

## MARYLAND — State Laws by Topic

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### ➤ AGE ◀

Under the Maryland Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on age. **Note:** State law does not define a protected age group.

Help-wanted ads may not indicate a preference, limitation, specification, or discrimination based on age, unless a *bona fide* occupational qualification exists.

The Act applies to employers who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or any agent of such a person.

### ➤ AIDS ◀

*Discrimination:* Employers are expressly prohibited from discriminating against individuals with AIDS or those who have tested positive for an AIDS-related virus.

*Testing:* Informed consent must be obtained before an individual is tested for AIDS.

### ➤ ARRESTS/CONVICTIONS ◀

Employers are prohibited from inquiring into expunged criminal records and arrests that failed to result in a conviction.

*State employees:* State appointing authorities in the executive, legislative, and judicial branches are prohibited from inquiring into the criminal record or history of a job applicant until the applicant has been given an opportunity for an interview. An appointing authority may still notify the job applicant that prior criminal convictions may prohibit employment for some positions.

*Exempt:* The Department of Public Safety and Correctional Services, any position for which an appointing authority is required by law to conduct a criminal history records check, any position in the sheriff's office of any county (with respect to constitutional obligations), or any position within the State Personnel Management System exempted by the Secretary of Budget and Management.

### ➤ BREAKS ◀

Employers engaged in a retail trade that have 50 or more employees during each working day in each of 20 or more calendar weeks in the current or preceding year must provide non-exempt employees who work four to six consecutive hours a 15-minute shift break. Employees who are entitled to a 30-minute shift break don't have to be provided with a 15-minute break. Employees who work longer than six consecutive hours must be provided with a 30-minute shift break; employees who work longer than eight hours must be provided with an additional 15-minute break every additional four hours of work.

*Minors:* Minors must be provided with a 30-minute meal break after five hours of work.

➤ **BREAST-FEEDING** ◀

A woman may breast-feed her child in any location, public or private, where she and the child are authorized to be present.

➤ **CHILD LABOR** ◀

Click on the following link [www.dllr.state.md.us/labor/wages/empm.shtml](http://www.dllr.state.md.us/labor/wages/empm.shtml) to access Maryland's Department of Labor, Licensing & Regulation, Division of Labor and Industry home page for the employment of minors.

➤ **CHILD SUPPORT** ◀

Employers served with a child support order must begin withholding with the next pay period after receipt of the order. Amounts withheld are remitted within seven business days of payday. Notify the court or state within 10 days if the employee-obligor terminates. Employees subject to child support withholding orders forfeit their rights to claim state withholding allowances.

➤ **COURT ATTENDANCE** ◀

Employers may not discharge employees for responding to subpoenas requiring appearances as witnesses in any civil or criminal proceedings, or for attending certain criminal or juvenile proceedings as victims or victims' representatives.

➤ **DISABILITIES** ◀

Under the Maryland Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on a physical or mental impairment, having a record of a physical or mental impairment, or being regarded as having a physical or mental impairment.

Help-wanted ads may not indicate a preference, limitation, specification, or discrimination based on disability.

Employers must make a reasonable accommodation for the known disability of an otherwise qualified employee, unless the accommodation would result in an undue hardship.

The Act defines an employer as an individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or any agent of such an individual.

➤ **DRUG TESTING** ◀

Employers are permitted to test applicants and employees for controlled substances as long as the testing is in accordance with a legitimate business purpose. Employers must have a written drug testing policy covering the use or abuse of controlled dangerous substances or alcohol by employees, contractors, and others.

➤ **FAMILIAL/MARITAL STATUS** ◀

Under the Maryland Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on marital status.

Help-wanted ads may not indicate a preference, limitation, specification, or discrimination based on marital status.

An employer is defined as an individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or any agent of such an individual.

Beginning January 1, 2013, same-sex couples will be allowed to marry. Same-sex couples, therefore, will be entitled to all the benefits of employment.

➤ **FAMILY/MEDICAL LEAVE** ◀

*Paid leave:* The Maryland Flexible Leave Act (MFLA) applies to employers of 15 or more employees that already provide leave with pay under the terms of their employment policy or collective bargaining agreement. Employees who have accrued leave with pay may use such leave for the illness of their child, parent, or spouse. Employees who earn more than one type of paid leave may elect the type and amount of leave to use.

**Note:** Leave with pay means paid time away from work that is earned and available to an employee based on hours worked, or as an annual grant of a fixed number of hours or days of leave for performance of service; it includes sick leave, vacation time, paid time off, and compensatory time. Leave with pay does not include benefits provided under an employee welfare benefits plan subject to ERISA, an insurance benefit, Workers' Compensation, unemployment compensation, a disability benefit, or a similar benefit.

A parent is defined as an adoptive, biological, or foster parent; stepparent; legal guardian; or someone standing in *loco parentis*. A child is defined as an adopted, biological, or foster child; stepchild; or legal ward who is under age 18 or incapable of self-care due to a mental or physical disability.

Employers are prohibited from discharging, demoting, suspending, disciplining, or otherwise discriminating or threatening to take such action against an employee because the employee has taken authorized leave under the MFLA, opposes a practice made unlawful under the MFLA, or participates in an investigation, proceeding, or hearing under the MFLA.

*Parental leave:* Employers with 15 to 49 employees must provide employees with up to six weeks of unpaid parental leave benefits in 12 months for the birth, adoption or foster placement of a child; employees may substitute paid leave. To be eligible for leave, employees must work for at least one year and for 1,250 hours in the previous 12 months.

Employees must provide 30 days' notice of parental leave, unless the leave is required due to premature birth, unexpected adoption or unexpected foster placement. Employers may deny leave if the denial is necessary to prevent substantial economic injury to the business and they notify employees of their denial before employees begin their leave. Employees may only be fired for cause during the term of their leave.

Employees' existing group health coverage must be maintained while they're on leave. Employers may recover premiums paid on employees' behalf when employees fail to return to work after their leave expires. Premiums may be recovered from employees' final paycheck. *Exception:* Employers may not recover premiums if employees fail to return to work due to circumstances beyond their control.

Upon returning from leave, employees must be restored to the same or an equivalent position. Employers may deny employees' restoration rights if the denial is necessary to prevent substantial economic injury to the business, they notify employees of their intent to deny restoration rights and, in the case of leave that has already begun, employees decide not to return to work after receiving notice of their employers' intent to deny restoration rights.

Employers may not discharge or otherwise discriminate against employees for requesting or taking leave, making a complaint, suing or testifying. Supervisors will not be held personally liable for a parental leave violation. Employees may sue employers for damages caused by employers' noncompliance.

*Paid sick and safe leave:* Employers with at least 15 employees must provide one hour of paid sick and safe leave for every 30 hours employees work; employers with 14 or fewer employees must provide one hour of unpaid sick and safe leave for every 30 hours employees work. Alternatively, employers may front load employees' leave at the beginning of a year.

Employers that offer comparable leave for comparable purposes don't have to offer more leave. Employers may allow employees to borrow time, and this borrowed time may be deducted from employees' final wages, if employers and employees agree. If employers and employees agree, employees may work additional hours or trade shifts during the current pay period or the following pay period to make up for any leave taken.

Employers may not be required to allow employees to earn more than 40 hours of paid leave a year, use more than 64 hours of paid leave a year, accrue more than 64 hours of paid leave at any time or use paid leave during the first 106 calendar days of employment. Employers don't have to extend paid leave to employees who work fewer than 24 hours during a biweekly period, employees who work fewer than 24 hours during the current or preceding weekly pay period or to employees who work fewer than 26 hours during a semimonthly pay period.

Employees may carry over up to 40 hours of unused paid leave into the next year. Employers that front load employees' leave don't have to allow them to carry over any unused leave. In general, nonprofit and government employers may also prohibit employees from carrying over unused leave.

Employers aren't required to cash out a terminating employee's unused, accrued leave. Employees rehired within 37 weeks must have their leave reinstated, unless they were cashed out.

Employees must give seven days' notice, through their employer's normal channels, if the need for leave is foreseeable. If the need for leave isn't foreseeable, employees must give notice as soon as practicable. Employers may deny leave requests to employees who fail to provide the appropriate notice and their absence would create a disruption. Employers may require employees to verify that they used leave for an appropriate purpose if employees used leave for more than two consecutive scheduled shifts or employees took leave between the first 107 and 120 days of their employment and they agreed to verify their leave when they were hired. Employees who don't verify their leave may be denied further leave for the same reason.

See also pregnancy.

### ➤ GENETIC TESTING ◀

It is an unlawful employment action for employers to fail or refuse to hire; terminate; limit, segregate, or classify; or otherwise discriminate against an individual with respect to compensation or terms, conditions, or privileges of employment based on the individual's refusal to submit to a genetic test or to make available the results of a genetic test.

In addition, employers may not request or require genetic tests or disclosure of genetic information as a condition for hiring or determining benefits.

### ➤ HEALTH CARE CONTINUATION COVERAGE ◀

Continuation coverage requirements generally apply to employers that provide group health insurance coverage to employees; employers with fewer than 20 employees must comply. Eligible employees have the right to continue coverage for up to 18 months.

Click on this link <https://insurance.maryland.gov/Consumer/pages/CobraCoverage.aspx> to access the provisions of the state law.

### ➤ JURY DUTY ◀

Employers may not discharge employees because of time spent responding to a summons for jury duty or serving as jurors. Employers also may not require employees to use vacation time or sick leave to respond to a summons or serve as jurors.

Beginning October 1, 2012, employers are prohibited from requiring employees who have been summoned for jury duty for at least four hours, including travel time, to work shifts that begin on or after 5 p.m. on the day they appear for jury duty, or before 3 a.m. on the day following their appearance for jury duty.

➤ **LIFESTYLE DISCRIMINATION** ◀

No provision.

➤ **MASS LAYOFF NOTIFICATION** ◀

No state-specific notification provision.

➤ **MEDICAL DONATION LEAVE** ◀

State employees are entitled to up to seven days of paid leave in any 12-month period to serve as a bone marrow donor and up to 30 days of paid leave in any 12-month period to serve as an organ donor.

➤ **MILITARY LEAVE** ◀

Officers and enlisted members of the organized militia who are ordered to active duty or training are protected in their employment during periods of active duty or training, if the position left is not temporary and application for reemployment is made within 30 days after being relieved from duty or training. Public employees on duty as of July 1, 2003, or subsequently called to duty can elect to use military leave or paid leave for active service.

**Note:** Employers with more than 15 employees must provide not less than 15 days per calendar year of unpaid civil air patrol leave to an employee responding to an emergency mission. Employers are prohibited from discriminating against or discharging employees who have been employed for a minimum of 90 days because of their membership in the civil air patrol.

*Family leave:* Employers that have at least 50 employees must allow employees to take leave on the day that an immediate family member is leaving for or returning from active military duty outside the U.S. Immediate family members include spouses, parents, stepparents, children, stepchildren, or siblings. Employers may require that employees submit proof that they're eligible for leave.

Employees must have worked for the same employer for the last 12 months and for at least 1,250 hours. Leave may be unpaid, and employers can't require that employees use accrued compensatory time off, sick days, or vacation leave.

*Reinstatement:* If the applicant for reemployment is still qualified to perform the duties, the employee must be restored to the former position, or to a position with like seniority, status, and pay. If the employee isn't qualified to perform the duties of that position because of a disability sustained during active duty or training, but can perform the duties of any other position, the employee is entitled to another position that will provide like seniority, status, and pay. The employer is not required to reemploy an employee if circumstances have so changed as to make it impossible or unreasonable to do so.

Veterans cannot be terminated without cause for one year after reinstatement; reservists' jobs are protected for six months.

➤ **MINIMUM WAGE** ◀

*Minimum hourly wage/overtime rate:* \$7.25/\$10.88; \$8/\$12, beginning January 1, 2015; \$8.25/\$12.38, beginning July 1, 2015; \$8.75/\$13.13, beginning July 1, 2016; \$9.25/\$13.88, beginning July 1, 2017; \$10.10/\$15.15, beginning July 1, 2018.

*Basis for overtime:* Over 40 hours/week.

*Opportunity wage for under 20-year-olds:* \$4.25.

**Note:** Employers may pay a lower state minimum wage *only* if they're not covered by inter-state commerce.

➤ **NATIONAL ORIGIN** ◀

Under the Maryland Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on national origin.

Help-wanted ads may not indicate a preference, limitation, specification, or discrimination based on national origin, unless a *bona fide* occupational qualification exists.

An employer is defined as an individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or any agent of such an individual.

➤ **NEW-HIRE REPORTING** ◀

*Data to be reported:* Employee's name, address, SSN, date of hire, first day of work, availability of health benefits, salary, pay frequency; employer's name, address, federal EIN, state UC number.

*Reporting deadline/form:* Within 20 days of hire or rehire; on W-4s or through the state's website.

➤ **OVERTIME** ◀

*Basis for overtime:* Over 40 hours in a workweek.

➤ **PAY STATEMENTS** ◀

*Information required:* Gross pay; deductions. Social Security Numbers may not be printed on check, pay stubs, or direct deposit receipts.

➤ **PERSONNEL FILES** ◀

Public employees have the right to inspect their personnel records. The official who supervises the employee's work also has the right to inspect the employee's personnel records.

A custodian of a personnel file has 10 days to respond to a request for a personnel record.

➤ **POLYGRAPH TESTING** ◀

An employer may not require or demand, as a condition of employment, future employment, or continued employment that an individual submit to or take a lie detector or similar test.

*Notification:* Each application for employment must set out, in boldfaced upper case type, the following notice.

“UNDER MARYLAND LAW, AN EMPLOYER MAY NOT REQUIRE OR DEMAND, AS A CONDITION OF EMPLOYMENT, PROSPECTIVE EMPLOYMENT, OR CONTINUED EMPLOYMENT, THAT AN INDIVIDUAL SUBMIT TO OR TAKE A LIE DETECTOR OR SIMILAR TEST. AN EMPLOYER WHO VIOLATES THIS LAW IS GUILTY OF A MISDEMEANOR AND SUBJECT TO A FINE NOT EXCEEDING \$100.”

Each application must provide a space for an applicant to sign an acknowledgment of the required notice.

➤ **POSTING REQUIREMENTS** ◀

Unemployment Insurance — All employers

Workers' Compensation — All employers

Child Labor Law — All employers who employ youth under 18

Safety & Health Protection on the Job (English & Spanish) — All employers

Equal Pay for Equal Work — Recommended

Discrimination — All employers

Wage & Hour Fact Sheet — All employers

Health Insurance — All employers

Wage Payment & Collection — Recommended

Lie Detector Tests — Recommended

Equal Housing Opportunity — Recommended for all businesses engaged in the sale or rental of real property

What is Housing Discrimination? — Recommended for all businesses engaged in the sale or rental of real property

Public Accommodation — Recommended for places of public accommodation



Smoking Prohibited — All employers

Smoking Permitted — All employers

Reasonable accommodations for disability caused or contributed to by pregnancy — Employers with 15 or more employees

## ➤ PREGNANCY ◀

*General rule:* Disabilities caused or contributed to by pregnancy or childbirth are temporary disabilities for all job-related purposes and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment.

*Reasonable accommodations:* If a pregnant employee requests, employers with at least 15 employees must explore with the employee all possible means of providing a reasonable accommodation. Reasonable accommodations include changing the employee's job duties or work hours; relocating her work area; providing mechanical or electrical aids; transferring her to a less strenuous or less hazardous position; or providing leave.

If the employee requests a transfer to a less strenuous or less hazardous position, the employer must transfer her for a period of time up to the duration of the pregnancy, if the employer has a policy, practice, or collective bargaining agreement requiring or authorizing the transfer of a temporarily disabled employee to a less strenuous or less hazardous position for the duration of the disability. The employee must also be transferred if the employee's health care provider advises the transfer and the employer can provide the reasonable accommodation by transferring the employee without creating additional employment that the employer would not otherwise have created; discharging any employee; transferring any employee with more seniority than the employee requesting the reasonable accommodation; or promoting any employee who is not qualified to perform the job.

An employer may require the employee to provide a medical certification concerning the medical advisability of the reasonable accommodation to the same extent certification is required for other temporary disabilities. Certification must include the date the reasonable accommodation became medically advisable; the probable duration of the reasonable accommodation; and an explanatory statement as to the medical advisability of the reasonable accommodation.

*Benefits:* Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan — formal or informal — must be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

See also family/medical leave.

➤ **RACE** ◀

Under the Maryland Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on race or color.

Help-wanted ads may not indicate a preference, limitation, specification, or discrimination based on race or color.

An employer is defined as an individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or any agent of such an individual.

➤ **REFERENCES** ◀

*References:* An employer acting in good faith cannot be held liable for disclosing information about the job performance of a current/former employee or about the reasons that the former employee was terminated. Good faith will be presumed unless there is clear and convincing evidence that the employer acted with malice or intentionally and recklessly disclosed false information. Disclosure must be made to a prospective employer at the request of the employee or prospective employer. Immunity is also granted if a disclosure is made in response to a request by, or requirement of, federal, state, or industry regulatory authorities, or if the information is disclosed in a report, filing, or document required by law, order, or regulation.

*Social media:* Beginning October 1, 2012, employers may not request or require that employees or job applicants disclose their user names, passwords, or other means for accessing personal social media accounts or services. Employers may not discipline or threaten to discipline employees or job applications who refuse to disclose their passwords and related information.

➤ **RELIGION** ◀

Under the Maryland Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on religion.

Help-wanted ads may not indicate a preference, limitation, specification, or discrimination based on religion, unless a *bona fide* occupational qualification exists.

The Act defines religion to include all aspects of religious observance and practice, as well as belief, except in those cases when the observance, practice, or belief cannot be reasonably accommodated by an employer without causing an undue hardship on the conduct of the employer's business. An employer is defined as an individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or any agent of such an individual.

➤ **REPORTING PAY** ◀

No provision.

➤ **SAFETY** ◀

Click on the following link [www.dllr.state.md.us/labor/mosh](http://www.dllr.state.md.us/labor/mosh) to access Maryland's Occupational Safety and Health home page. For specific information about developing a workplace safety and health program, click on [www.dllr.state.md.us/labor/sandh/](http://www.dllr.state.md.us/labor/sandh/).

➤ **SCHOOL VISITATION LEAVE** ◀

No provision.

➤ **SEX DISCRIMINATION** ◀

Under the Maryland Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on sex.

Help-wanted ads may not indicate a preference, limitation, specification, or discrimination based on sex, unless a *bona fide* occupational qualification exists.

An employer is defined as an individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or any agent of such an individual.

*Pay discrimination:* Employers are prohibited from discriminating against employees in any occupation by paying a wage to employees of one sex or gender identity at a rate less than the rate paid to other employees under specified conditions and providing less favorable employment opportunities. Providing less favorable employment opportunities includes assigning or directing employees into less favorable career tracks, if career tracks are offered, or positions; failing to provide information about promotions or advancement in the full range of career tracks offered; or limiting or depriving employees of employment opportunities that would otherwise be available to them but for their sex or gender identity.

➤ **SEXUAL HARASSMENT** ◀

Except as prohibited by federal law, a provision in an employment contract, policy, or agreement that waives any substantive or procedural right or remedy to a claim that accrues in the future of sexual harassment or retaliation for reporting or asserting a right or remedy based on sexual harassment is null and void.

An employer with 50 or more employees must submit a short survey by July 1, 2020, and by July 1, 2022, to the Maryland Commission on Civil Rights (MCCR) on sexual harassment settlements. The survey may be accessed at <https://mccr.maryland.gov/Pages/Sexual-Harassment-Disclosure-Survey.aspx>.

### ➤ SEXUAL ORIENTATION DISCRIMINATION ◀

Under the Maryland Fair Employment Practices Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; denying training opportunities to; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on sexual orientation.

Help-wanted ads may not indicate a preference, limitation, specification, or discrimination based on sexual orientation, unless a *bona fide* occupational qualification exists.

An employer is defined as an individual who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or any agent of such an individual. Sexual orientation is defined as male or female homosexuality, heterosexuality, or bisexuality.

**Note:** An executive order prohibits state employers from discriminating against individuals based on sexual orientation and gender identity or expression.

*Gender identity:* Beginning October 1, 2014, discrimination on the basis of gender identity is prohibited. Religious corporations, associations, educational institutions, and societies are exempt from these employment discrimination provisions with respect to the employment of individuals of a particular gender identity to perform work connected with the activities of the religious entity. It is not unlawful for an employer to establish and require an employee to adhere to certain reasonable workplace appearance, grooming, and dress standards, as long as an employee is allowed to appear, groom, and dress consistent with the employee's gender identity.

### ➤ SMOKING ◀

Smoking is prohibited in all enclosed workspaces where an employer/employee relationship exists, including a vehicle, other than a private vehicle, when it is used in the course of employment. Smoking is also prohibited in bars, restaurants, and private social clubs. Smoking areas may be designated if the area: has solid walls that tightly join the floor and ceiling; has a closable door; has openings to adjacent enclosed workplaces that are limited to make-up air inlets; has a ventilation system that exhausts directly outside without re-circulation to non-smoking areas; is not in a location where an employee, other than a custodial or maintenance employee, is required to work; and is under negative pressure sufficient to prevent smoke migration to enclosed workplaces.

### ➤ SOCIAL SECURITY NUMBER PRIVACY ◀

Social Security numbers may not be made available to the general public; printed on any card required to access products or services provided by the employer; transmitted over unsecured Internet connections; or used to access an Internet site unless accompanied by an authentication device (a unique password or personal identification number, for example). In addition, Social Security numbers should not be printed on any materials that are mailed to an individual, with limited exceptions.

The Maryland Personal Information Protection Act requires that when an employer is destroying a customer's records containing the customer's personal information, the employer must

take all reasonable steps to destroy or arrange for the destruction of the records in a manner that makes the information unreadable or undecipherable through any means. The Act also stipulates that an employer that owns or licenses personal information must implement and maintain reasonable and appropriate security procedures and practices to protect the information from unauthorized access, destruction, use, modification, or disclosure. Note: An employer that discloses personal information under a contract with a non-affiliated third party must require by contract that the third party comply with these requirements, as well.

If a security breach occurs, employers must notify individuals of the breach if, as a result of the breach, the individual's personal information: 1) has been acquired by an unauthorized person, or 2) is reasonably believed to have been acquired by an unauthorized person. The notice must be given "as soon as practicable" after the business discovers or is notified about the breach.

See also pay statements.

### ➤ UNEMPLOYMENT INSURANCE ◀

Click on the following link [www.dllr.state.md.us/employment/unemployment.shtml](http://www.dllr.state.md.us/employment/unemployment.shtml) to access the Maryland Division of Unemployment Insurance home page. For answers to questions frequently asked by employers on unemployment insurance, click on [www.dllr.state.md.us/employment/empfaq.shtml](http://www.dllr.state.md.us/employment/empfaq.shtml).

### ➤ VACATION PAY UPON TERMINATION ◀

If an employer informs employees in writing at the time of hire that unused vacation leave will be lost or forfeited upon termination, then an employee will not be able to claim it. On the other hand, where the employer does not have a written policy that limits the compensation for accrued leave to a terminated employee, that employee is entitled to the cash value of whatever unused earned vacation leave was left — provided it was otherwise usable.

### ➤ VIOLENCE ◀

*Domestic violence:* An executive order prohibits the unfair treatment of state employees based solely on their status as victims of domestic violence.

### ➤ VOTING ◀

Every employer must allow employees to take up to two hours off to vote if employees don't otherwise have two hours of continuous off-duty time to vote during the times the polls are open. If workers have two continuous non-work hours available when the polls are open, time off need not be granted. The law does not apply to employees voting by absentee ballot.

*Wages:* Leave will be paid. However, employees must provide employers with proof that they have voted. A receipt may be obtained upon request at the polls from election judges.

### ➤ WAGE DEDUCTIONS ◀

An employer may not make a deduction from the wage of an employee unless the deduction is: 1) ordered by a court; 2) authorized expressly in writing by the employee; 3) allowed by the commissioner because the employee has received full consideration for the deductions; or 4) made in accordance with any law or any rule or regulation issued by a governmental unit.

In addition to all other record keeping requirements, employers that withhold voluntary deductions from employees' pay and contribute those amounts to a campaign finance entity selected by the employer must record the address of each contributor and transfer that information to the campaign finance entity. The same record keeping provision applies when voluntary contributions are made to an employee membership entity selected by employees.

The Maryland Small Business Retirement Savings Program and Trust has been established to assist employees of small employers with saving for retirement. Once the program becomes operational, participating employers will be exempt from the state's annual \$300 filing fee for various corporate reports.

Employers that pay employees through a payroll system or service, that have been in business for at least the last two years and that don't currently offer, or haven't offered an employer-provided retirement savings arrangement during the previous two years, will be required to automatically enroll employees in a payroll deposit retirement savings plan. Employees may opt out of the arrangement if they choose, and those who do opt out may re-enroll. The board will set the automatic contribution rate by regulation.

Employers may elect to establish alternative retirement savings arrangements, such as a 401(k) plan, a defined benefit plan, a simplified employee pension, (SEP), savings incentive match plan for employees (SIMPLE) plan or offer an automatic enrollment payroll deduction IRA, rather than participate in the program. Participating employers won't be liable for employees' decisions to participate or opt out or for their investment decisions; employers will also not be responsible for the program's design, administration, investment or performance.

### ➤ WAGE GARNISHMENT ◀

The lesser of 25% of disposable weekly pay, or the amount by which disposable weekly pay exceeds 30 times the federal minimum wage in effect during the week the garnishment is to occur, may be withheld in Caroline, Worcester, and Queen Anne's Counties. In all other counties, the lesser of 25% of disposable pay, or \$145 multiplied by the number of weeks in which wages due were earned, may be withheld. Employers may not discharge an employee for any one indebtedness incurred during one calendar year.

### ➤ WAGE PAYMENT ON TERMINATION ◀

*Employee who quits:* Next payday.

*Employee who's fired:* Next payday.

➤ **WAGE PAYMENTS** ◀

*Payday requirements:* At least biweekly or semimonthly.

*Direct deposit:* Employers may not require employees to be paid electronically. Employee chooses bank.

*Pay secrecy:* Employers may not prohibit employees from inquiring about, discussing, or disclosing the wages of the employee or another employee or requesting that their employers provide a reason for why their wages are a condition of employment. Employers are prohibited from requiring employees to sign waivers or other documents to deny them the right to disclose or discuss their wages. Employers may not take adverse employment actions against employees for exercising these rights.

➤ **WHISTLEBLOWING** ◀

Provisions apply to state employees only.

➤ **WORK AUTHORIZATION** ◀

No general provision.

➤ **WORKERS' COMPENSATION** ◀

Click on the following link [www.wcc.state.md.us/](http://www.wcc.state.md.us/) to access the Maryland Workers' Compensation Commission home page.