

In This Issue

Maryland's Pay Disparity Data Reporting Act: What Employers Need to Know

Employment Line™

Employment Law Brief

July 2008

Maryland's Pay Disparity Data Reporting Act: What Employers Need to Know

*Neil E. Duke
410-347-7398
neduke@ober.com*

Maryland employers need to know of their new statutory requirement to collect workforce data that previously was not required. Currently, Maryland employers are required under §3-305 of the Labor and Employer Article subtitled "Equal Pay for Equal Work," to maintain records related to the wages of their employees, and their employees' job classifications. The maintenance requirement for those records is for three years.

However, effective October 1, 2008, (courtesy of Maryland General Assembly House Bill 1156), employers will also be required by law to maintain records related to their employees' racial classifications and gender. Those records must also be maintained for a period of at least 3 years. The purpose of the bill is to facilitate the Maryland Labor Commissioner's 5-year review and analysis of pay disparities in the State of Maryland.

Requesting and maintaining information regarding racial and gender classifications, or any other protected category for that matter, from your employees can be hazardous if done incorrectly. As such, Maryland employers should prepare a process to comply with the new state record-keeping requirement that does not expose them to complaints of harassment, or worse, by their employees.

For assistance in devising a process to comply with the newly-enacted Maryland Pay Disparity Data Reporting Act, or other employment law issues, please contact Ober|Kaler's Employment & Labor Group.