

| Company | WC Company | Account Number | Phone Number | WC Company Address |
|------------------------------|-------------------------------------|-------------------|----------------|--|
| Creative | Travelers | UB-B3770132-25-13 | 1.800.252.4633 | P.O. Box 660456 Dallas, TX 75266-0456 |
| Indigenous | Travelers | UB-B3770132-25-13 | 1.800.252.4633 | P.O. Box 660456 Dallas, TX 75266-0456 |
| DN Investments | Travelers | UB-B3770132-25-13 | 1.800.252.4633 | P.O. Box 660456 Dallas, TX 75266-0456 |
| Channel Blend | Travelers | UB-B3770132-25-13 | 1.800.252.4633 | P.O. Box 660456 Dallas, TX 75266-0456 |
| ET | Travelers | UB-B3770132-25-13 | 1.800.252.4633 | P.O. Box 660456 Dallas, TX 75266-0456 |
| Professional Services | Travelers | UB-B3770132-25-13 | 1.800.252.4633 | P.O. Box 660456 Dallas, TX 75266-0456 |
| DNEDA | Hudson Insurance Group/Tribal First | OBH-0105127-10 | 866.546.3981 | 100 William St, New York, NY 10038 |
| Unami | Hudson Insurance Group/Tribal First | OBH-0105127-10 | 866.546.3981 | 100 William St, New York, NY 10038 |

3-301. Definitions.

- (a) *In general.* - In this subtitle the following words have the meanings indicated.
- (b) *Employer.* -
- (1) "Employer" means:
 - (i) a person engaged in a business, industry, profession, trade, or other enterprise in the State;
 - (ii) the State and its units;
 - (iii) a county and its units; and
 - (iv) a municipal government in the State.
 - (2) "Employer" includes a person who acts directly or indirectly in the interest of another employer with an employee.
- (c) "Gender Identity" has the meaning stated in § 20-101 of the State Government Article. ("Gender identity" means the gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth, which may be demonstrated by consistent and uniform assertion of the person's gender identity; or any other evidence that the gender identity is sincerely held as part of the person's core identity.)
- (d) *Wage.* -
- (1) "Wage" means all compensation for employment.
 - (2) "Wage" includes board, lodging, or other advantage provided to an employee for the convenience of the employer.

3-302. Scope of subtitle.

This subtitle applies to an employer of both men and women in a lawful enterprise.

3-303. Miscellaneous powers of Commissioner.

In addition to any powers set forth elsewhere, the Commissioner may:

- (1) use informal methods of conference, conciliation, and persuasion to eliminate pay practices that are unlawful under this subtitle; and
- (2) supervise the payment of a wage owing to an employee under this subtitle.

3-304. Equal pay for equal work.

- (a) In this section, "providing less favorable employment opportunities" means:
- (1) Assigning or directing the employee into a less favorable career track, if career tracks are offered, or position;
 - (2) Failing to provide information about promotions or advancement in the full range of career tracks offered by the employer; or
 - (3) Limiting or depriving an employee of employment opportunities that would otherwise be available to the employee but for the employee's sex or gender identity.
- (b) (1) *In general.* - An employer may not discriminate between employees in any occupation by
- (i) paying a wage to employees of one sex or gender identity at a rate less than the rate paid to employees of another sex or gender identity if both employees work in the same establishment and perform work of comparable character or work on the same operation, in the same business, or of the same type; or
 - (ii) providing less favorable employment opportunities based on sex or gender identity.
- (2) For purposes of paragraph (1)(i) of this subsection, an employee shall be deemed to work at the same establishment as another employee if the employees work for the same employer at workplaces located in the same county of the state.
- (c) *Effect of requirement.* - Except as provided in subsection (d) of this section, subsection (b) of this section does not prohibit a variation in a wage that is based on:
- (1) a seniority system that does not discriminate on the basis of sex or gender identity;
 - (2) a merit increase system that does not discriminate on the basis of sex or gender identity;
 - (3) jobs that require different abilities or skills;
 - (4) jobs that require the regular performance of different duties or services;
 - (5) work that is performed on different shifts or at different times of day;
 - (6) a system that measures performance based on a quality or quantity or production; or
 - (7) a bona fide factor other than sex or gender identity, including education, training, or experience in which the factor:

- (i) is not based on or derived from a gender-based differential in compensation;
- (ii) is job related with respect to the position and consistent with a business necessity; and
- (iii) accounts for the entire differential.

(d) This section does not preclude an employee from demonstrating that an employer's reliance on an exception listed in subsection (c) of this section is a pretext for discrimination on the basis of sex or gender identity.

(e) *Reduction in wages.* - An employer who is paying a wage in violation of this subtitle may not reduce another wage to comply with this subtitle.

3-304.1 (a) An employer may not:

(1) prohibit an employee from:

- (i) inquiring about, discussing, or disclosing the wages of the employee or another employee; or
- (ii) requesting that the employer provide a reason for why the employee's wages are a condition of employment;

(2) require an employee to sign a waiver or any other document that purports to deny the employee the right to disclose or discuss the employee's wages; or

(3) take any adverse employment action against an employee for:

- (i) inquiring about another employee's wages;
- (ii) disclosing the employee's own wages;
- (iii) discussing another employee's wages if those wages have been disclosed voluntarily;
- (iv) asking the employer to provide a reason for the employee's wages; or
- (v) aiding or encouraging another employee's exercise of rights under this section.

(b) (1) subject to paragraph (2) of this subsection, an employer may, in a written policy provided to each employee, establish reasonable workday limitations on the time, place, and manner for inquiries about or the discussion or disclosure of employee wages.

(2) a limitation established under paragraph (1) of this subsection shall be consistent with standards adopted by the commissioner and all other state and federal laws.

(3) subject to subsection (d) of this section, limitations established under paragraph (1) of this subsection may include prohibiting an employee from discussing or disclosing the wages of another employee without that employee's prior permission.

(c) except as provided in subsection (d) of this section, the failure of an employee to adhere to a reasonable limitation included in a written policy under subsection (b) of this section shall be an affirmative defense to a claim made against an employer by the employee under this section if the adverse employment action taken by the employer was for a failure to adhere to the reasonable limitation and not for an inquiry, a discussion, or a disclosure of wages in accordance with the limitation.

(d) (1) a prohibition established in accordance with subsection (b)(3) of this section against the discussion or disclosure of the wages of another employee without that employee's prior permission may not apply to instances in which an employee who has access to the wage information of other employees as a part of the employee's essential job functions if the discussion or disclosure is in response to a complaint or charge or in furtherance of an investigation, a proceeding, a hearing, or an action under this subtitle, including an investigation conducted by the employer.

(2) if an employee who has access to wage information as part of the essential functions of the employee's job discloses the employee's own wages or wage information about another employee obtained outside the performance of the essential functions of the employee's job, the employee shall be entitled to all the protections afforded under this subtitle.

(e) Nothing in this section shall be construed to:

- (1) require an employee to disclose the employee's wages;
- (2) diminish employees' rights to negotiate the terms and conditions of employment under federal, state, or local law;
- (3) limit the rights of an employee provided under any other provision of law or collective bargaining agreement;
- (4) create an obligation on any employer or employee to disclose wages;
- (5) permit an employee, without the written consent of an employer, to disclose proprietary information, trade secret information, or information that is otherwise subject to a legal privilege or protected by law; or
- (6) permit an employee to disclose wage information to a competitor of the employer.

3-305. Records and reports.

- (a) (1) Each employer shall keep each record that the Commissioner requires on:
 - (i) wages of employees;
 - (ii) job classifications of employees; and
 - (iii) other conditions of employment.
- (2) An employer shall keep the records required under this subsection for the period of time that the Commissioner requires.
- (b) On the basis of the records required under this section, an employer shall make each report that the Commissioner requires.

3-306. Copies and posting of subtitle.

- (a) *Copies.* - On request of an employer, the Commissioner shall provide without charge a copy of this subtitle to the employer.
- (b) *Posting.* - Each employer shall keep posted conspicuously in each place of employment a copy of this subtitle.
- (c) The Commissioner, in consultation with the Maryland Commission on Civil Rights, shall develop educational materials and make training available to assist employers in adopting training, policies, and procedures that comply with the requirements of this subtitle.

3-306.1. Enforcement

- (a) Whenever the Commissioner determines that this subtitle has been violated, the Commissioner shall:
 - (1) try to resolve any issue involved in the violation informally by mediation; or
 - (2) ask the Attorney General to bring an action on behalf of the applicant or employee.
- (b) The Attorney General may bring an action under this section in the county where the violation allegedly occurred for injunctive relief, damages, or other relief.

3-307. Action against employer by or for employee.

- (a) *Action by employee.*
 - (1) If an employer knew or reasonably should have known that the employer's action violates § 3-304 of this subtitle, an affected employee may bring an action against the employer for injunctive relief and to recover the difference between the wages paid to employees of one sex or gender identity and the wages paid to employees of another sex or gender identity who do the same type work and an additional equal amount as liquidated damages.
 - (2) If an employer knew or reasonably should have known that the employer's action violates § 3-304.1 of this subtitle, an affected employee may bring an action against the employer for injunctive relief and to recover actual damages and an additional equal amount as liquidated damages.
 - (3) An employee may bring an action on behalf of the employee and other employees similarly affected.
- (b) *Assignment of claims.* - On the written request of an employee who is entitled to bring an action under this section, the Commissioner may:
 - (1) take an assignment of the claim in trust for the employee;
 - (2) ask the Attorney General to bring an action in accordance with this section on behalf of the employee; and
 - (3) consolidate 2 or more claims against an employer.
- (c) *Limitations period.* - An action under this section shall be filed within 3 years after the employee receives from the employer the wages paid on the termination of employment under § 3-505(a) of this title.
- (d) *Defense.* - The agreement of an employee to work for less than the wage to which the employee is entitled under this subtitle is not a defense to an action under this section.
- (e) *Costs.* - If a court determines that an employee is entitled to judgment in an action under this section, the court shall allow against the employer reasonable counsel fees and other costs of the action, as well as prejudgment interest in accordance with the Maryland Rules.

3-308. Prohibited acts; penalties.

- (a) *Prohibited acts of employer.* - An employer may not:
 - (1) willfully violate any provision of this subtitle;
 - (2) hinder, delay, or otherwise interfere with the Commissioner or an authorized representative of the Commissioner in the enforcement of this subtitle;
 - (3) refuse entry to the Commissioner or an authorized representative of the Commissioner into a place of employment that the Commissioner is authorized under this subtitle to inspect; or

- (4) discharge or otherwise discriminate against an employee because the employee:
 - (i) makes a complaint to the employer, the Commissioner, or another person;
 - (ii) brings an action under this subtitle or a proceeding that relates to the subject of this subtitle or causes the action or proceeding to be brought; or
 - (iii) has testified or will testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(b) *Prohibited acts of employee.* - An employee may not:

- (1) make a groundless or malicious complaint to the Commissioner or an authorized representative of the Commissioner;
- (2) in bad faith, bring an action under this subtitle;
- (3) in bad faith, bring a proceeding that relates to the subject of this subtitle; or
- (4) in bad faith, testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

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

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

For additional information or to file a complaint, please contact:

FOR MORE INFORMATION CONTACT:
Department of Labor, Licensing and Regulation
Division of Labor and Industry
Employment Standards Service
1100 N. Eutaw St. Rm. 607, Baltimore, MD 21201
Phone: 410-767-2357

Rev: 9/2016

TO BE POSTED

HEALTH INSURANCE COVERAGE

You and other members of your family may be eligible under Maryland law to continue to be covered by your former employer's health insurance policy if:

- ◇ You quit your job or you were terminated from your employment for a reason other than for cause; and
- ◇ You are covered by your employer under a group hospital-medical policy or a health maintenance organization (HMO) for at least three (3) months prior to being separated from your employment; and
- ◇ You do not have other similar insurance.

If you wish to continue your health insurance, you **MUST** give your employer written notice no later than forty-five (45) days after your last day of work.

IMPORTANT:

You will be responsible for paying the entire cost of the health insurance policy.

For further information about the program, you should contact your employer, or if necessary, telephone the Insurance Administration in Baltimore at (410) 468-2244 or 1-800-492-6116 (Ext. 2244).

State of Maryland
Department of Labor, Licensing and Regulation

**THIS NOTICE APPLIES TO STATE LAW.
YOU MAY HAVE BROADER BENEFITS UNDER FEDERAL LAW.**

TO BE POSTED

Montgomery County

Minimum Wage Rates

Large Employers with 51 or more employees:

\$17.15
effective
7/1/2024

Mid-sized Employers with 11 to 50 employees**

\$15.50
effective
7/1/2024

Small Employers with 10 or less than employees

\$15.00
effective
1/1/2024

Employers may also be subject to the Fair Labor Standards Act.

MD Department of Labor enforces the Montgomery County Minimum Wage Law (see Labor and Employment Article, Title 3, Subtitle 1, *Annotated Code of Maryland*)

(Chapter 27, Article XI, Montgomery County Code)

Minimum Wage

Most employees must be paid the Montgomery Co. Minimum Wage Rate. Employees under 19 years of age and working under 20 hours per week are exempt from this rate.

Tipped Employees (earning more than \$30 per month in tips) must earn the Montgomery Co. Minimum Wage Rate per hour. Employers must pay at least **\$4.00 per hour**. This amount plus tips must equal at least the Montgomery Co. Minimum Wage Rate. Restaurant employers who utilize a tip credit are required to provide employees with a Tip Credit Wage Statement. See Maryland Department of Labor website for additional information.

Employees under 20 years of age must earn at least 85% of the County Minimum Wage Rate for the first six months of employment.

Overtime

Most employees must be paid **1.5 times** their usual hourly rate for all work over **40 hrs.** per week. Exceptions:

- Agricultural workers for all work over **60 hrs.** per week

Exemptions (Federal Exemptions also apply under Montgomery County's Ordinance)

Minimum Wage and Overtime Exemptions:

- Immediate family member of the employer
- Certain agricultural employees
- Executives, administrative, and professional employees
- Volunteers for educational, charitable, religious, and non-profit organizations
- Employees under the age of 16 working less than 20 hours per week
- Outside salespersons
- Commissioned employees
- Employees enrolled as a trainee as part of a public school special education program
- Non-administrative employees of organized camps
- Certain establishments selling food and drink for consumption on the premises grossing less than \$400,000 annually

- Drive-in theaters

- Establishments engaged in the first canning, packing or freezing of fruits, vegetables, poultry, or seafood

Overtime Exemptions:

- Taxicab drivers
- Certain employees selling/servicing automobiles, farm equipment, trailers, or trucks
- Non-profit concert promoter, theater, music festival, music pavilion, or theatrical show
- Employers subject to certain railroad requirements of the U.S. Dept. of Transportation, the Federal Motor Carrier Act, and the Interstate Commerce Commission
- Seasonal amusement and recreational establishments that meet certain criteria

FOR MORE INFORMATION OR TO FILE A COMPLAINT CONTACT:

Maryland Department of Labor
Division of Labor and Industry
Employment Standards Service
10946 Golden West Drive, Suite 160
Hunt Valley, MD 21031

Telephone Number: (410) 767-2357 • Fax Number: (410) 333-7303

E-mail: dldliemploymentstandards-dllr@maryland.gov

EMPLOYERS ARE REQUIRED BY LAW TO POST THIS INFORMATION CONSPICUOUSLY.

***THIS IS A SUMMARY OF THE LAW. TO ENSURE COMPLIANCE, CONSULT A LEGAL ADVISOR.**

PENALTIES ARE PRESCRIBED FOR VIOLATIONS OF THE LAW.

**** See Montgomery County Law for complete definition of mid -sized employer**

safety and health protection on the job

MARYLAND OCCUPATIONAL SAFETY and HEALTH ACT

PRIVATE SECTOR

The Maryland Occupational Safety and Health Act of 1973 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following:

Employers:

Each employer shall furnish to each of his or her employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to employees; and shall comply with occupational safety and health standards issued under the Act.

Employees:

Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Act that apply to his or her own actions and conduct on the job.

The Commissioner of Labor and Industry has the primary responsibility for administering the Act and issuing occupational safety and health standards. MOSH Safety and Health Inspectors conduct jobsite inspections to ensure compliance with the Act.

Inspection:

The Act requires that a representative authorized by the employees be given an opportunity to accompany the MOSH Inspector for the purpose of aiding the inspection.

Where there is no authorized employee representative, the MOSH Inspector shall consult with a reasonable number of employees concerning safety and health conditions in the workplace.

Complaint:

Employees or their representatives have the right to file a complaint with the Commissioner requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. The Commissioner will withhold names of employees complaining on request.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.

An employee who believes he or she has been discriminated against may file a complaint with the Commissioner and/or the Federal Occupational Safety and Health Administration Regional Office within 30 days of the alleged discrimination.

Citation:

If upon an inspection the Commissioner believes an employer has violated the Act, a citation alleging such violations shall be issued to the employer. Each citation shall specify a time period within which the alleged violation must be corrected.

The MOSH citation must be prominently displayed at or near the place of alleged violation for three days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there.

Proposed Penalty:

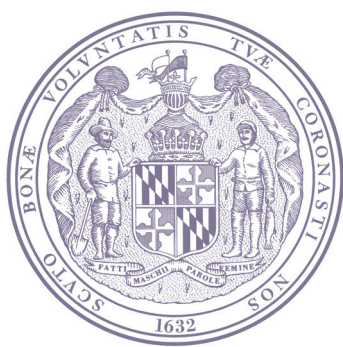
The Act provides for mandatory civil penalties against employers of up to \$7,000 for each serious violation and for optional penalties of up to \$7,000 for each nonserious violation. Civil penalties of up to \$7,000 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Act may be assessed civil penalties of up to \$70,000 for each such violation.

Criminal penalties are also provided for in the Act. Any willful violation resulting in death of an employee, upon conviction, is punishable by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both. Conviction of an employer after a first conviction doubles these maximum penalties.

Voluntary Activity:

While providing penalties for violation, the Act also encourages efforts by labor and management to reduce injuries and illnesses arising out of employment. The Commissioner of Labor and Industry encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury, or illness to employees and supervisors. There are many public and private organizations that can provide information and assistance in this effort, if requested.



ADDITIONAL INFORMATION AND COPIES OF THE ACT, SPECIFIC MARYLAND OCCUPATIONAL SAFETY AND HEALTH STANDARDS, AND OTHER APPLICABLE REGULATIONS MAY BE OBTAINED FROM

MOSH TRAINING and EDUCATION

10946 Golden West Drive, Suite 160

Hunt Valley, Maryland 21031

Phone: 410-527-2091

Complaints about State Program administration may be made to Regional Administrator, Occupational Safety and Health Administration, The Curtis Center, Suite 740 West, 170 S. Independence Mall West, Philadelphia, PA 19106-3309

MARYLAND EARNED SICK AND SAFE LEAVE EMPLOYEE NOTICE

The Maryland Healthy Working Families Act requires employers with 15 or more employees to provide paid sick and safe leave for certain employees. It also requires that employers who employ 14 or fewer employees provide unpaid sick and safe leave for certain employees.

Accrual

Earned sick and safe leave begins to accrue on February 11, 2018, or the date on which an employee begins employment with the employer, whichever is later. An employee accrues earned sick and safe leave at a rate of at least one hour for every 30 hours the employee works; however, an employee is not entitled to earn more than 40 hours of earned sick and safe leave in a year or accrue more than 64 hours of earned sick and safe leave at any time.

Leave Usage

An employee is allowed to use earned sick and safe leave under the following conditions:

- To care for or treat the employee's mental or physical illness, injury, or condition;
- To obtain preventative medical care for the employee or the employee's family member;
- To care for a family member with a mental or physical illness, injury, or condition;
- For maternity or paternity leave; or
- The absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member and the leave is being used: (1) to obtain medical or mental health attention; (2) to obtain services from a victim services organization; (3) for legal services or proceedings; or (4) because the employee has temporarily relocated as a result of the domestic violence, sexual assault, or stalking.

A family member includes a spouse, child, parent, grandparent, grandchild, sibling, the legal guardian or ward of the employee or the employee's spouse, or an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor.

Employees are permitted to use earned sick and safe leave in increments in certain amounts established by their employer. Employees are required to give notice of the need to use earned sick and safe leave when it is foreseeable. An employer may deny leave in certain circumstances.

Reporting

Employers are required to provide employees with a written statement of the employee's available earned sick and safe leave.

Prohibitions

An employer is prohibited under the law from taking adverse action against an employee who exercises a right under the Maryland Healthy Working Families Act and an employee is prohibited from making a complaint, bringing an action, or testifying in an action in bad faith.

How to File a Complaint or Obtain Additional Information

If you feel your rights have been violated under this law or you would like additional information, you may contact:

Commissioner of Labor and Industry
10946 Golden West Drive, Suite 160 - Hunt Valley, MD 21031

ssl.assistance@maryland.gov

LICENCIA DE ENFERMEDAD Y SALIDA SEGURA DE MARYLAND NOTIFICACIÓN PARA EMPLEADOS

La Ley de Familias Trabajadoras Saludables de Maryland requiere que los empleadores con 15 o más empleados brinden licencia de enfermedad y seguro para ciertos empleados. También requiere que los empleadores que emplean a 14 o menos empleados brinden licencias no remuneradas por enfermedad y seguro para ciertos empleados.

Acumulación

El permiso de enfermedad y seguro comienza a acumularse desde 11 de febrero de 2018 o la fecha en que un empleado comienza a trabajar para el empleador. Un empleado acumula un permiso de enfermedad y seguro a una tasa de una hora por cada 30 horas de trabajo. Un empleado tiene derecho a ganar un máximo de 40 horas de licencia de enfermedad y seguro en un año. Lo máximo que un empleado puede acumular es un total de 64 horas de licencia de enfermedad y seguro.

Uso de Licencia

Un empleado puede usar la licencia de enfermedad y seguro acumulada bajo las siguientes condiciones:

- Para cuidar o tratar la enfermedad, lesión o condición mental o física del empleado;
- Para obtener atención médica preventiva para el empleado o miembro de la familia del empleado;
- Para cuidar a un miembro de la familia con una enfermedad, lesión o condición mental o física;
- Por licencia de maternidad o paternidad; o
- La ausencia del trabajo es necesaria debido a violencia doméstica, agresión sexual o acoso cometido contra el empleado o el miembro de la familia del empleado y el permiso se usa: (1) para obtener atención médica o de salud mental; (2) para obtener servicios de una organización de servicios para víctimas; (3) para servicios o procedimientos legales; o (4) porque el empleado se ha mudado temporalmente como resultado de la violencia doméstica, la agresión sexual o el acoso.

Un miembro de la familia incluye un cónyuge, hijos, padres, abuelos, nietos o hermanos el guardián legal o tutor de un empleado o del cónyuge del empleado, o un individuo que actúa como padre o madre, o que quedó en loco parentis del empleado o de su cónyuge cuando el empleado o el cónyuge del empleado eran menores de edad.

A los empleados se les permite usar la licencia de enfermedad y seguro acumulada en incrementos establecidos por su empleador. Se requiere que los empleados notifiquen la necesidad de utilizar la licencia de enfermedad y seguro ganadas cuando sea previsible. Un empleador puede negar la licencia bajo ciertas circunstancias.

Informes

Se requiere que los empleadores proporcionen a los empleados por escrito el balance de las horas de licencia de enfermedad y seguro disponible al empleado.

Prohibiciones

La ley prohíbe a un empleador emprender acciones adversas contra un empleado que ejerce su derecho conforme a la Ley de Familias Trabajadoras Saludables de Maryland y se le prohíbe a un empleado presentar una queja, iniciar una acción o testificar en una acción de mala fe.

Cómo Presentar una Queja u Obtener Información Adicional

Si considera que se han violado sus derechos según esta ley o si desea obtener información adicional, puede comunicarse con:

Employment Discrimination is Unlawful

State of Maryland
Commission on Civil Rights
6 Saint Paul Street, Suite 900
Baltimore, MD 21202-1631

How Does The Law Protect Me?

State Government Article, §20-602 of the Annotated Code of Maryland provides every Marylander equal protection in employment regardless of:

| | | |
|-----------|-------------------------------|---------------------|
| Race | Ancestry or National Origin | Marital Status |
| Sex | Religion | Sexual Orientation |
| Age | Physical or Mental Disability | Gender Identity |
| Ethnicity | Color | Genetic Information |

What Am I Protected From?

You are protected from unlawful discrimination from the following employment-related practices:

- Employers cannot discriminate in recruiting, interviewing, hiring, upgrading/promoting, setting work conditions, and discharging an employee.
- Labor organizations cannot deny membership to qualified persons or discriminate in apprenticeship programs.
- Employment agencies cannot discriminate in job referrals, ask discriminatory pre-employment questions, or circulate information that unlawfully limits employment.
- Newspapers and other media cannot publish job advertisements that discriminate.

What If My Employer Retaliates?

Retaliation is also prohibited under the law when you exercise your rights to seek relief and redress. If an employee decides to file an employment discrimination complaint, an employer may not:

- Interfere with;
- Restrain;
- Deny the exercise; or
- Deny the attempt to exercise the right.

Any form of retaliation is grounds to file a Complaint of Discrimination with the Maryland Commission on Civil Rights (MCCR).

What If I Am A Victim Of Discrimination?

If you believe your rights under the law have been violated, you must file a complaint with MCCR **within 6 months** of the alleged act of discrimination. A trained Civil Rights Officer will work with you to discuss what happened and determine if there is reason to believe a discriminatory violation occurred. You can reach MCCR by phone, email, fax, letter, or walk-in. **All procedures by MCCR are confidential until your case is certified for public hearing or trial.**

Know Your Rights!

If you are pregnant, you have a legal right to a reasonable accommodation if your pregnancy causes or contributes to a disability **and** the accommodation does not impose an undue hardship on your employer. *State Government Article, §20-609(b)*

What Does That Mean?

If you have a disability that is contributed to or caused by pregnancy, you may request a reasonable accommodation at work. Your employer must explore “all possible means of providing the reasonable accommodation.” *State Government Article, §20-609(d)*

The law lists an assortment of options for both you and your employer to consider in order to comply with a request for reasonable accommodation. These include, but are not limited to:

- Changing job duties
- Changing work hours
- Relocation
- Providing mechanical or electrical aids
- Transfers to less strenuous or less hazardous positions
- Providing leave

Every situation is different. You must explore every available option with your employer to decide what accommodation best suits your needs.

What If I Am A Victim Of Discrimination?

If you believe your rights under the law have been violated, you must file a complaint with MCCR **within 6 months** of the alleged act of discrimination. A trained Civil Rights Officer will work with you to discuss what happened and determine if there is reason to believe a discriminatory violation occurred. You can reach MCCR by phone, email, fax, letter, or walk-in. **All procedures by MCCR are confidential until your case is certified for public hearing or trial.**

Do I Need A Doctor's Note?

It depends on what your employer requests. The law allows an employer, at his or her discretion, to require certification from your health care provider regarding the medical advisability of a reasonable accommodation, but only to the same extent certification is required for other temporary disabilities. *State Government Article, §20-609(f)*

If required, the certification must include:

- Date a reasonable accommodation is medically advisable.
- Probable duration of the accommodation should be provided.
- Explanation as to the medical advisability of the reasonable accommodation.

Can I Still Get In Trouble?

Retaliation is prohibited under *State Government Article, §20-609(h)* when exercising your rights. If an employee seeks to exercise her right to request a reasonable accommodation for a temporary disability due to pregnancy, an employer may not:

- Interfere with;
- Restrain;
- Deny the exercise; or
- Deny the attempt to exercise the right.

Any form of retaliation is grounds to file a Complaint of Discrimination with the Maryland Commission on Civil Rights (MCCR).

TO EMPLOYEES

YOUR EMPLOYER IS SUBJECT TO the Maryland Unemployment Insurance Law and pays taxes under this law. No deduction is made from your wages for this purpose.

IF YOU ARE LAID OFF or otherwise become unemployed, immediately file a claim by calling the telephone number for the area in which you reside or you may file a claim on the internet at the web site address indicated below.

IF YOU ARE ELIGIBLE, you may be entitled to unemployment insurance benefits for as many as 26 weeks.

IF YOU ARE WORKING LESS THAN FULL TIME, you may be eligible for partial benefits. If your regular hours of work have been reduced, promptly file a claim as instructed above, to determine your benefit rights.

IF YOU HAVE BEEN FILING FOR BENEFITS AND RETURN TO WORK, you must report your gross wages before deductions during the week you return to work regardless of whether or not you have been paid.

YOU ARE ENTITLED TO BENEFITS IF:

1. You are unemployed through no fault of your own.
2. You have sufficient earnings in your Base Period.
3. You have registered for work and filed a claim for benefits with a Department of Labor, Licensing and Regulation Claim Center listed below.
4. You are able to work, available for work, and actively seeking work.

NOTE: To insure prompt handing of your claim, it is necessary to have your Social Security number available. If you claim dependents under sixteen (16) years of age, you must know the Social Security number of each dependent when you file. If you do not know the Social Security numbers, you will be provided with instructions on how to provide a copy of the dependent's birth certificate or other forms of proof of dependency.

IF YOU ARE TOTALLY OR PARTIALLY UNEMPLOYED CALL:

| Phone Number To File A Claim | Area Served | Phone Number To File A Claim | Area Served | Phone Number To File A Claim | Area Served |
|--|---|---|--|---|---|
| 410-368-5300 1-877-293-4125 (toll free) | Baltimore City Anne Arundel Howard | 301-723-2000 1-877-293-4125 (toll free) | Allegany Frederick Garrett Washington | 410-334-6800 1-877-293-4125 (toll free) | Caroline Dorchester Kent Queen Anne Somerset Talbot Wicomico Worcester |
| 301-313-8000 1-877-293-4125 (toll free) | Calvert Charles Montgomery Prince George's St. Mary's | 410-853-1600 1-877-293-4125 (toll free) | Baltimore Carroll Cecil Harford | | |
| SOLICITUD DE BENEFICIOS DEL DESEMPLEO PARA LA POBLACIÓN DE HABLE HISPANA 301-313-8000 | | TTY FROM BALTIMORE AREA AND OUT-OF-STATE 410-767-2727 | | TTY TOLL FREE OUTSIDE BALTIMORE (but within Maryland) 1-800-827-4400 | |
| Para Relevos en Maryland presione 711 | | For Maryland Relay Dial 711 | | For Maryland Relay Dial 711 | |

TO FILE A CLAIM VIA THE INTERNET: www.mdunemployment.com

IMPORTANT NOTICE

Unemployment Insurance is intended for persons who are unemployed through no fault of their own and who are ready, willing and able to work. Persons who receive benefits through false statements or fail to report ALL earnings will be disqualified and will be subject to criminal prosecution.

The Civil Rights Act of 1964 states that no person shall be discriminated against on the basis of race, color, religion, age, sex, or national origin. If you feel you have been discriminated against in the Unemployment Insurance process because of any of these factors, you may file a complaint with the Office of Fair Practices, 1100 North Eutaw Street, Room 613, Baltimore, Maryland 21201.

MARYLAND DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF UNEMPLOYMENT INSURANCE

THIS CARD MUST BE POSTED IN A CONSPICUOUS PLACE

WHISTLEBLOWER LAW

Subtitle 3. Maryland Whistleblower Law in the Executive Branch of State Government.

§ 5-301. Applicability.

- (a) This subtitle applies to
 - (1) all employees and State employees who are applicants for positions in the Executive Branch of State government, including a unit with an independent personnel system; and
 - (2) if both the Commonwealth of Virginia and the District of Columbia enact similar whistleblower protections or waive their sovereign immunity as applied to the Washington Metropolitan Area Transit Authority for the purpose of providing whistleblower protections, all employees of the Washington Metropolitan Transit Authority.
- (b) For the purpose of subsection (a)(2) of this section, the General Assembly considers the following whistleblower protection laws to be similar to whistleblower protection laws established under Title 5, Subtitle 3 of the State Personnel and Pensions Article:
 - (1) the District of Columbia's Employees of District Contractors and Instrumentality Whistleblower Protection Act, Title 2, Chapter 2, Subchapter XII of the Code of District of Columbia; and
 - (2) the Commonwealth of Virginia's Fraud and Abuse Whistleblower Protection Act, Title 2.2, Chapter 30.1 of the Code of Virginia. (1996, ch. 347, § 1; 2020, ch. 193, § 1.)

§ 5-302. Effect of subtitle.

- (a) *Effect on legal actions.* – This subtitle does not preclude action for defamation or invasion of privacy.
- (b) *Effect on personnel actions.* – This subtitle does not prohibit a personnel action that would have been taken regardless of a disclosure of information.

§ 5-303. Regulations.

The Secretary shall adopt regulations for processing and resolving complaints brought under this subtitle.

§ 5-304. Notice of subtitle.

- (a) The head of each principal unit shall provide the employees of the unit with written notice of the protections and remedies provided by this subtitle.
- (b) In addition to the requirement specified in subsection (a) of this section, the Secretary of Juvenile Services shall:
 - (1) Provide all employees of the Department of Juvenile Services with written notice of the protections and remedies provided by § 5-305(2) and (3) of this subtitle; and

(2) Include information on the protections and remedies provided by § 5-305(2) and (3) of this subtitle in the Department's employee handbook and in any new employee orientation or training. (1996, ch. 347, § 1; 2020, ch. 483, § 1.)

§ 5-305. Disclosure of information – Reprisal prohibited.

Subject to the limitations of § 5-306 of this subtitle, a supervisor, appointing authority, or head of a principal unit may not take or refuse to take any personnel action as a reprisal against an employee who:

(1) discloses information that the employee reasonably believes evidences:

- (i) an abuse of authority, gross mismanagement, or gross waste of money;
- (ii) a substantial and specific danger to public health or safety; or
- (iii) a violation of law; or

(2) following a disclosure under item (1) of this section seeks a remedy provided under this subtitle or any other law or policy governing the employee's unit.

§ 5-306. Disclosure of information – Protected disclosures.

Section 5-305 of this subtitle applies to a disclosure that is specifically prohibited by law only if that disclosure is made exclusively to the Attorney General in the manner allowed in § 5-313 of this subtitle.

§ 5-307. Election of procedures.

(a) *State Personnel Management System* - An employee in the State Personnel Management System who seeks relief for a violation of § 5-305 of this subtitle may elect to file:

- (1) a complaint under § 5-309 of this subtitle; or
- (2) a grievance under Title 12 of this article.

(b) *University System of Maryland* - An employee of the University System of Maryland who is eligible to file a grievance under Title 13 of the Education Article and seeks relief for a violation of § 5-305 of this subtitle may elect to file:

- (1) a complaint under § 5-309 of this subtitle; or
- (2) a grievance under Title 13 of the Education article.

(c) *Morgan State University* - An employee of Morgan State University who is eligible to file a grievance under Title 14 of the Education Article and seeks relief for a violation of § 5-305 of this subtitle may elect to file:

- (1) a complaint under § 5-309 of this subtitle; or
- (2) a grievance under Title 14 of the Education article

§ 5-308. Representation; finality of decision; resolution of complaint.

(a) *Representation.* – (1) a complainant may be represented during the complaint process by any person the complainant chooses.

(2) Either party may be represented at a hearing by counsel.

(b) *Finality of decision.* – (1) if a complainant fails to appeal a decision in accordance with this subtitle, the complainant is considered to have accepted the decision.

(2) A failure to decide a complaint in accordance with this subtitle is considered a denial from which an appeal may be made.

(c) *Resolution of complaint.* – Each party shall make every effort to resolve a complaint at the lowest level possible.

§ 5-309. Filing of complaints; actions on complaint.

(a) *Who may file; time requirements.* – (1) an employee subject to this subtitle may file with the Secretary a complaint that alleges a violation of § 5-305 of this subtitle.

(2) A complaint under this subtitle must be filed within 6 months after the complainant first knew of or reasonably should have known of the violation.

(b) *Notice of complaint; response.* – When a complaint is received, the Secretary or designee promptly shall:

(1) send a copy of the complaint to the head of the principal unit named in the complaint; and

(2) advise the head of the principal unit to respond in writing to the complaint within 20 days after receiving the copy.

(c) *Investigation; action upon complaint; written decision.* – Within 60 days after a complaint is received:

(1) the complaint shall be investigated to determine whether a violation of § 5-305 of this subtitle has occurred:

(i) by the Secretary or designee of the Secretary; or

(ii) if the Department is charged in the complaint, by a designee of the Governor; and

(2) the Secretary or designee or the Governor's designee shall:

(i) take the action described in subsection (d)(1) or (2) of this section; and

(ii) issue to the complainant and head of the principal unit a written decision that includes any remedial action taken.

(d) *Disposition by Secretary.* – (1) if the Secretary or designee or the Governor's designee determines that a violation has not occurred, the Secretary or Governor's designee shall dismiss the complaint.

(2) If the Secretary or designee or the Governor's designee determines that a violation has occurred, the Secretary or designee shall take appropriate remedial action.

(e) *Permissible remedial actions.* – As a remedial action for a violation of § 5-305 of this subtitle, the Secretary or designee may:

(1) order the removal of any related detrimental information from the complainant's State personnel records;

(2) require the head of the principal unit to:

(i) hire, promote, or reinstate the complainant or end the complainant's suspension from employment;

(ii) award the complainant back pay to the day of the violation;

(iii) grant the complainant leave or seniority;

(iv) take appropriate disciplinary action against any individual who caused the violation;

and

(v) take any other remedial action consistent with the purposes of this subtitle.

§ 5-310. Appeals.

(a) *When permitted.* – A complainant may appeal to the Office of Administrative Hearings:

- (1) within 10 days after receiving a decision under § 5-309 of this subtitle; or
- (2) when a decision is not issued within 60 days after the complaint is filed and the complainant requests a hearing.

(b) *Hearings.* – (1) The Office of Administrative Hearings shall conduct a hearing on each appeal in accordance with Title 10, Subtitle 2 of the State Government Article. The Office is bound by any regulation, declaratory ruling, prior adjudication, or other settled, preexisting policy, to the same extent as the Department is or would have been bound if it were hearing the case.

(2) A record that is protected from disclosure under Title 4 of the General Provisions Article may be used as evidence in a hearing only if:

- (i) the material is essential to the conduct of the hearing; and
- (ii) names and other identifying information are deleted to the extent necessary to maintain confidentiality.

(3) The confidentiality of records and information protected from disclosure under Title 4 of the General Provisions Article shall be maintained in each hearing.

(c) *Decision; finality.* – (1) Within 45 days after the close of the hearing record, the Office of Administrative Hearings shall issue to the parties a written decision and may grant any appropriate relief under subsection (d) of this section.

(2) The decision of the Office of Administrative Hearings is final.

(d) *Relief available.* – A complainant who prevails at a hearing may be awarded any appropriate relief, including:

- (1) any remedial action allowed under § 5-309(e) of this subtitle; and
- (2) costs of litigation and reasonable attorney's fees.

(e) *Judicial review.* – A complainant or appointing authority may appeal the decision issued under subsection (c) of this section in accordance with § 10-222 of the State Government Article.

§ 5-311. Costs and attorney's fees.

After reviewing a final decision under this subtitle, the court may award costs of litigation and reasonable attorney's fees to a prevailing complainant and any other appropriate relief.

§ 5-312. Referral of suspected criminal conduct.

If, during an investigation under § 5-309(c) of this subtitle, the Secretary or Governor's designee finds that reasonable grounds exist to believe that a crime has been committed, the Secretary or Governor's designee shall:

- (1) promptly refer the matter to an appropriate prosecutor;
- (2) make all pertinent evidence available to the prosecutor; and
- (3) send to the individual believed to have committed the crime a notice that:
 - (i) contains a statement of the allegation;
 - (ii) notifies the individual that the matter has been referred to a prosecutor;
 - (iii) advises the individual of the individual's right to obtain counsel; and

(iv) advises the individual of the individual's right to refuse to respond to the allegation if a response might be incriminating.

§ 5-313. Disclosure of protected information to Attorney General.

For purposes of this subtitle, the Attorney General shall:

- (1) designate an assistant Attorney General to receive from applicants and employees any information the disclosure of which is otherwise protected by law;
- (2) investigate each allegation of illegality or impropriety;
- (3) take appropriate legal action; and
- (4) if the investigation concerns an allegation of illegality or impropriety in the Executive Branch, submit a confidential report to the Governor that describes the content of the disclosure.

§ 5-314. Confidentiality.

Information obtained as part of an investigation conducted under this subtitle is confidential within the meaning of Title 4 of the General Provisions Article.