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Disclaimer: This fact sheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The fact sheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This fact sheet does not include all legal requirements for dairies. It was created in September 2024, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal fact sheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this fact sheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the fact sheet. This fact sheet should not be used as a substitute for competent legal advice from a licensed attorney.

Are there Maryland state laws for dairy farms about the following?

Hiring		
Торіс	Answer	Summary
Notice of Payday / Pay Rate ¹	YES	 At the time of hiring, must give employees a notice of: The rate of pay of the employee The regular paydays Leave benefits Must give notice of any change in payday or wage at least 1 pay period in advance.
Reporting ²	YES	<u>New hires</u> and rehires must be reported to the Maryland New Hire Registry within 20 days of beginning their employment.

Wages

Торіс	Answer	Summary
Payday³	YES	Employers must establish regular pay periods. Employees in Maryland must be paid at least once every two weeks or twice in a month. An employer may pay an administrative, executive, or professional employee less frequently. If a regular payday falls on a non-workday, employees are to be paid on the preceding workday.
Final Pay ⁴	YES	Upon separation from employment, <u>employees</u> must be paid all wages due on or before the day on which the employee would have been paid had they not separated from employment (in other words, the regularly scheduled payday or earlier). Employers are not required to pay employees for accrued leave if that is specified in the terms of the employer's written policy.
Overtime⁵	YES	Must pay <u>agricultural employees</u> , overtime wages of at least 1.5 times their regular hourly wages for each hour over 60 worked during the workweek. However, agricultural employees are <u>exempt</u> from state overtime if the employer used no more than 500 man-days of agricultural labor during each quarter of the preceding calendar year. Maryland overtime does not apply to the child, parent, spouse, or other member of the immediate family of the employer. Non agricultural employees must be paid 1.5 times their regular hourly wages for each hour worked in excess of 40 hours during the workweek.
Minimum Wage ⁶	YES	\$ <u>15.00</u> per hour for all employees. In <u>Montgomery County</u> , the minimum wage rate is \$17.15 for large employers with 51 or more employees; \$15.50 per hour for mid-sized employers with 11 to 50 employees, and \$15.00 per hour for small employers with 10 or less employees.



Hours Worked ⁷	YES	Agricultural employees are exempt from Maryland minimum wage requirements if the employer used no more than 500 man-days of agricultural labor during each quarter of the preceding calendar year. Maryland minimum wage does not apply to the child, parent, spouse, or other member of the immediate family of the employer. <u>"Hours of work" means the time during a workweek</u> that an individual employed by an employer is required by the employer to be on the employer's premises, on duty, or at a prescribed workplace – regardless of whether the employee is officially "on the clock." Meal periods count as hours worked if the individual is required to perform any duties during the meal period. Travel time is included in computing hours of work if the individual travels during regular work hours; travels from one worksite to another; or is called out after work hours in emergency situations.
Reporting Time Pay	NO	Maryland law does not require employers to pay employees for reporting or showing up to work if no work is performed. An employer is also not required to pay an employee a minimum number of hours if the employer dismisses the employee from work prior to completing their scheduled shift. Employers are only required to pay employees for hours actually worked.
Pay Stub ⁸	YES	 Maryland employers must give each employee a written statement for every pay period. This can be in paper or an online statement and must include: Employer's name, address, and telephone number; Date of payment; Pay period start and end dates; Hours worked (unless the employee is exempt); Pay rates (including bonuses, commissions, or piece rates, if applicable); Gross and net pay; and list of deductions.
Taxes and Withholding ⁹	YES	 Employers are required to withhold Maryland Income Tax if the employee's wages are also subject to federal Social Security (FICA) and Medicare taxes. Employers must give your employees a statement of taxes withheld, like a federal Form W-2, 1099-MISC or 1099-R. More details. Employers must pay Maryland Unemployment Insurance taxes if: You paid cash wages to farm workers of \$20,000 or more in a quarter in the current or prior calendar year; OR, You employed ten or more farm workers for some part of a day in 20 or more weeks of the current or prior calendar year. Certain family employment is excluded from coverage requirements (children under 21 working for a parent, an individual working for spouse, or parent working for a son or daughter). Unemployment taxes are paid by the employer; they are not taken out of employee pay. You can credit the amount you pay to Maryland in calculating how much you owe for federal unemployment taxes. More details.



Deductions and Allowances ¹⁰	 Work, whether satisfactory or not, must be awarded compensation. Wage deductions are extraordinary, and are prohibited unless: A court has ordered or allowed the employer to make the deduction. (Examples include court ordered wage garnishments and orders to pay child support). The Commissioner of the Maryland Division of Labor and Industry has allowed the deduction to offset or "pay for" something of value the employer is business phone, personal loans, wage advances, etc. In this case, the deduction may reduce the employee's wages below the minimum wage.) Allowed by some law or regulation of the government. (Examples include state and federal taxes.) The employee has given express written authorization to the employer to make the deduction. This should take the form of a separate and distinct statement, signed by the employee's fault or negligence of an employeer (for example, careless damage to the employer's truck). However, an authorized deduction may be invalid if it violates or is inconsistent with other federal or state laws or regulations. See Federal Fact Sheet for more information.
Bonuses ¹¹ YES	 Maryland wage payment law includes bonuses in the definition of wages. Generally, discretionary bonuses are not considered wages, while nondiscretionary bonuses paid under an agreement are considered wages and protected under wage law. Employers should follow any written policy they have about paying bonuses as a best practice. A nondiscretionary bonus is one where the amount and criteria for getting the bonus are announced in advance. For example, performance goals (like meeting somatic cell count goals) that workers know about in advance. Discretionary bonuses are ones that are not announced in advance, not expected by the employee, and not an incentive for the employee. For example, when the farm reaches a certain financial goal and decides to give all employees a bonus.



Recordkeeping

Торіс	Answer	Summary
Payroll ¹²	YES	 Each employer shall keep, for at least 3 years, in or about the place of employment, a record of: the name, address, and occupation of each employee; the rate of pay of each employee; the amount that is paid each pay period to each employee; the hours that each employee works each day and workweek; and other conditions of employment
Personnel File Access	NO	Maryland law does not explicitly grant private sector employees access to their personnel files.
Unemployment Insurance ¹³	YES	 Employers subject to paying unemployment taxes must submit electronic, quarterly wage reports. Whether or not subject to paying Unemployment Insurance taxes, employers must keep accurate employment records. The records must include for each employee: The dates of each pay period; All of the wages paid to each worker for each pay period and the total amount of wages paid for employment in the pay period, showing separately the amount of wages paid: In cash, and In cash, and In any medium other than cash; The method by which wages are computed; Hire date, separation date, and reason for separation of each worker; Name, address, and Social Security number of each worker; and With respect to individuals who work less than full-time: The wage rate, The number of hours worked each day, Wages earned by calendar week, Whether the individual worked less than full-time during the week, and Whether the individual worked all available hours.
Workers' Compensation	YES / NO	Injury and illness records are not explicitly required for employers under Maryland's Workers' Compensation law. However, there are recordkeeping requirements under OSHA.
OSHA	YES	Maryland has incorporated the federal standard for OSHA recordkeeping and reporting. Refer to the federal fact sheet.
Federal	YES	There are numerous federal rules about recordkeeping. Employers should review the federal fact sheet.



Working Conditions

Торіс	Answer	Summary
Bathrooms ¹⁴	YES	Maryland has incorporated the federal Pasteurized Milk Ordinance (PMO). The PMO specifies that dairy farms have one or more toilets that are conveniently located, properly constructed, properly operated, and maintained in a sanitary manner.
Working Hours	NO	Maryland law does not specify max hour or day requirements for adults (18+ years old).
Rest and Meal	NO	Maryland law does not require <u>rest or meal breaks for adults</u> . Minors under 18 must receive a 30 minute break for every 5 hours of work. Employers that choose to provide rest and meal breaks must follow the applicable federal rules. Refer to federal fact sheet.
Breaks	NO	Please note that Maryland recently finalized its heat illness rule which also requires mandatory rest periods when the heat index reaches 90 degrees. A minimum rest period of 10 minutes for every 2 hours worked is required where employees are exposed to a heat index above 90 and below 100 degrees Fahrenheit. A minimum rest period of 15 minutes for every hour worked is required where employees are exposed to a heat index above 100 degrees Fahrenheit. ¹⁵
Labor Relations	NO	No provision in state law recognizing farm worker rights to organize.
Whistleblower Protection	YES / NO	Maryland law does not provide a general protection for private sector employees in whistleblower cases. However, topic-specific laws (like wage discrimination, wage laws, etc.) may protect employees that report unlawful practices. And specific employee disclosures (for example, OSHA-related violations) are protected from retaliation.
Paid Sick and Vacation Leave	NO	Maryland law does not require paid sick or vacation leave for agricultural workers. Employers who choose to provide such benefits must follow their written policy/contract.
Breaks for Nursing Mothers	NO	Maryland law does not address workplace accommodations for employees that are nursing, but there may be requirements under federal law. Employers should refer to the federal fact sheet.
Pregnancy Accommodations and Leave ¹⁶	YES	 Disability due to pregnancy or childbirth must be treated the same as other temporary disabilities. If an employee requests reasonable accommodations for disabilities caused or contributed by pregnancy or childbirth, the employer must explore with the employee all possible means of providing reasonable accommodations, including: changing the employee's job duties; changing the employee's work hours; relocating the employee's work area; providing mechanical or electrical aids; transferring the employee to a less strenuous or less hazardous position; or providing leave. A reasonable accommodation is one that does not impose an undue hardship on the employer.



		Employers must post information on these rights in a conspicuous location and include it in any employee handbook. The law applies to employers with 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and protects workers regardless of tenure and number of hours worked. See 'Family and Medical Leave' below for parental leave.
Family and Medical Leave ¹⁷	YES	



		Employers with 15 or more employees will need to make contributions to the state- run program beginning on October 1, 2024, and eligible employees can begin claiming program benefits on January 1, 2026.
		 Paid Leave under the TCA and benefits under Federal FMLA may run concurrently if: the leave is taken for the same purpose; the employee is eligible for benefits under both federal FMLA and the TCA; the employer designates the leave period as FMLA leave; the employer informs the employee of their eligibility for benefits under the TCA; and the employee declines to apply for benefits under the TCA.
Military and other Service Leave ¹⁸	YES	Maryland law requires employers to provide military leave to employees who are members of Maryland National Guard or Civil Air Patrol and militia called to active duty or training by the Governor have the same leave and reinstatement rights and benefits guaranteed under federal USERRA. Deployment leave authorizes individuals of employers with 50 or more employees who work full-time or part-time, have worked for the employer for the last 12 months, and has worked at least 1,250 hours during the last 12 months, leave from work on the day that an immediate family member, which includes a spouse, parent, stepparent, child, stepchild or sibling of the employee is leaving for, or returning from, active duty outside the United States as a member of the armed forces of the United States.
		An employer may not require an employee to use compensatory, sick, or vacation leave when taking leave under this section.
Crime Victim and Witness Leave ¹⁹	yes	Maryland law requires employers to provide eligible employees with crime victim leave. An employee must be the victim of a crime or delinquent act or be a crime victim representative to be eligible for leave. Employers cannot fire an employee because the employee took time away from work if the employee had a right to attend the proceeding; because the employee was the victim of a crime or a delinquent act, or is a victim's representative.
Jury Duty Leave ²⁰	YES	All Maryland employers are required to provide employees with leave for jury duty. An employee must receive a jury summons or be serving on a jury to be eligible for jury duty leave. An employer cannot discharge, threaten to discharge, coerce, or intimidate an individual for responding to a jury summons or serving on a jury. An employer may not require an employee to use the employee's annual, sick, or vacation leave to respond to a summons under this title for jury service. If an employee serves 4 or more hours in jury service, including travel time, an employer's cannot require the individual to work a shift on or after 5pm the date of the jury service; or before 3 am on the day following the jury service.



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Leave for Illness of Immediate Family Member ²¹	YES	Employers with 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year must permit the use of any existing accrued paid leave to take care of an immediate family member who is ill under the same conditions and policy rules that would apply if the employee took leave for the employee's own illness. An immediate family member is defined as a child, spouse, or parent.
Organ Donation Leave ²²	YES	 Employers in Maryland must permit an eligible employee to take up to 30 business days in any 12-month period to serve as a bone marrow donor and 60 business days in any 12-month period to serve as an organ donor. Employees are eligible for organ and bone marrow donation leave if, as of the date that the requested leave begins, the employee has been employed by the employer for at least a 12-month period and the employee has worked 1,250 hours during the 12 months preceding the leave. Unpaid organ donation leave applies to any employer that employs at least 15 employees. The eligible employee shall provide written physician verification to the employer that: the eligible employee is an organ donor or a bone marrow donor; and there is a medical necessity for the donation of the organ or bone marrow.
Voting Leave ²³	YES	Maryland law requires employers to give employees up to two (2) hours of paid leave to vote. The law applies if the employee does not have two (2) hours of continuous off-duty time while the polls are open.
School Activity Leave	NO	Maryland law does not address leave for private sector employees to attend a child's school activity.

Human Rights

Торіс	Answer	Summary
Employment Discrimination ²⁴	YES	Maryland law prohibits employment discrimination based on race (including hair texture and protective hairstyles), color, religion, national origin, ancestry, sex, age, marital status, sexual orientation, gender identity, physical or mental disability, genetic information, military status (effective 10/01/24) and pregnancy. Applies to employers with 15 or more employees. Discrimination means unequal treatment based on an individual's association with a member of these protected classes. Employment discrimination means bias in hiring (including during interviews), promotion, job assignments, firing, pay, and other terms of employment. Employers cannot discriminate wages by paying an employee at a rate less than the rate paid to other employees in the same workplace who perform work of similar character and the pay difference is based on the race, religious beliefs, sex, gender identity, or sexual orientation of the employee. Wage differences based on seniority, merit, quantity or quality of production or other factors other than race, color, religion, sex, age, national origin, and the other protected classes are permitted. It is illegal to retaliate against employees for filing or otherwise aiding with the filing of a discrimination complaint.



		 Employers are also prohibited from firing an employee solely because the employee filed a claim under the Maryland Workers' Compensation Act. Harassment based on the protected classes above is unlawful in Maryland. Harassment is unwelcome conduct. It becomes illegal where: It is unwelcome and offensive conduct (which need not be severe or pervasive) when: a. the conduct is based on race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, or disability; and b. submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual; c. submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or d. based on the totality of the circumstances, the conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile;
Harassment / Sexual Harassment ²⁵	YES	 Sexual harassment includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when: Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes, touching and nude posters are just part of farm life and she should try to ignore it. Acceptance or rejection of such conduct is used as the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just "treated her right." The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or "just to go out for drinks after work." The worker says she isn't interested, but the co-worker won't take 'no' for an answer.
Forced Labor ²⁶	YES	Human trafficking for labor is illegal under federal and state law. Trafficking for labor means: recruiting, luring, inducing, enticing, harboring, transporting, provisioning, obtaining, or maintaining, or any attempt to do any of the aforementioned, a person for involuntary servitude by any means (including force, fraud, or coercion), such as forced labor, forced services, debt bondage, or slavery. Employers should ensure they are carefully following all visa requirements or work agreements to avoid any inadvertent violations.



Child Labor

Торіс	Answer	Summary
Child Labor ²⁷	YES /	Farm work performed outside of school hours is exempt from Maryland child labor
	NO	laws, as long as the work does not entail a hazardous occupation.

Health and Safety

Торіс	Answer	Summary
Workers Compensation ²⁸	YES	 Maryland's Workers' Compensation Act covers injuries and illnesses that arise out of and in the course of employment; and covered occupational disease as a disease: That is the result of and in the course of employment; and That causes the covered employee to become temporarily or permanently, partially, or totally incapacitated. Agricultural employers with three (3) or more employees and an annual payroll of at least \$15,000 for full-time employees must have workers' compensation coverage. If an accident occurs to an employee that results in disability for a period of more than 3 days or death, it shall be the responsibility of the employer to report this accident to the Workers' Compensation Commission on a 'First Report of Injury' form within 10 days after receiving oral or written notice of such accident. Copies of this report must also be sent to the insurance carrier. The Employer's First Report of Injury form can be filed online. Maryland employers must keep clearly posted all written notices provided to them by the Maryland Workers' Compensation Commission or the insurance carrier (or prepared by the employer, if self-insured) that give instructions or information to employees interested in or entitled to benefits under Maryland's Workers' Compensation Act.
OSHA ²⁹	YES	Maryland has an approved OSHA 'state-plan', which means it is at least as effective as federal OSHA. Similar to federal OSHA, MOSH has a general duty clause that requires employers to provide employees a workplace free from recognized hazards that can cause death or serious physical harm. MOSH has adopted the federal OSHA Standards for Agriculture, the General Industry Standards that apply to agriculture, and the reporting/recordkeeping requirements. See the federal fact sheet for details on requirements.
Housing	YES / NO	Maryland law does not explicitly address standards for farm-provided permanent agricultural housing, though general landlord/tenant or public health laws may apply. Employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing.



¹ Md. Code Ann., Labor and Employment §3-504 ² Md. Code Ann., Labor and Employment §8-626.1 ³ Md. Code Ann., Labor and Employment §3-502 ⁴ Md. Code Ann., Labor and Employment §3-505 ⁵ Md. Code Ann., Labor and Employment §3-403; §3-415; §3-420 ⁶ Md. Code Ann., Labor and Employment §3-403; §3-413 ⁷ Md. Code Regs. 09.12.41.10 ⁸ Md. Code Ann., Labor and Employment §3-504 ⁹ Md. Code Ann., Tax - General §10-104, Md. Code Ann., Labor and Employment §8-201, §8-215, §8-207 ¹⁰ Md. Code Ann., Labor and Employment §3-503; Md. Code Regs. 09.12.41.18 ¹¹ Md. Code Ann., Labor and Employment §3-501 ¹² Md. Code Ann., Labor and Employment §3-424; Md. Code Ann., Lab. & Empl. § 3-305 ¹³ Md. Code Ann., Labor and Employment §8-625, §8-626; Md. Code Regs. 09.32.01.06 ¹⁴ Md. Code Regs. 10.15.06.03 ¹⁵ Md. Code Regs. 09.12.32.08 ¹⁶ Md. Code, State Gov't §§ 20–609, 20-601. ¹⁷ Md. Code Ann., Labor and Employment §3-801, §3-802, §3-1201 et seq., §3-1301

¹⁸ Md. Code Ann., Public Safety §13-701 *et seq.*, Md. Code Ann., Labor and Employment §3-803; Md. Code Ann., Lab. & Empl. § 3-1003

¹⁹ Md. Crim. Proc. Code Ann. § 11-102 & Md. Code Ann. Cts. & Jud. Proc. § 9-205

²⁰ Md. Code Ann Cts. & Jud. Proc. §8-501; §8-502

²¹ Md. Code Ann., Labor and Employment §3-802

²² Md. Code Ann., Labor and Employment §3-1401 *et seq.*; Md.Code Ann., Lab. & Empl. § 3-1402.

²³ Md. Election Law Code Ann. §10-315

²⁴ Md. Code Ann., State Gov't §20-601 *et seq.*; Md. State
 Government Code Ann. § 20-606; Md. Labor and Employment
 Code Ann. § 3-304; Md. Code Ann., Lab. & Empl. § 9-1105(a).
 ²⁵ See above

²⁶ Md. Code, Crim. Law § 3-1202

²⁷ Md. Code Ann., Labor and Employment §3-203

²⁸ Md. Code Ann., Labor and Employment §9-210; §9-707; Md.
 Code Ann., Lab. & Empl. § 9-101; Md. Code Regs. 14.09.01.02;
 Md. Code Regs. 14.09.01.10.

²⁹ Md. Code Ann., Labor and Employment §5-104; Md. Code Regs. Chapter 09.12.31