE FOR WORK SHIFTS DURING SPECIFIC DAYS OR TIMES OR AT SPECIFIC**
12 **LOCATIONS;**

13 **2. SCHEDULE THE EMPLOYEE FOR MORE OR FEWER**
14 **HOURS; OR**

15 **3. SCHEDULE THE EMPLOYEE CONSISTENTLY FOR A**
16 **SPECIFIC OR MINIMUM NUMBER OF WEEKLY WORK HOURS.**

17 **(2) ON RECEIPT OF A REQUEST TO ADJUST AN EMPLOYEE'S WORK**
18 **SCHEDULE, AN EMPLOYER:**

19 **(I) SHALL ENGAGE WITH THE EMPLOYEE IN AN INTERACTIVE**
20 **PROCESS TO DISCUSS THE EMPLOYEE'S REQUEST; AND**

21 **(II) MAY GRANT OR DENY THE EMPLOYEE'S REQUEST FOR ANY**
22 **LAWFUL AND BONA FIDE BUSINESS REASON.**

23 **3-1804.**

24 **(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION,**
25 **AN EMPLOYER SHALL PAY AN EMPLOYEE 1 HOUR AT THE EMPLOYEE'S REGULAR**
26 **RATE OF PAY FOR EACH TIME THAT THE EMPLOYER, AFTER THE WORK SCHEDULE**
27 **WAS PROVIDED UNDER § 3-1803(B)(1) OF THIS SUBTITLE:**

28 **(1) ADDS 1 OR MORE HOURS OF WORK TO THE EMPLOYEE'S WORK**
29 **SCHEDULE; OR**

30 **(2) WITHOUT A REDUCTION OF HOURS OF WORK, CHANGES THE DATE,**
31 **TIME, OR LOCATION OF A SHIFT.**

1 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**
2 **EMPLOYER SHALL PAY THE EMPLOYEE 50% OF THE EMPLOYEE'S REGULAR RATE OF**
3 **PAY FOR ALL SCHEDULED WORK HOURS THE EMPLOYEE DOES NOT WORK DUE TO**
4 **THE EMPLOYER CANCELING OR REDUCING THE EMPLOYEE'S WORK HOURS:**

5 **(1) AFTER THE WORK SCHEDULE WAS PROVIDED UNDER §**
6 **3-1803(B)(1) OF THIS SUBTITLE; OR**

7 **(2) AFTER THE EMPLOYEE REPORTS TO WORK FOR THE EMPLOYEE'S**
8 **SHIFT.**

9 **(C) AN EMPLOYER IS NOT REQUIRED TO PAY THE WAGES REQUIRED UNDER**
10 **SUBSECTION (A) OR (B) OF THIS SECTION IF THE CHANGE TO AN EMPLOYEE'S SHIFT**
11 **OR SCHEDULED WORK HOURS:**

12 **(1) WAS MADE AT THE WRITTEN REQUEST OF THE EMPLOYEE,**
13 **INCLUDING A REQUEST TO:**

14 **(I) WORK SPECIFIC HOURS OTHER THAN THOSE SCHEDULED BY**
15 **THE EMPLOYER; OR**

16 **(II) USE SICK LEAVE, VACATION LEAVE, PERSONAL DAYS, OR**
17 **OTHER LEAVE OFFERED BY THE EMPLOYER;**

18 **(2) IS THE RESULT OF A VOLUNTARY, MUTUALLY AGREED-ON SHIFT**
19 **TRADE AMONG EMPLOYEES; OR**

20 **(3) IS DUE TO THE EMPLOYER BEING UNABLE TO BEGIN OR CONTINUE**
21 **OPERATIONS DUE TO:**

22 **(I) THE UTILITIES AT THE WORK LOCATION NOT WORKING;**

23 **(II) THE SHUTDOWN OF PUBLIC TRANSPORTATION;**

24 **(III) A NATURAL DISASTER, INCLUDING A FIRE OR FLOOD; OR**

25 **(IV) AN EMERGENCY DECLARATION ISSUED BY THE PRESIDENT**
26 **OF THE UNITED STATES OR THE GOVERNOR.**

27 **3-1805.**

28 **(A) AN EMPLOYEE HAS THE RIGHT TO DECLINE TO WORK A SHIFT THAT:**

1 (1) BEGINS LESS THAN 11 HOURS AFTER THE END OF A SHIFT
2 PREVIOUSLY WORKED BY THE EMPLOYEE; OR

3 (2) IS DURING THE 11-HOUR PERIOD IMMEDIATELY FOLLOWING THE
4 END OF A SHIFT THAT SPANS MORE THAN 1 DAY.

5 (B) IF AN EMPLOYEE AGREES IN WRITING TO WORK HOURS THAT OCCUR
6 DURING A PERIOD DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION, THE
7 EMPLOYER SHALL PAY THE EMPLOYEE 1.5 TIMES THE EMPLOYEE'S REGULAR RATE
8 OF PAY FOR THE HOURS WORKED.

9 **3-1806.**

10 (A) AN EMPLOYER SHALL GIVE EMPLOYEES NOTICE OF THEIR RIGHTS
11 UNDER THIS SUBTITLE BY:

12 (1) (I) CONSPICUOUSLY POSTING NOTICES IN ENGLISH AND
13 SPANISH AT A LOCATION AT THE WORK SITE THAT IS READILY ACCESSIBLE TO ALL
14 EMPLOYEES; OR

15 (II) IF THE POSTING OF A NOTICE UNDER ITEM (I) OF THIS ITEM
16 IS NOT PRACTICABLE, PROVIDING THE NOTICE ON AN INDIVIDUAL BASIS IN A
17 PHYSICAL FORM OR IN A REASONABLY ACCESSIBLE ELECTRONIC FORMAT; AND

18 (2) PROVIDING WRITTEN NOTICE TO A NEW EMPLOYEE OF THE
19 EMPLOYEE'S RIGHTS AND THE PROTECTIONS OF THIS SUBTITLE NOT LATER THAN
20 THE DATE OF THE FIRST SHIFT WORKED BY THE EMPLOYEE.

21 (B) THE NOTICES REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
22 SHALL INCLUDE:

23 (1) THE RIGHT TO RECEIVE PAY UNDER §§ 3-1804 AND 3-1805 OF
24 THIS SUBTITLE;

25 (2) A STATEMENT THAT RETALIATION AGAINST EMPLOYEES WHO
26 EXERCISE THEIR RIGHTS UNDER THIS SUBTITLE IS PROHIBITED; AND

27 (3) A STATEMENT THAT EACH EMPLOYEE HAS THE RIGHT TO FILE A
28 COMPLAINT OR BRING A CIVIL ACTION TO ENFORCE THE EMPLOYEE'S RIGHTS
29 UNDER THIS SUBTITLE.

30 (C) THE COMMISSIONER SHALL DEVELOP AND MAKE AVAILABLE ONLINE

1 MODEL WRITTEN NOTICES THAT EMPLOYERS MAY USE TO COMPLY WITH THIS
2 SECTION.

3 3-1807.

4 (A) EACH EMPLOYER SHALL:

5 (1) RECORD THE WAGES PAID TO AN EMPLOYEE UNDER §§ 3-1804
6 AND 3-1805 OF THIS SUBTITLE IN THE STATEMENT OF EARNINGS REQUIRED BY §
7 3-504(A)(2) OF THIS TITLE; AND

8 (2) SPECIFY IN THE STATEMENT OF EARNINGS THE TOTAL AMOUNT
9 OF PAY PAID UNDER §§ 3-1804 AND 3-1805 OF THIS SUBTITLE.

10 (B) IF NECESSARY TO CARRY OUT THIS SUBTITLE, THE COMMISSIONER MAY
11 REQUIRE AN EMPLOYER TO:

12 (1) INCLUDE ADDITIONAL INFORMATION IN THE STATEMENT OF
13 EARNINGS; AND

14 (2) USE ADDITIONAL MEANS TO NOTIFY THE EMPLOYER'S
15 EMPLOYEES OF THE INFORMATION REQUIRED TO BE INCLUDED IN THE STATEMENT
16 OF EARNINGS UNDER SUBSECTION (A) OF THIS SECTION.

17 3-1808.

18 (A) IN ADDITION TO THE REQUIREMENTS UNDER § 3-424 OF THIS TITLE,
19 EACH EMPLOYER SHALL KEEP, FOR AT LEAST 3 YEARS, AN ACCURATE RECORD OF:

20 (1) THE WORK SCHEDULE OF EACH EMPLOYEE;

21 (2) THE SHIFTS WORKED EACH DAY AND WEEK BY EACH EMPLOYEE;

22 (3) THE PAY PAID TO EACH EMPLOYEE UNDER §§ 3-1804 AND 3-1805
23 OF THIS SUBTITLE; AND

24 (4) ANY SUBSEQUENT REVISIONS TO THE WORK SCHEDULE OF EACH
25 EMPLOYEE.

26 (B) THE EMPLOYER SHALL:

27 (1) COMPLY WITH ANY REGULATIONS THAT THE MARYLAND
28 DEPARTMENT OF LABOR ADOPTS REGARDING EMPLOYEE RECORD KEEPING;

1 **(2) MAKE THE RECORDS KEPT UNDER SUBSECTION (A) OF THIS**
2 **SECTION AVAILABLE FOR INSPECTION BY THE COMMISSIONER TO THE SAME**
3 **EXTENT AND FOR THE SAME PURPOSES AS RECORDS ARE MADE AVAILABLE TO THE**
4 **COMMISSIONER UNDER § 3-425 OF THIS TITLE; AND**

5 **(3) ALLOW AN EMPLOYEE TO INSPECT AT ANY REASONABLE TIME AND**
6 **PLACE ANY RECORD KEPT UNDER SUBSECTION (A) OF THIS SECTION PERTAINING TO**
7 **THE EMPLOYEE.**

8 **3-1809.**

9 **(A) AN EMPLOYER MAY NOT ENGAGE IN ANY FORM OF INTIMIDATION,**
10 **THREAT, REPRISAL, HARASSMENT, DISCRIMINATION, OR ADVERSE EMPLOYMENT**
11 **ACTION BECAUSE AN EMPLOYEE EXERCISES RIGHTS PROTECTED UNDER THIS**
12 **SUBTITLE.**

13 **(B) THE PROTECTIONS AFFORDED UNDER THIS SECTION SHALL APPLY TO**
14 **AN EMPLOYEE WHO MISTAKENLY, BUT IN GOOD FAITH, ALLEGES A VIOLATION OF**
15 **THIS SUBTITLE.**

16 **3-1810.**

17 **(A) (1) A PERSON MAY FILE A COMPLAINT ALLEGING A VIOLATION OF**
18 **THIS SUBTITLE WITH THE COMMISSIONER.**

19 **(2) THE COMMISSIONER SHALL KEEP CONFIDENTIAL THE IDENTITY**
20 **OF A PERSON THAT FILES A COMPLAINT UNLESS DISCLOSURE IS NECESSARY FOR**
21 **THE RESOLUTION OF ANY INVESTIGATION OR IS OTHERWISE REQUIRED BY LAW.**

22 **(3) IF THE COMMISSIONER NEEDS TO DISCLOSE THE IDENTITY OF A**
23 **PERSON THAT FILES A COMPLAINT, THE COMMISSIONER SHALL, TO THE EXTENT**
24 **PRACTICABLE, NOTIFY THE PERSON BEFORE THE DISCLOSURE IS MADE.**

25 **(B) (1) ON RECEIPT OF A COMPLAINT FILED UNDER SUBSECTION (A)(1)**
26 **OF THIS SECTION, THE COMMISSIONER SHALL SEND A LETTER TO THE EMPLOYER.**

27 **(2) THE LETTER SHALL:**

28 **(I) STATE THAT THERE IS A COMPLAINT ALLEGING A**
29 **VIOLATION OF THIS SUBTITLE FILED AGAINST THE EMPLOYER;**

30 **(II) STATE THE REQUIREMENTS OF SUBSECTION (C) OF THIS**

1 SECTION;

2 (III) STATE THAT FAILURE TO COMPLY MAY RESULT IN A CIVIL
3 ACTION SEEKING DAMAGES, COUNSEL FEES, AND OTHER LEGAL REMEDIES; AND

4 (IV) INFORM THE EMPLOYER THAT RETALIATION AGAINST AN
5 EMPLOYEE FOR EXERCISING RIGHTS UNDER THIS SECTION IS A BASIS FOR A
6 PRIVATE RIGHT OF ACTION SEEKING ADDITIONAL MONETARY DAMAGES TO BE
7 DETERMINED BY A COURT.

8 (C) IF AN EMPLOYER RECEIVES A LETTER SENT UNDER SUBSECTION (B) OF
9 THIS SECTION, WITHIN 10 DAYS AFTER THE DATE OF THE LETTER, THE EMPLOYER
10 SHALL SUBMIT TO THE COMMISSIONER:

11 (1) PROOF OF COMPLIANCE WITH THIS SUBTITLE; OR

12 (2) AN ACTION PLAN THE EMPLOYER WILL IMPLEMENT TO CORRECT
13 ANY VIOLATION OF THIS SUBTITLE.

14 (D) IF THE COMMISSIONER DETERMINES THAT THIS SUBTITLE HAS BEEN
15 VIOLATED, THE COMMISSIONER MAY ISSUE AN ORDER:

16 (1) REQUIRING THE EMPLOYER TO:

17 (I) COMPLY WITH THIS SUBTITLE; AND

18 (II) PAY ANY PAY UNDER §§ 3-1804 AND 3-1805 OF THIS
19 SUBTITLE OR OTHER WAGES OWED TO EMPLOYEES UNDER THIS SUBTITLE;

20 (2) IMPOSING A CIVIL PENALTY NOT TO EXCEED:

21 (I) \$200 FOR EACH VIOLATION OF § 3-1803(A) THROUGH (C) OF
22 THIS SUBTITLE;

23 (II) \$300 FOR EACH VIOLATION OF §§ 3-1804 AND 3-1805 OF
24 THIS SUBTITLE; AND

25 (III) \$500 FOR EACH VIOLATION OF §§ 3-1806 THROUGH 3-1809
26 OF THIS SUBTITLE; AND

27 (3) GRANTING ANY OTHER APPROPRIATE RELIEF, INCLUDING:

28 (I) REINSTATEMENT OF EMPLOYMENT;

1 (II) INJUNCTIVE RELIEF;

2 (III) ACTUAL DAMAGES; AND

3 (IV) AN ADDITIONAL AMOUNT EQUAL TO TWICE ANY PAY UNDER
4 §§ 3-1804 AND 3-1805 OF THIS SUBTITLE OR OTHER WAGES OWED TO EMPLOYEES
5 UNDER THIS SUBTITLE.

6 (E) FOR ANY RELIEF ORDERED UNDER SUBSECTION (D)(2)(I) AND (II) OF
7 THIS SECTION, THE RELIEF SHALL BE IMPOSED FOR EACH EMPLOYEE AFFECTED BY
8 THE VIOLATION DURING EACH PAY PERIOD THE VIOLATION CONTINUED.

9 (F) (1) WITHIN 30 DAYS AFTER RECEIVING AN ORDER ISSUED UNDER
10 SUBSECTION (D) OF THIS SECTION, AN EMPLOYER MAY REQUEST A DE NOVO
11 ADMINISTRATIVE HEARING.

12 (2) AN ADMINISTRATIVE HEARING REQUESTED UNDER PARAGRAPH
13 (1) OF THIS SUBSECTION SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 10,
14 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

15 (3) IF AN EMPLOYER DOES NOT REQUEST A HEARING UNDER
16 PARAGRAPH (1) OF THIS SUBSECTION, THE ORDER ISSUED BY THE COMMISSIONER
17 BECOMES FINAL.

18 (4) (I) A FINAL ORDER OF THE COMMISSIONER MAY BE APPEALED
19 IN ACCORDANCE WITH § 10-222 OF THE STATE GOVERNMENT ARTICLE.

20 (II) IF AN EMPLOYER DOES NOT REQUEST JUDICIAL REVIEW OF
21 A FINAL ORDER WITHIN 30 DAYS AFTER THE ORDER BECOMES FINAL, THE
22 COMMISSIONER MAY FILE AN ACTION TO ENFORCE THE ORDER IN THE CIRCUIT
23 COURT FOR THE COUNTY IN WHICH THE EMPLOYER RESIDES OR HAS A PLACE OF
24 BUSINESS.

25 (G) ON OR BEFORE FEBRUARY 1 EACH YEAR, THE COMMISSIONER SHALL
26 POST ON THE WEBSITE OF THE MARYLAND DEPARTMENT OF LABOR:

27 (1) THE NUMBER AND NATURE OF COMPLAINTS FILED UNDER THIS
28 SECTION;

29 (2) THE RESULTS OF ANY INVESTIGATIONS RELATED TO A
30 COMPLAINT;

1 **(3) THE NUMBER OF ORDERS ISSUED AND PENALTIES IMPOSED**
2 **UNDER THIS SECTION; AND**

3 **(4) THE AVERAGE TIME TAKEN FOR A COMPLAINT TO BE RESOLVED.**

4 **3-1811.**

5 **(A) (1) ANY CURRENT OR FORMER EMPLOYEE ALLEGING A VIOLATION OF**
6 **THIS SUBTITLE MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION.**

7 **(2) AN ACTION MAY BE BROUGHT WHETHER OR NOT A COMPLAINT**
8 **WAS FIRST FILED WITH THE COMMISSIONER.**

9 **(3) AN ACTION BROUGHT UNDER THIS SUBSECTION SHALL BE FILED**
10 **WITHIN 3 YEARS AFTER THE CURRENT OR FORMER EMPLOYEE KNEW OR SHOULD**
11 **HAVE KNOWN OF THE ALLEGED VIOLATION.**

12 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN AN ACTION**
13 **UNDER SUBSECTION (A) OF THIS SECTION, IF A COURT FINDS THAT AN EMPLOYER**
14 **HAS VIOLATED THIS SUBTITLE, THE COURT MAY:**

15 **(I) ISSUE AN ORDER REQUIRING THE EMPLOYER TO COMPLY**
16 **WITH THIS SUBTITLE; AND**

17 **(II) AWARD:**

18 1. **REINSTATEMENT OF EMPLOYMENT;**

19 2. **INJUNCTIVE RELIEF;**

20 3. **ACTUAL DAMAGES;**

21 4. **ANY PAY UNDER §§ 3-1804 AND 3-1805 OF THIS**
22 **SUBTITLE OR OTHER WAGES OWED TO EMPLOYEES UNDER THIS SUBTITLE PLUS**
23 **INTEREST;**

24 5. **AN ADDITIONAL AMOUNT EQUAL TO TWICE ANY PAY**
25 **UNDER §§ 3-1804 AND 3-1805 OF THIS SUBTITLE OR OTHER WAGES OWED TO**
26 **EMPLOYEES UNDER THIS SUBTITLE; AND**

27 6. **REASONABLE ATTORNEY'S FEES AND OTHER COSTS.**

28 **(2) THE RELIEF AUTHORIZED UNDER PARAGRAPH (1) OF THIS**

1 SUBSECTION SHALL BE IMPOSED ON A PER-EMPLOYEE AND PER-INSTANCE BASIS
2 FOR EACH VIOLATION.

3 **3-1812.**

4 THIS SUBTITLE MAY BE CITED AS THE MARYLAND PREDICTABLE
5 SCHEDULING ACT.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2024.