

Minimum Wage, Overtime, and Wage Payment Laws in Maryland



What is the minimum wage in Maryland?

The **minimum wage** is the smallest amount that an employer can pay a worker per hour.

- For a worker at a private company in Maryland, the minimum wage is \$8.25 per hour
 - If you work in **Montgomery County or Prince George's County**, the minimum wage is **\$8.40** per hour
- Workers on some state or federal government contracts for construction or services may be entitled to receive a **prevailing wage**, which is generally higher than the minimum wage.

Am I Entitled to the Minimum Wage For My Work?

- **Nearly all workers**, including day laborers, immigrants -- regardless of immigration status -- and house cleaners, have a right to be paid the minimum wage.

What if I am Paid Less than the Minimum Wage?

- Not paid for hours worked? Paid less than the minimum wage? You can recover the amount of money you are owed for the past 2 years, sometimes up to 3 years. **Important:** always keep track of how much you are paid and how many hours you work! Keep all pay-stubs or keep your own written records.
- In Maryland, if your employer does not pay all required wages, and their lack of payment is not the result of a real dispute over the amount of wages owed, then a court may award you up to 3x your unpaid wages, as well as reasonable attorneys' fees and court costs.

WHAT IS OVERTIME PAY AND HOW DO I KNOW IF I AM OWED OVERTIME?

- Work more than **40** hours in one week? Your employer should pay you overtime for every hour worked over 40. Overtime means one and a half times (150%) your regular rate of pay for every hour worked over forty hours in a week.
 - Calculation: regular pay x 1.5 = overtime pay
- Paid a salary rather than hourly wage? You are still entitled to overtime pay for any hours over 40 that you work in a week.
 - Some workers are not entitled to overtime, such as professionals, and salesmen.

How Often is My Employer Required to Pay Me?

- In Maryland, unless you are an administrative, executive, or professional employee, you must be paid at least twice per month on regular paydays.
- You are entitled to itemized pay statements showing deductions an employer has taken out of your pay.
- If fired from your job, you must be paid all of the wages owed to you by the next working day.
 - Example: fired on a Friday? Your employer must pay you any wages owed to you on the following Monday.

What if My Employer Deducts the Cost of My Uniform, Tools, or Meals from My Pay?

- The cost of wearing and maintaining a uniform which bears the name or logo of the employer may be passed on to an employee through a wage deduction, but only if the employer obtains signed written authorization.
- An employer is also **allowed to subtract the "reasonable cost" of meals** provided to an employee. This usually means the employer cannot subtract more than what it actually costs to produce the meal.

What Do I Do if I Am Owed Wages?

- Believe your employer has violated any of these laws or that you may be owed unpaid wages? You may:
 - You can **bring a lawsuit** in the state District Court for claims under \$30,000. Claims less than

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\$5,000 will be brought in Small Claims Court and claims over \$30,000 must be brought in MD Circuit Court.

- Submit a complaint to the “DLLR” (Maryland Division of Labor, Licensing, and Regulation, Employment Standards Division)
 - You may call the DLLR at 410-767-2357 or email at ess@dllr.state.md.us.
 - When filing with the Employment Standards Division for claims in excess of \$50,000 you must attach proof that you sought legal counsel and were denied.
 - Complaints for unpaid overtime can be made to the federal U.S. Department of Labor, Wage and Hour Division at 1-866-487-9243 or (410) 962-4984.
- If you are in a union, you should file a grievance with your union for unpaid wages. The time for filing grievances is usually very short so consult your shop steward right away.
- It is against the law for your employer to retaliate against you for filing a claim for unpaid wages. For example, it is illegal for an employer to fire you, demote you, or subject you to worse working conditions than your co-workers just because you filed a claim for unpaid overtime. You should report any and all suspected acts of retaliation by your employer to the DLLR or the U.S. Department of Labor.

Is There a Deadline by Which I Have to File My Claim?

- Under Maryland law, **workers may recover unpaid wages and overtime up to three years** prior to the date of filing.
 - Example: if you file a wage claim on December 1, 2012, you may recover unpaid wages and/or overtime as far back as December 1, 2009.
 - The clock does not stop when you file a wage claim in the DLLR.
 - Filing a case in Small Claims Court or another court does stop the clock!

What Information Do I Need to Pursue My Claim?

- To successfully pursue a wage claim, you should have the employer’s name, address, and contact information; a record of the hours you worked and weren’t paid; and a pay stub or other proof that establishes your rate of pay.

Can I Receive Overtime if I Am an Independent Contractor?

- Independent contractors are workers who are treated differently than employees. The law does not protect independent contractors like it protects employees. Example: independent contractors are not entitled under the law to receive overtime pay for the hours worked over 40 hours in a week!
- Generally **you are not an independent contractor if:**
 1. Your boss tells you when to come to work and how many hours to work;
 2. Your boss controls the “conditions” of your employment – e.g., what you do at work, how you do it, where you do it, what you wear, when and if you can take a break, etc.;
 3. Your boss provides all the tools and equipment you need to perform your job; and
 4. Your boss determines your rate and method of payment for the work. If you believe your employer has misclassified you as an independent contractor, you should consult legal counsel!

The Maryland Workplace Fraud Act makes it illegal for employers in the landscaping and construction industries to misclassify employees as independent contractors. Consult an attorney if you work in one of these industries and you believe you have been misclassified.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in Maryland. Because laws and procedures frequently change, the Employment Justice Center cannot ensure that the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this

EMPLOYMENT JUSTICE CENTER

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information without consulting an attorney or the appropriate agency about your legal rights.



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