

## *Weekly Wright Report* (1/15/18)

---

### **Highway Contractors Get Ready to Start Your Engines**

By [Mike Stover](#)

The Maryland Department of Transportation (“MDOT”) is planning a \$7.6 billion I-270 Public Private Partnership project (“Project”). On January 4, 2018, MDOT announced that it received 27 responses to its Request for Initial Information from companies interested in participating in the Project. Those responding included local, regional, national and international investors, contractors and engineering companies. The Project is envisioned to add 4 toll lanes along I-270 to I-495. If the Project is awarded it would be the largest public private partnership project in the Country. The next step in the process will be the issuance of Request for Proposals from MDOT. The bidder who receives the award will be responsible to design, finance, build and operate the new toll road. Now is the time to start developing relationships and teams with potential bidders to become part of this historic Project.

### **INTERVIEWERS AND RECRUITERS BEWARE --**

By [Laura Rubenstein](#)

Numerous states and cities have passed laws prohibiting employers from requesting an applicant’s salary history during the hiring process and this legislation is gaining momentum in other states as well. These measures are intended to eliminate pay disparities based on gender. The laws vary in prohibitions but basically prevent an employer (directly and

indirectly) from inquiring about an applicant’s current or prior earnings or benefits. Some of the laws permit employers to inquire into an applicants’ expectations or requirements for salary, may check on past salary after an offer has been made, or permit voluntarily disclosures and verifications by prospective employers. Should you be impacted by one of these laws now or in the future, employers should take steps to review questions in applications and new hire paperwork, train individuals involved in the hiring process to avoid such questions, and develop a list of approved questions to be used during salary negotiations and ensure outside recruiters not seek or share applicants’ current or prior earnings or benefits with the employer.

### **MINIMUM WAGE INCREASES IN MONTGOMERY COUNTY?**

By [Laura Rubenstein](#)

Montgomery County, Maryland, has approved legislation which increases the countywide minimum wage from \$11.50 to \$15.00 over the next few years. The increased minimum wage will phase in over time, with the smallest employers not reaching \$15.00 until 2024. Starting July 1, 2018, employers with greater than 50 employees will be paying \$12.25, those with less than 50 will be required to pay \$12.00 per hour. There will be annual increases until all employers get to \$15/hour with the wage thereafter tied to inflation. Home healthcare companies and nonprofits will be exempt from the initial 2021 compliance deadline. There is also an opportunity wage, allowing an employer to pay a wage equal to 85 percent of the county



minimum wage to an employee under the age of 20 years for the first 6 months of employment.

**PRINCE GEORGES' COUNTY EXPANDS MANDATORY PTO POLICY**

By [Don Walsh](#)

On December 12, 2017, Prince George's County, Maryland enacted Bill Number CB-87-2017, which mandates that employers of 15 or more employees in the County permit employees to accrue and use to take effect 45 calendar days after the Maryland General Assembly adjourns in 2018, which should make it effective May 24, 2018. Employees can use leave for themselves or to care for or assist a family member, which includes a child, grandchild, grandparent, parent, sibling, or spouse.

Employees must accrue at least one leave hour for every 30 hours worked in the county. Exempt employees accrue leave based on the lesser of their normal workweek or a 40-hour workweek. An employer may cap annual accrual at 40 hours per calendar year and must permit accruals of time but can cap the carryover at 40 hours.

Employees must request leave as soon as practicable, must comply with their employer's reasonable notice procedures, and must notify their employer of the absence's anticipated duration. An employer may deny a leave request if an employee both fails to provide required notice and the absence will cause a disruption to the employer. However, employers cannot require employees to disclose details of the mental or physical illness, injury, or condition of the employee or family member when requesting leave. If an employee uses more than three consecutive days of leave, an employer may require the employee to provide reasonable

documentation to verify leave was used for a covered purpose. The requested certification may not, however, require an employee to provide any information that would violate the federal Social Security Act or Health Insurance Portability and Accountability Act.

The law does not address whether an employee must be paid the value of accrued but unused leave when employment ends so it should be addressed in employer handbook or policy memos shared with employees. However, if an employee is rehired to work in the county within 12 months after leaving the employer, any previously accrued but unused leave must be reinstated.

In addition to providing employees with a written statement of available leave with their paychecks, Employers must notify employees that they are entitled to leave including notice of how leave is accrued, the circumstances for which leave can be used, state that no retaliation will be taken for an employee using its leave and that an employee has right to file a complaint with the Human Relations Commission for a violation of the law.