

Division of Labor and Industry

Many bills in the General Assembly in 2018 pertained to labor and industry. Below are the bills that will have an impact on the division and its licensees.

Bill Number	Bill Name	Effective Date	Description	Stakeholder Impact
HB 694	Public Safety - Building Codes - Transfer of Administration to Department of Labor, Licensing, and Regulation	July 1, 2018	Transferring certain responsibilities relating to the administration of certain statewide building codes from the Department of Housing and Community Development to the Department of Labor, Licensing, and Regulation; providing for the transfer of certain functions, powers, and duties of the Department of Housing and Community Development on the effective date of the Act; etc.	Under this law, the Department will absorb the codes administration unit from the Department of Housing and Community Development.
SB 134	Small Business Relief Tax Credit	July 1, 2018	Authorizing a tax credit against the state income tax for certain small businesses that provide certain employer benefits to qualified employees; providing for the calculation of the credit; requiring the Department of Commerce to issue a tax credit certificate under certain circumstances; providing that the total amount of tax credit certificates issued by the Department may not exceed a certain amount for each taxable year; requiring the Department to report certain information to the Comptroller; etc.	SB 134- Small Business Relief Tax Credit, passed this session, provides a refundable credit against the state for businesses with fourteen (14) or fewer employees and provides said employees with sick and safe leave in accordance with the Maryland Healthy Working Families Act to a qualified employee who earns 250% or less of the annual Federal Poverty guidelines for a single person household. The credit will be the lesser of \$500 for each qualified employee or the total amount of paid earned sick leave accrued by qualified employees. The Department of Commerce may issue tax certificates totaling no more than \$5 million annually beginning in tax year 2018.

Bill Number	Bill Name	Effective Date	Description	Stakeholder Impact
HB 1539/ SB 853	Labor and Employment – General Contractor Liability for Unpaid Wages (Contractors Payment Protection Act)	Oct 1, 2018	Providing that certain general contractors are jointly and severally liable for certain violations of the wage payment and collection law by a subcontractor regardless of whether the subcontractor is in a direct contractual relationship with the general contractor; requiring a subcontractor to indemnify a general contractor for certain wages, damages, interest, penalties, and fees except under certain circumstances; etc.	Under this law, general contractors will be liable for wage payment of subcontractors, sub-subcontractors etc.
HB 1596/ SB 1010	Labor and Employment – Sexual Harassment – Contractual Waivers and Reporting Requirements	Oct 1, 2018	Providing that a provision in certain employment contracts, policies, or agreements that waive certain rights or remedies to a claim of sexual harassment or certain retaliation is null and void as being against the public policy of the state; prohibiting an employer from taking certain adverse actions against certain employees; providing that certain employers are liable for certain attorney's fees; applying the Act; etc.	Under this law, contracts that waive a right to a substantive or procedural remedy to a claim of sexual harassment are null and void in the state of MD. Employers cannot take adverse actions against an employee for bringing a claim of sexual harassment. Any employer with such a clause in an employment agreement is accountable for an employee's attorney fees etc.
HB 546/ SB 278	Prevailing Wage - Tax Increment Financing Developments - Application	July 1, 2018	Altering the prevailing wage law to apply to structures or works, including bridges, buildings, ditches, roads, alleys, waterworks, or sewage disposal plants, funded with certain bond proceeds in tax increment financing development districts created on or after July 1, 2018; providing that the prevailing wage law applies to certain structures or works only if authorized by a political subdivision, Baltimore City, or the Revenue Authority of Prince George's County; applying the Act only to contracts executed on or after July 1, 2018.	Under this law, the Division of Labor and Industry will enforce prevailing wage in contracts in TIF developments in certain districts.

Bill Number	Bill Name	Effective Date	Description	Stakeholder Impact
HB 1243/ SB 572	Prevailing Wage Rates - Public Work Contracts - Suits by Employees	Oct 1, 2018	Authorizing employees on a public work contract to sue to recover the difference between certain prevailing wage rates and the amounts received by the employees; providing that a certain determination by the Commissioner of Labor and Industry does not preclude certain employees from filing a certain action; and providing for the liability of certain contractors and subcontractors under certain circumstances.	This law establishes a private right of action in addition to commissioner's action for employees to sue on prevailing wage issues.
HB 1107	Public Safety - Elevator Inspections - Testing	Oct 1, 2018	Requiring that a certain test on an elevator unit performed in connection with a certain inspection be performed by a certain licensed elevator mechanic; requiring a third-party qualified elevator inspector to be physically present during a certain test in its entirety to witness that the test has been performed correctly and to verify the proper recording of the result; requiring the Department of Labor, Licensing, and Regulation to establish an apprenticeship program for third-party qualified elevator inspectors; etc.	Under this law, the Department is to work with industry to establish apprenticeship program for Qualified Elevator Inspectors (QEIs). Third Party QEIs are to perform inspections in all private and public buildings; a third party inspector must "witness" tests on elevators. <i>DLLR is to submit a report by Jan 1, 2020 on success of the program.</i>
HB 180	Railroad Company - Movement of Freight - Required Crew	Oct 1, 2018	Prohibiting a train or light engine used in connection with the movement of freight from being operated in the state unless it has at least two crew members; establishing certain penalties; providing a railroad company is solely responsible for the actions of its agents or employees in certain violations; prohibiting a county or municipal corporation from enacting and enforcing more stringent measures; requiring the Commissioner of Labor and Industry to provide certain notice to the Department of Legislative Services; etc.	If the Federal Government issues a rule requiring two person train crews on crude oil trains and establishing minimum crew size standards for most main line freight and passenger rail operations, within days after the issuance of the rule, the Commissioner of Labor and Industry shall notify the Department of Legislative Services. On the date the Department of Legislative Services receives such notification, this Act shall be abrogated and of no further force and effect.