



WORKER RIGHTS · MARYLAND

Know Your Rights in Maryland

What every hospitality worker should know, in plain language.
No legal jargon.

This guide is general information about Maryland employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation.

General information only — not legal advice.

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Working in Maryland: The Basics

- Maryland is an at-will state. Unless a contract, agreement, or policy says otherwise, an employer can fire you for almost any reason, or no reason — but never for an illegal reason.
- Illegal reasons include discrimination (race, color, religion, sex, age, national origin, marital status, disability, sexual orientation, gender identity) and firing or punishing you for: filing a workers' compensation claim; standing up for your minimum-wage or overtime rights; raising a safety concern; refusing to commit a crime; serving on a jury or in the military; or having a wage garnishment for one debt.
- New October 1, 2026 — Maryland Worker Freedom Act: your employer may not fire, discipline, or threaten you for declining to attend or participate in a meeting where the employer shares opinions on political or religious matters, and may not refuse to hire you for declining.

Your Paycheck

- Minimum wage: \$15.00 an hour statewide. (Workers under 18 may legally be paid 85% of it — \$12.75.)
- Overtime: 1.5× your regular rate after 40 hours in a week for most workers. (Narrow state exceptions exist — bowling alleys and residential-care institutions at 48 hours, agriculture at 60 — federal law may still require overtime after 40; if you work in one of these settings, check with the Employment Standards Service.)

- How often you must be paid: at least once every two weeks or twice a month. Your employer cannot force direct deposit — it requires your voluntary, written OK.
- At hire, your employer must give you written notice of your rate of pay, your regular paydays, and your leave benefits.
- Every payday, you are entitled to a pay statement showing: employer name/address/phone; pay date; pay-period dates; hours worked (unless you are overtime-exempt); all pay rates; other pay (bonuses, commissions, piece rates); gross and net pay; and every deduction, itemized. The state can fine an employer up to \$500 per employee for missing or incomplete statements.
- Pay cut coming? Your employer must give you at least one full pay period's advance notice before lowering your wage rate.
- Deductions: nothing may be taken from your pay unless a court ordered it, a law allows it (like taxes), the Commissioner of Labor and Industry allowed it, or you authorized it in a separate signed writing. Even with your authorization, a deduction for a loss blamed on your fault or negligence may not pull your pay below the minimum wage.
- Final paycheck: if you are fired, laid off, or you quit, all wages you earned are due on or before your next regular payday. Same rule either way. Your employer does not have to let you work out a notice period or pay for notice time you did not work, unless a contract or policy says so.
- A paycheck that bounces is treated the same as not paying you at all, with civil and criminal penalties possible.

Tips

- If you regularly earn more than \$30 a month in tips, Maryland lets your employer pay a cash wage as low as \$3.63 an hour and take a tip credit of up to \$11.37 — but your cash wage plus your tips must reach \$15.00 for every hour, and your employer must cover any shortfall.
- Tip Credit Wage Statement: if your restaurant uses a tip credit, it must give you a written or electronic statement every pay period showing your effective hourly rate — cash wages plus reported tips, calculated per workweek. It is due within two weeks after the pay period ends, and the employer must keep the statements for 3 years. If the restaurant pays the full \$15.00 with no tip credit, no statement is required.
- Non-tipped work pays the full rate: time assigned to work that is not tip-related must be paid at least the full \$15.00. Under Maryland regulations, if more than 20% of your work time goes to non-tip-producing duties directly related to your tipped job, that time must also be paid at the full minimum wage.
- Overtime for tipped workers is figured at 1.5× the minimum wage minus the tip credit — the credit cannot grow on overtime hours.
- Pooling: Maryland has no separate state tip-pooling law. Federal rules govern: your tips are yours; employers, managers, and supervisors may never keep any part of them; a required pool may only share tips among employees who customarily receive tips.
- County tipped rates differ — see “Three Counties Pay More Than the State” (Montgomery County: \$4.00 cash wage).

Sick and Safe Leave

- Every Maryland employer must provide earned sick and safe leave: paid if the employer has 15 or more employees; unpaid if it has 14 or fewer. (The count is the average monthly headcount over the previous year, including part-time, temporary, and seasonal workers.)
- You earn 1 hour of leave for every 30 hours worked, up to 40 hours earned per year, and you may use up to 64 hours per year. Up to 40 unused hours carry into the next year.
- You may start using leave after 106 calendar days on the job. Workers who regularly work under 12 hours a week and workers under 18 do not accrue, but they still count toward the employer's 15-employee threshold.
- You may use the leave for: your own illness, injury, or medical care; preventive care for you or a family member; caring for a sick family member; maternity or paternity leave; or absences tied to domestic violence, sexual assault, or stalking affecting you or a family member.
- Your employer must show your used and available leave on a statement every pay period (an online system counts).
- Your employer may not count protected leave against you under an attendance or absence-control policy.
- Rehired within 37 weeks of leaving? Your earned, unused leave must be reinstated.
- Montgomery County has its own earlier sick-and-safe-leave law that still applies — see “Three Counties Pay More Than the State.”

Other Leave Maryland Law Gives You

- **Flexible Leave Act** (employers with 15+): you may use your earned paid leave (sick, vacation, or comp time) to care for an ill child, spouse, or parent, or for bereavement after the death of an immediate family member. Your employer may not punish you for using it.
- **Parental leave:** employers with 15 to 49 Maryland employees must give eligible workers (12 months and 1,250 hours) up to 6 workweeks of unpaid parental leave in a 12-month period for a birth, adoption, or foster placement. If an employer pays leave for a birth, it must pay the same for an adoption placement.
- **Deployment leave:** at employers with 50+, eligible workers may take leave on the day an immediate family member leaves for or returns from active duty abroad.
- **Coming, but NOT here yet — FAMLI:** Maryland's paid family and medical leave insurance program starts taking contributions January 1, 2027, and benefits do not begin until January 1, 2028 (up to 12 weeks, capped at \$1,000 a week). As of October 2026, there is no state paid family or medical leave benefit in Maryland. Do not let anyone tell you otherwise.

Vacation and PTO

- Maryland does not require employers to offer vacation.
- Whether your unused vacation is paid out when you leave depends on the employer's written policy as it was communicated to you when you were hired. If you were told in writing at hiring that unused vacation is lost at separation, it is lost. If the employer has no written policy limiting it, you are entitled to the cash value of unused earned vacation.
- Unused sick leave is generally not paid out at separation unless a contract or policy says so.

Breaks

- Adults: Maryland law does not require meal or rest breaks — with two exceptions: workers under 18 (below), and retail workers covered by the Healthy Retail Employee Act. That retail law does not cover restaurants — hospitality workers are not in it.
- If your employer does give a break over 20 minutes, it can be unpaid only if you are free to leave, actually take the break, and do no work. If you work through it, it must be paid.
- Under 18: no more than 5 hours of continuous work without a non-working break of at least 30 minutes.

Workers Under 18

- No work under 14. Ages 14–17 need a work permit before starting; the employer must hold the signed permit and keep it on file for 3 years.
- Ages 14–15: non-school hours only; max 3 hours on a school day, 8 on a non-school day, 18 in a school week, 40 in a non-school week; only between 7:00 AM and 7:00 PM (9:00 PM from June 1 to Labor Day).
- Ages 16–17: school plus work may not exceed 12 hours in a day, and you must get at least 8 consecutive hours of non-work, non-school time in every 24 hours.
- Hazardous jobs are off-limits to all minors (Maryland adopts the federal hazardous-occupation list and adds more, including distillery manufacturing/bottling work).
- Pay: minors may be paid 85% of the minimum wage (\$12.75 state; county rules vary).
- Alcohol: you may serve alcohol at 18 in Maryland.

Three Counties Pay More Than the State

Your county's rate beats the state \$15.00 if you work in:

- **Montgomery County** (rates since July 1, 2026, adjusted every July 1): \$18.00 at employers with 51+ employees; \$16.50 at employers with 11-50; \$15.95 at employers with 10 or fewer. Tipped employees: cash wage at least \$4.00, and your employer must give you the per-pay-period tip wage statement and file quarterly tip-wage reports with the county. The county minimum does not apply to under-19s working 20 hours a week or less, and new workers under 20 may be paid 85% of the county rate for their first six months.
- **Howard County**: \$16.00 for all employers as of July 1, 2026; future increases follow the CPI-U starting January 2027.
- **Prince George's County**: \$15.30 for all employers as of July 1, 2026.
- In Howard and Prince George's, the tipped cash wage stays \$3.63, but cash plus tips must reach the county minimum — the employer covers the gap.
- **Baltimore City** has no separate minimum wage above the state's.

Non-Competes

- Maryland law makes a non-compete (or a similar conflict-of-interest clause) null and void if you earn \$22.50 an hour or less — that is 150% of the state minimum wage, about \$46,800 a year full-time. It does not matter whether the contract was signed in Maryland; if you work under it here, the ban applies.
- Licensed health-care workers in direct patient care earning \$350,000 or less are also fully protected (contracts signed on or after July 1, 2025). Above \$350,000, a non-compete may last at most 1 year and reach at most 10 miles from your primary workplace.
- Licensed veterinary practitioners and technicians are protected at any pay level.
- The statute does not void clauses about client lists, patient lists, or other proprietary client/patient information — those are treated separately.
- Above those thresholds, Maryland's statute is silent and courts judge agreements case by case. If you are asked to sign one, get legal advice before you sign — do not assume it is enforceable or unenforceable.

Pay Transparency: Your Right to Know the Range

- Since October 1, 2024, every posting for a job that will be physically performed at least partly in Maryland must state the wage range, a general description of benefits, and any other compensation — and “other compensation” is read broadly: overtime, differentials, premium pay, tips, commissions, bonuses, stock, even part of service charges. If a single fixed rate is offered, the posting must state the exact rate (“\$30 an hour,” not “\$30+”).
- If no posting was made available to you, the employer must give you the same information before any discussion of pay, and any time you ask.
- The range must be set in good faith (pay scale, prior range, comparable employees’ range, or the budgeted amount). Employers must keep compliance records for 3 years.
- Penalties grow: an order to comply for a first violation; up to \$300 per affected applicant/employee for a second; up to \$600 for later violations.
- Salary history: an employer may not ask about, seek out, or rely on your wage history to screen you or set your pay. Only after an initial offer with compensation may they use history you volunteered — and only to justify paying you more than the offer.
- Retaliating against you for asking for the range, declining to share wage history, or using these rights is illegal (reinstatement, back pay, and penalties up to \$1,000 per worker retaliated against).

Unions

- Maryland is not a right-to-work state. A union and employer may lawfully agree that workers pay union dues or fees as a condition of employment.

What Maryland Does NOT Require

- No meal or rest breaks for adult hospitality workers (see “Breaks”).
- No vacation/PTO mandate, and no automatic vacation payout — the written policy from your hiring controls (see “Vacation and PTO”).
- No sick-leave payout at separation.
- No paid family or medical leave benefit yet — FAMLI benefits start January 1, 2028 (see “Other Leave Maryland Law Gives You”).
- No requirement to let you work out a notice period or pay for unworked notice time (unless a contract or policy says so).

If Your Rights Were Violated

- Unpaid wages — Employment Standards Service (ESS), Maryland Department of Labor. File a Wage Claim Form (mail: ESS, 10946 Golden West Drive, Suite 160, Hunt Valley, MD 21031; phone 410-767-2357). ESS investigates and works to collect what you are owed, and may take the employer to court. ESS suggests (does not require) sending the employer a certified-mail demand letter first and including a copy with your claim.
- You get ONE route. Under the Wage Payment and Collection Law you must choose: an ESS claim, a lawsuit, or criminal charges — you cannot do more than one.
- In court: if wages were withheld and there was no genuine (bona fide) dispute, the court may award up to three times the unpaid wages plus attorney fees. Maryland's general deadline to sue is 3 years from when the claim accrued. File promptly — do not sit on a claim.
- ESS also takes complaints for sick-and-safe-leave violations, retail shift breaks, pay statements, and equal pay (hotline 410-767-2357; Spanish 410-767-2370).
- Discrimination: Maryland Commission on Civil Rights (410-767-8600) for state law; EEOC deadline is 300 days in Maryland. A charge filed with the state agency is automatically dual-filed with the EEOC.
- Safety: MOSH (Maryland Occupational Safety and Health) covers private workplaces in Maryland. Report a fatality within 8 hours; a hospitalization, amputation, or eye loss within 24 hours (410-527-4499 business hours; 1-888-257-6674 after hours).

- Retaliation is illegal for using any of these rights — wage and overtime complaints, workers' comp, safety complaints, protected leave, and pay-transparency rights.

This guide is general information, not legal advice. For your specific situation, talk to a licensed Maryland attorney.