

MARYLAND

Maryland Adopts New Pay Transparency Requirements

On April 25, 2024, Maryland enacted the [Wage Range Transparency Act](#) (WRTA), which expands pay transparency requirements for employers under the state's Equal Pay for Equal Work Act (EPEWA). The new law impacts all Maryland employers, regardless of size, and will become effective **Oct. 1, 2024**.

New Pay Transparency Requirements

Under the EPEWA, employers are required to disclose the wage range for a position upon an applicant's request. The WRTA expands employers' pay transparency obligations by requiring them to provide certain information in all public and internal job postings for any work that will be physically performed in Maryland, at least in part. This information includes:

- The wage range for the position;
- A general description of any benefits; and
- A general description of any other compensation that may be offered.

If a public or internal job posting is not made available, employers must disclose the wage range for the position, a general description of benefits and any other compensation offered for the position before a discussion of compensation is held with the applicant and at any other time upon the applicant's request.

Under the new law, a "job posting" is a solicitation intended to recruit applicants for a specific available position, including recruitment done directly by the employer or indirectly through a third party.

The new law defines "wage range" as the minimum and maximum hourly rate or salary for a position, set in good faith, by reference to:

- Any applicable pay scale;
- Any previously determined minimum or hourly rate or salary for the position;
- The minimum and maximum hourly rate or salary for an individual holding a comparable position at the time of the job posting; or
- The budgeted amount for the position.

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Important Dates

April 25, 2024

Maryland's WRTA was enacted.

Oct. 1, 2024

Maryland's WRTA becomes effective.

Maryland employers must disclose certain wage range information in all public and internal job postings.

Maryland's commissioner of Labor and Industry will develop a form that employers may use to comply with the WRTA's wage range disclosure requirements.

Anti-retaliation Provisions

Under the EPEWA, employers are prohibited from retaliating against or refusing to interview, hire or employ an applicant because they did not provide their wage history or requested the wage range for the position sought. Under the WRTA, employees are afforded the same protections as applicants when they refuse to provide their wage history, request the wage range for the position sought or otherwise exercise their rights under Maryland's pay transparency law.

Recordkeeping

The WRTA requires that employers keep a record of compliance with the new wage disclosure requirements for at least **three years** after the position is filled or, if the position is not filled, for **three years** after the position was initially posted.

Consequences of Violating the Law

Employers that violate the new law will be subject to the commissioner's enforcement measures. For first violations, the commissioner can issue a compliance order, and for second violations, it may issue up to a \$300 civil penalty "for each employee or applicant for whom the employer is not in compliance." For each subsequent violation within a three-year period, the penalty can escalate up to \$600 per instance of noncompliance. The new law does not provide a private right of action.

Next Steps for Employers

In preparation for the changes to Maryland's pay transparency requirements, employers may consider reviewing all job postings for jobs that are physically performed in Maryland to ensure that they include the position's minimum and maximum hourly wage or salary and a general description of benefits and any other compensation. Employers can also review and, if necessary, revise their policies and procedures to comply with the new law's anti-retaliation and recordkeeping requirements. Finally, employers can obtain and implement the wage range disclosure form once it is developed and issued by the commissioner.