

# HOUSE BILL 790

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By: **Delegates Queen, Charkoudian, Dumais, Fennell, Glenn, Hettleman, Kelly, Korman, Krimm, Lopez, Luedtke, Moon, Palakovich Carr, Patterson, Pena-Melnyk, Proctor, Qi, Shetty, Stewart, Valderrama, C. Watson, Wilkins, and K. Young**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Equal Pay for Equal Work – Enforcement – Civil Penalties**  
3 **(Equal Pay Remedies and Enforcement Act)**

4 FOR the purpose of requiring the Commissioner of Labor and Industry or a court to require  
5 a certain employer to pay a certain civil penalty for a violation of the Equal Pay for  
6 Equal Work Law; authorizing the Commissioner or a court to order certain  
7 additional civil penalties or certain relief under certain circumstances; requiring that  
8 a certain penalty be paid to the General Fund for a certain purpose; and generally  
9 relating to enforcement of the Equal Pay for Equal Work Law.

10 BY repealing and reenacting, with amendments,  
11 Article – Labor and Employment  
12 Section 3–308  
13 Annotated Code of Maryland  
14 (2016 Replacement Volume and 2018 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 3–308.

19 (a) An employer may not:

20 (1) willfully violate any provision of this subtitle;

21 (2) hinder, delay, or otherwise interfere with the Commissioner or an

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 authorized representative of the Commissioner in the enforcement of this subtitle;

2 (3) refuse entry to the Commissioner or an authorized representative of the  
3 Commissioner into a place of employment that the Commissioner is authorized under this  
4 subtitle to inspect; or

5 (4) discharge or otherwise discriminate against an employee because the  
6 employee:

7 (i) makes a complaint to the employer, the Commissioner, or  
8 another person;

9 (ii) brings an action under this subtitle or a proceeding that relates  
10 to the subject of this subtitle or causes the action or proceeding to be brought; or

11 (iii) has testified or will testify in an action under this subtitle or a  
12 proceeding that relates to the subject of this subtitle.

13 (b) An employee may not:

14 (1) make a groundless or malicious complaint to the Commissioner or an  
15 authorized representative of the Commissioner;

16 (2) in bad faith, bring an action under this subtitle;

17 (3) in bad faith, bring a proceeding that relates to the subject of this  
18 subtitle; or

19 (4) in bad faith, testify in an action under this subtitle or a proceeding that  
20 relates to the subject of this subtitle.

21 (c) The Commissioner may bring an action for injunctive relief and damages  
22 against a person who violates subsection (a)(1) or (4) or subsection (b)(1), (3), or (4) of this  
23 section.

24 (d) **(1)** An employer who violates any provision of subsection (a)(2) or (3) of this  
25 section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$300.

26 **(2) (I) IF AN EMPLOYER IS FOUND TO HAVE VIOLATED THIS**  
27 **SUBTITLE, THE COMMISSIONER OR A COURT SHALL REQUIRE THE EMPLOYER TO**  
28 **PAY A CIVIL PENALTY EQUAL TO 10% OF THE AMOUNT OF DAMAGES OWED BY THE**  
29 **EMPLOYER.**

30 **(II) THE COMMISSIONER OR A COURT MAY ORDER ADDITIONAL**  
31 **CIVIL PENALTIES AND ANY OTHER APPROPRIATE RELIEF FOR VIOLATIONS OF THIS**  
32 **SUBTITLE.**

1                   **(III) EACH CIVIL PENALTY ASSESSED UNDER THIS PARAGRAPH**  
2 **SHALL BE PAID TO THE GENERAL FUND OF THE STATE TO OFFSET THE COST OF**  
3 **ENFORCING THIS SUBTITLE.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2019.