

Minimum Wage and Overtime Law

Montgomery County
 (An employer of one employee is not subject to the County minimum wage law until 7/1/19.)

(Chapter 27, Article XI, Montgomery County Code)

Montgomery County

Minimum Wage Rates

Large Employers with 51 or more employees:

\$12.25

Until 6/30/19

\$13.00

After 7/1/19

\$14.00

After 7/1/20

Mid-sized Employers with 11 to 50 employees

\$12.00

Until 6/30/19

\$12.50

After 7/1/19

\$13.25

After 7/1/20

Small Employers with 10 or less employees

\$12.00

Until 6/30/19

\$12.50

After 7/1/19

\$13.00

After 7/1/20

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

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

Minimum Wage

Most employees must be paid the Montgomery Co. Minimum Wage Rate. Employees age 18 and under 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. Subject to the adoption of related regulations, restaurant employers who utilize a tip credit are required to provide employees with a written or electronic wage statement for each pay period showing the employee's effective hourly rate of pay including employer paid cash wages plus tips for tip credit hours worked for each workweek of the pay period. Additional information and updates will be posted on the Maryland Department of Labor website.

Employees under 18 years of age must earn at least 85% of the County Minimum Wage Rate

Overtime

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

- Employees of bowling establishments, and institutions providing on-premise care (other than hospitals) to the sick, the aged, or individuals with disabilities for all work over **48 hrs.** per week
- 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 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, Licensing and Regulation

Division of Labor and Industry

Employment Standards Service

1100 North Eutaw Street, Room 607

Baltimore, MD 21201

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.

PAY RECORDS MUST BE KEPT FOR 3 YEARS ON OR ABOUT THE PLACE OF WORK.

PENALTIES ARE PRESCRIBED FOR VIOLATIONS OF THE LAW.