

# HOUSE BILL 531

P4

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By: **Delegates Valentino–Smith, Anderton, Bartlett, Buckel, Cullison, Hettleman, Jones, Lierman, Luedtke, Pena–Melynk, Reznik, Solomon, Terrasa, and P. Young**

Introduced and read first time: February 4, 2019

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Payment of State Employee Wages – Repeal of Sunset**  
3 **Provision**

4 FOR the purpose of repealing the termination date for certain provisions of law requiring  
5 the Central Payroll Bureau of the Office of the State Comptroller to establish certain  
6 pay periods and pay certain employees at certain intervals, requiring appointing  
7 authorities to report certain payroll information to the Bureau in a certain manner,  
8 requiring the Bureau and the appointing authorities to provide certain information  
9 to each employee, establishing a certain grievance procedure, and allowing certain  
10 damages; and generally relating to the payment of State employee wages.

11 BY repealing and reenacting, without amendments,  
12 Article – State Personnel and Pensions  
13 Section 2–402(c) and (d), 2–406, 2–407, and 12–402(b)(1)(ii) and (3)  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Chapter 783 of the Acts of the General Assembly of 2017  
18 Section 3

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

21 **Article – State Personnel and Pensions**

22 2–402.

23 (c) (1) In this subsection:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) “wage” means all compensation that is due to an employee; and

2 (ii) “wage” includes:

3 1. a bonus;

4 2. a commission;

5 3. a fringe benefit;

6 4. overtime wages;

7 5. premium pay; or

8 6. any other remuneration promised for service.

9 (2) The Central Payroll Bureau shall:

10 (i) establish regular pay periods; and

11 (ii) except as provided in paragraph (3) of this subsection, pay each  
12 employee at least once every 2 weeks or twice each month.

13 (3) The Central Payroll Bureau may pay an administrative, an executive,  
14 or a professional employee less frequently than required under paragraph (2)(ii) of this  
15 subsection.

16 (d) Each appointing authority shall accurately and timely calculate and report to  
17 the Central Payroll Bureau the payroll information for each employee.

18 2–406.

19 (a) Each appointing authority shall provide each employee, at the time of hiring,  
20 notice of:

21 (1) the employee’s rate of pay;

22 (2) the regular pay periods; and

23 (3) the employee’s leave benefits.

24 (b) The Central Payroll Bureau of the Office of the State Comptroller shall  
25 provide for each employee, for each pay period, a statement of the gross earnings of the  
26 employee and any deductions from the gross earnings.

27 2–407.

1 (a) If an appointing authority does not report payroll information in accordance  
2 with § 2–402 of this subtitle, the employee or the employee’s exclusive representative may  
3 initiate a grievance under the grievance procedure established under Title 12, Subtitle 2 of  
4 this article.

5 (b) (1) Except as provided in paragraph (2) of this subsection, and  
6 notwithstanding § 12–203 of this article, a grievance under subsection (a) of this section  
7 shall be initiated within 20 days after the failure to pay occurred.

8 (2) If the failure to pay is not known to, or discovered by, the employee  
9 within 20 days after the failure to pay occurs, a grievance under subsection (a) of this  
10 section may be initiated no later than 6 months after the date on which the failure to pay  
11 occurred.

12 (c) (1) Subject to paragraphs (2) and (3) of this subsection, if a grievance is  
13 initiated in accordance with subsection (a) of this section, an employee is entitled to wages  
14 and damages unless the wage is withheld as a result of a bona fide dispute.

15 (2) If the grievance was filed:

16 (i) in the first 3 business days of a pay period, then damages shall  
17 start in the following regular pay period; or

18 (ii) after the third business day of a pay period, then the damages  
19 shall start in the second regular pay period following the pay period in which the employee  
20 was not paid the employee’s full wage.

21 (3) The damages under paragraph (1) of this subsection:

22 (i) may not begin until at least 1 regular pay period has elapsed  
23 since the employee was not paid the employee’s full wage due for a pay period;

24 (ii) shall increase per pay period by 30% of the wage that the  
25 appointing authority failed to report;

26 (iii) shall continue until the pay period when the appointing  
27 authority reports the missing wages and damages, if any, to the Central Payroll Bureau;  
28 and

29 (iv) may not exceed 3 times the amount of wage due that the  
30 appointing authority failed to report for a pay period.

31 12–402.

32 (b) (1) A decision maker at Step Two or Step Three of the grievance procedure:

1 (ii) on a finding that wages were withheld in violation of §§ 2–402  
2 and 2–407 of this article, shall order the payment of damages in accordance with § 2–407(c)  
3 of this article.

4 (3) Subject to the limitations in Title 14, Subtitle 2 of this article, an  
5 appointing authority shall carry out a back pay order or damages order issued under this  
6 subsection.

7 **Chapter 783 of the Acts of 2017**

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
9 1, 2017. [It shall remain effective for a period of 2 years and, at the end of June 30, 2019,  
10 with no further action required by the General Assembly, this Act shall be abrogated and  
11 of no further force and effect.]

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
13 1, 2019.