

March 5, 2024

The Honorable Wes Moore  
Governor  
State House  
100 State Circle  
Annapolis, Maryland 21401

The Honorable Aruna Miller  
Lieutenant Governor  
State House  
100 State Circle  
Annapolis, Maryland 21401

The Honorable Bill Ferguson  
President  
Senate of Maryland  
State House, H-107  
Annapolis, Maryland 21401

The Honorable Adrienne Jones  
Speaker  
Maryland House of Delegates  
State House, H-107  
Annapolis, Maryland 21401

**Re: Commissioner of Labor and Industry Annual Report 2022 (MSAR#861, 1937, 2350, 7583, 9829, 10416 and 11925)**

Dear Governor Moore, Lieutenant Governor Miller, President Ferguson, and Speaker Jones:

Pursuant to Maryland Annotated Code, Labor and Employment Article § 2-108, et seq., requires the Commissioner of Labor and Industry to annually submit a report after January 1. The 2022 report includes information on the operations of the office of the Commissioner, an overview of new laws passed in 2022, and the operations of the units of Labor and Industry. Additional required reporting can also be found including: MSAR#861, MSAR#1937, MSAR#2350, MSAR#7583, MSAR#9829, MSAR#10416, and MSAR#11925.

For additional information regarding the report, please contact Andrew Fulginiti, Director of Legislative and Regulatory Affairs, at [andrew.fulginiti@maryland.gov](mailto:andrew.fulginiti@maryland.gov) or (410) 230 - 6009.

Sincerely,



Devki K. Virk  
Commissioner of Labor and Industry

# Introduction

The Maryland Division of Labor and Industry is a unit of the Maryland Department of Labor, concerned with the welfare of Maryland's workforce, essential safety services to business, industry, and the general public. Under the direction of the Commissioner of Labor and Industry, the Division is charged with administering the following laws and regulations:

- Amusement Ride Safety Law and Regulations
- Boiler and Pressure Vessel Safety Act and Regulations
- Choice of Bargaining Representative Law
- Civil Remedies for Shoplifting and Employee Theft Law
- Day of Rest – Retail and Wholesale Establishments
- Deployment Leave
- Disclosing Sexual Harassment in the Workplace Act
- Elevators, Dumbwaiters, Escalators and Moving Walks Law and Regulations
- Employment of Minors Law
- Essential Workers' Protection Act
- Equal Pay for Equal Work Law
- Farm Labor Contractor Law and Regulations
- Flexible Leave Act
- Healthy Retail Employee Law
- Healthy Working Families Act
- High Voltage Line Law
- Hiring and Promotion Preferences – Veterans of Commissioned Corps
- Industrialized Buildings and Manufactured Homes
- Interpreters
- Job Applicant Fairness Law
- Jury Service
- Lie Detector Test Law
- Living Wage Law and Regulations
- Maryland Accessibility Code
- Maryland Building Performance Standards
- Maryland Building Rehabilitation Code
- Maryland Essential Workers' Protection Act
- Mediation or Arbitration of Labor Disputes Law and Regulations
- Minimum Livability Code
- Minimum Wage for Disabled
- Medical Questions Law
- Non Compete and Conflict of Interest Clauses
- Organ Donation
- Model Performance Code for Building Construction
- Occupational Safety and Health Act and Regulations
- Parental Leave – Birth of Adoption of a Child
- Pension Plans
- Prevailing Wage - Contracts for Public Works Law and Regulations
- Railroad Safety and Health Law and Regulations

- Safety Glazing
- Secure Maryland Wage Act
- Smoking on Public Elevators Law and Regulations
- Tipped Employees – Payments or Deductions from Wages Prohibition
- Use of Facial Recognition Services Prohibited
- Username and Password Privacy Protection and Exclusions
- Volunteer Activities
- Wage and Hour Law and Regulations
- Wage Payment and Collection Law
- Wholesale Sales Representatives
- Workplace Fraud Law

This report is divided into chapters according to the primary units of the agency (as of December 31, 2022). The report describes the scope and purpose of each unit and of the boards, councils, and committees that advise, assist, or propose regulations to the Commissioner. Included is a summary of activities during 2022, and a list of the Division's publications.

# Chiefs and Commissioners

## Bureau of Industrial Statistics and Information

Thomas C. Weeks, Chief	1884 – 1892
A. B. Howard, Chief	1892 – 1896
Charles H. Myers, Chief	1886 – 1898
Jefferson D. Wade, Chief	1898 – 1900
Thomas A. Smith, Chief	1900 – 1904
Charles J. Fox, Chief	1904 – 1912
Frank A. White, Chief	1912 – 1916

## Board of Labor and Statistics

Charles J. Fox, Chairman	1916 – 1922
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## Commissioner of Labor and Statistics

J. Knox Insley, Commissioner	1922 – 1935
Henry Lay Duer, Commissioner	1936 – 1937
A. Stengle Marine, Commissioner	1937 – 1938
John M. Pohlhaus, Commissioner	1938 – 1945

## Department of Labor and Industry

John M. Pohlhaus, Commissioner	1945 – 1948
Joseph F. DiDomenico, Commissioner	1948 – 1959
Murray L. Schuster, Commissioner	1959 – 1963
Henry Miller, Commissioner	1963 – 1970

## Division of Labor and Industry

Henry Miller, Commissioner	1970 – 1972
Harvey A. Epstein, Commissioner	1972 – 1983
Dominic N. Fornaro, Commissioner	1983 – 1988
Henry Koellein, Jr., Commissioner	1988 – 1996
John P. O'Connor, Commissioner	1996 – 1999
Kenneth P. Reichard, Commissioner	1999 – 2003
Dr. Keith L. Goddard, P.E., Commissioner	2003 – 2004
Robert L. Lawson, Commissioner	2004 – 2007
J. Ronald DeJuliis, Commissioner	2007 – 2014
Thomas J. Meighen, Commissioner	2015 – 2017
Matthew S. Helminiak, Commissioner	2017 – 2023

## **Serving Marylanders for 138 Years**

The Industrial Revolution made a tremendous impact on the country's economy and increased the demands of the labor force throughout the nation. The forerunner of today's Division of Labor and Industry was created in 1884, when the Maryland General Assembly established the Bureau of Industrial Statistics and Information. The high level of interest in protecting the State's workforce, collecting statistics and information on the needs and abuses that existed in various industries was a primary function of the Bureau.

Thomas C. Weeks, the first Chief of the Bureau of Industrial Statistics and Information, noted in his first biennial report that the work of the Bureau was seriously hindered prior to 1884 because there had been no inquiries about the needs and abuses of industry.

As interpreted by Mr. Weeks, "it was the intention of the Legislature to create the Bureau in the special interests of the wage-workers of the State, and while recognizing the fact that under our system of society, the interests of one class greatly affect the interests of all; that the more extensive our commerce, and the greater the facilities afforded to manufacture, the better should be the condition of those who labor; that an enlarged market should increase...the price of wages, the distribution of wealth, and the quantity of home consumption."

The Bureau of Industrial Statistics and Information was abolished in 1916, and the State Board of Labor and Statistics was created, operating under the direction of three commissioners.

The three main tasks of the new Board were the collection of statistics on labor, agriculture, mineral products, transportation, and commerce; the operation of free employment agencies; and investigation by the Board of Commissioners as to the causes of unemployment; and authorization by the Board of Commissioners to appoint Boards of Arbitration, and a Deputy, known as the Chief Mediator, with jurisdiction in areas of arbitration and settlement of labor disputes.

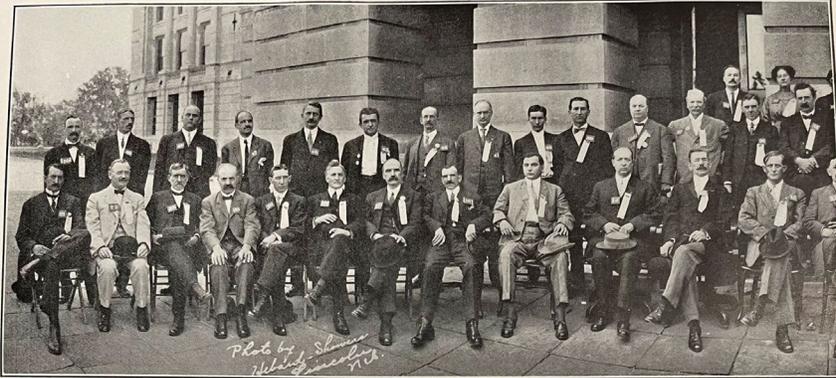
In 1922, after a statewide reorganization of administrative functions, the duties of the three-person Board of Commissioners were transferred to a single Commissioner of Labor and Statistics. Twenty-three years later, in 1945, the position of Commissioner of Labor and Industry was created. Powers and duties remained substantially the same, and the laws to be administered by the Department of Labor and Industry were essentially the same as those under the former State Board of Labor and Statistics.

Under departmental reorganization in 1970, Labor and Industry became a division within the Department of Licensing and Regulation, until 2019 known as the Department of Labor, Licensing, and Regulation. In 2019, the department's name was changed to simply "Department of Labor."

# **National Association of Governmental Labor Officials (NAGLO) Conference, July 17-20, 2022**

The National Association of Governmental Labor Officials (NAGLO), is a professional association consisting of the chief official in each state and territory of the United States responsible for overseeing the laws that protect and serve working men and women throughout the nation. NAGLO was formed in 1914 to represent all State bureaus or departments that were devoted to procuring and publishing the facts and figures related to the condition of their working populace, but the organization actually dates back to 1883 (one year before Maryland created their division), when it was known as the Association of Chiefs and Officials of Bureaus of Labor. More information can be found on the “about” page at [www.naglo.org](http://www.naglo.org).

Maryland and the District of Columbia, hosted the 2022 annual conference, and Commissioner Helminiak, President of the NAGLO, was the host of the conference. Originally planned for 2020, the conference was postponed twice due to COVID-19 travel restrictions. The featured speakers included US Department of Labors Deputy Secretary Julie Su and Acting Wage and Hour Division Leader Jessica Looman. The topics of discussion included recently passed paid family leave laws, which several states were in the process of implementing. The first picture below is from the Maryland Department of Labor’s 1911 Annual Report and shows the NAGLO group photograph from that year’s conference in Nebraska. The 2022 attendees tried to recreate that 1911 photograph with one of their own; a group photograph was taken at the lunch that was hosted by NAGLO members from the Taipei Economic and Cultural Representative Office (Taiwan).



*Photo by Shuman  
Hillsdale, N.J.*



CONVENTION OF LABOR COMMISSIONERS AND FACTORY INSPECTORS, SEPTEMBER 18-20, 1911, LINCOLN, NEBRASKA

- |                    |  |                     |                    |                     |                         |
|--------------------|--|---------------------|--------------------|---------------------|-------------------------|
| 1 David Ross       | 10 J. D. Beck, Pres. Amer. Assn. Com. of Labor | 17 John Fitzsimmons | 26 E. W. Van Durn  | 35 John S. Whalen   | 46 Chas. H. Burk        |
| 2 J. A. Starling   | 11 Frank S. Nash                               | 18 Clark Johnson    | 27 F. E. Hoffman   | 36 Will J. French   | 47 H. W. Beagle         |
| 3 Chas. E. Hubbard | 12 G. E. Warren                                | 19 Thomas M. Malloy | 28 Owen Doyle      | 37 Chas. J. Fox     | 48 C. E. Gordon         |
| 4 E. W. Vance      | 13 Louis Capron                                | 20 Jas. T. Burke    | 29 W. J. Ribble    | 38 Austin W. Biggs  | 49 E. J. Watson         |
| 5 A. L. Garrett    | 14 W. W. Williams                              | 21 Edgar L. Davis   | 30 Thom. P. Kenans | 39 Harry W. Dungan  | 50 M. L. Shugman        |
| 6 John W. Walsh    | 15 Barney Cohen                                | 22 John Williams    | 31 Lester Redding  | 40 W. L. Potter     | 51 Louis L. Gaye        |
| 7 J. W. Smith      | 16 Henry A. Clark                              | 23 E. W. Carey      | 32 W. H. Stewart   | 41 J. E. Kelly      | 52 Maria Elizabeth Hoop |
| 8 Perry F. Powers  |  | 24 M. Hansen        | 33 H. Bonshue      | 42 J. Barry Hillson | 53 C. H. Guye           |
| 9 W. L. A. Johnson |  | 25 L. Van Vleet     | 34 W. F. Hook      | 43 Will M. Maupin   |                         |



# Division of Labor and Industry Organizational Chart



**Commissioner of Labor and Industry**

**Deputy Commissioner**

**Advisory Groups**  
 Amusement Ride Safety Advisory Board  
 Board of Boiler Rules  
 Occupational Safety and Health Advisory Board  
 Maryland Building Rehabilitation Code Advisory Council



# Office of the Commissioner

## GENERAL ADMINISTRATION

The Commissioner of Labor and Industry provides leadership to the many programs that offer services to promote and protect the welfare of Maryland wage earners and the safety of citizens. The Commissioner, through such diverse activities as program planning, coordination, and evaluation, legislation and regulation coordination, financial management, and personnel administration, is able to guide the direction of the programs, allowing laws to be implemented. As required by the Labor and Employment Article, Section 2-105, *Annotated Code of Maryland*, the Commissioner seeks to promote harmony between industry representatives and labor through the Construction Roundtable; Advisory Group meetings; and attendance at organized labor outreach programs, conferences, and seminars. The Office of the Commissioner coordinates a staff of 192 budgeted permanent employees who provide their valuable services to the citizens of Maryland.

Administrative staff respond to public inquiries and complaints and resolve those issues that cannot be resolved satisfactorily at the program level. Issues vary from the interpretation of law, regulation, and policy for which the Division has jurisdiction, to the resolution of technical issues related to the safe operation of equipment, and occupational safety and health issues that affect citizens. The Commissioner's staff also provides support to the agency's advisory boards and committees, including major research and outreach efforts on topics of current concern.

Advisory Board support goes beyond administrative support to include the technical research needed to support Board hearings for the adoption of new national codes and standards, variance requests, and the analysis of trends and data to provide alternatives and support for board positions.

Representatives of the Division, including the Commissioner, routinely meet with Maryland businesses, labor, and civic leaders, and participate in educational seminars to provide guidance, consultation, and leadership. The Commissioner and staff participate in national organizations such as the National Association of Governmental Labor Officials (NAGLO), the Occupational Safety and Health State Plan Association (OSHSPA), the American Society of Safety Engineers (ASSE), the American Society of Mechanical Engineers (ASME), and the National Board of Boiler and Pressure Vessel Inspectors.

The Office of the Commissioner continues to shape and develop initiatives relating to the quality and effectiveness of the Division and holds weekly meetings with program personnel to ensure that Division of Labor and Industry programs remain on track to achieve goals and objectives.

## LEGISLATION IN 2022

There were several bills introduced and passed during the 2022 session of the General Assembly that directly affected the Division of Labor and Industry.

***Prevailing Wage- Stop Work Orders - Chapter 49 (Senate Bill 1)*** This bill authorizes the Commissioner of Labor and Industry to issue a stop work order on a work site after the Commissioner has made an initial determination that a contractor or subcontractor may have violated prevailing wage requirements. The Commissioner is authorized to assess penalties for failure to comply with an investigation or adhere to the stop work order. The Commissioner is required to release the stop work order if the contractor or subcontractor is properly paying the prevailing wage rate and has paid all associated penalties.

***Building Codes - Buildings Used for Agritourism - Chapter 96 (House Bill 12)*** This bill relates to buildings that can be used for agritourism and adds Worcester County to the list of counties where existing an agricultural building used for agritourism is not a change in occupancy that requires a building permit.

***Innkeepers—Maintenance of Guest Records and Employee Human Trafficking Awareness Training and Policy – Chapter 487 (House Bill 270)*** This bill requires the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) and the Maryland Department of Labor (MDL) to approve education and training programs for innkeepers on the prompt identification and reporting of suspected human trafficking. The bill requires that by October 1, 2023, and annually thereafter, an innkeeper certify to MDL that all employees of the lodging establishment have received the annual training, as specified. In addition, the bill requires an innkeeper to establish and maintain a computerized recordkeeping system of all guest transactions and receipts. The records must be retained for at least six months.

***Building Codes - Maryland Swimming Pool and Spa Standards, -Chapter 730 (House Bill 303)*** The bill requires that the Maryland Department of Labor (MDL) adopt by regulation the International Swimming Pool and Spa Code as the Maryland Swimming Pool and Spa Standards. The bill directs MDL to consult with the Maryland Department of Health on the regulation of the operation and maintenance of swimming pools and spas.

***Polygraph Examinations - Emergency Services Applicants - Chapter 432 (House Bill 527)*** This bill exempts applicants for employment as a paramedic or an emergency medical technician with St. Mary's County or employment with St. Mary's County Emergency Communications Center from the prohibition on polygraph examinations as a condition of employment.

***Prevailing Wage - Applicability*** - Chapter 51 (Senate Bill 259) This bill amends the prevailing wage law's definition of construction to include certain mechanical system service contracts.

***Climate Solutions Now Act of 2022*** - Chapter 38 (Senate Bill 528) This bill requires that investor-owned electric companies or gas and electric companies on certain projects require contractors and subcontractors to pay the prevailing wage as well as other employment related requirements.

## **MEDIATION AND CONCILIATION**

Pursuant to Labor and Employment Article, Section 2-107(c), *Annotated Code of Maryland*, there is a State Mediation and Conciliation Service. Upon request for services, the Commissioner may charge a fee to cover the cost of providing those services. In 2022, there were no requests for services.

## **EMPLOYEE STOCK OWNERSHIP PLAN**

Consistent with the requirements of the Broadened Ownership Act, Economic Development Title 14-102, *Annotated Code of Maryland*, designated State agencies are directed to encourage participation in employee stock ownership plans. The Act requires that the promotional efforts employed on behalf of these plans be discussed in the annual legislative report of each designated agency. During 2022, the Division of Labor and Industry received no requests for the brochure “Employee Stock Ownership Plan,” which was developed in response to the Act. The Division continues to promote employee stock ownership by putting the brochure on its website.

## COMMITTEE PARTICIPATION

The Commissioner of Labor and Industry and staff have been effectively involved in such diverse organizations as:

American Board of Industrial Hygiene  
American National Safety Institute (ANSI)  
ANSI A10. Construction and Demolition Sub-Groups  
    A10.2 Safety, Health, and Environmental Training  
    A10.9 Concrete & Masonry Construction  
    A10.38 Basic Elements of a Program to Provide a Safe and Healthful Work Environment  
    A10.47 Highway Construction Safety  
American Society of Safety Engineers (ASSE)  
American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)  
Board of Certified Safety Professionals  
Chesapeake Regional Safety Council  
Controlled Hazardous Substances Advisory Council  
Delmarva Safety Association  
International Code Council (ICC) Off-Site and Modular Construction Standards Committee  
Interstate Labor Standards Association (ILSA)  
Leadership Maryland  
Manufactured Housing Consensus Committee (MHCC)  
Maryland Building Officials Association (MBOA)  
Maryland Explosives Advisory Committee of the Fire Marshal's Office  
Maryland Green Building Council  
Maryland Rehabilitation Advisory Council  
Maryland State Bar Association - Labor & Employment Section  
National Association of Elevator Safety Authorities  
National Association of Government Labor Officials (NAGLO)  
National Board of Boiler and Pressure Vessel Inspectors  
National Fire Protection Association (NFPA)  
National Transportation Safety Board (NTSB)  
Occupational Safety and Health State Plan Association (OSHSPA)  
Occupational Safety and Health Consultation (OSHCON)  
Public Employees Safety Association of Maryland (PESA)  
Public Risk Management Association (PRIMA)  
State Employees Risk Management Administration (SERMA)  
Voluntary Protection Program Participants' Association (VPPPA)

# **Building Codes Administration**

The Building Codes Administration (Codes Admin) within the Department of Labor oversees code administration in the State. The Model Performance Building Code was first adopted in 1971. Based on the National Building Code of the Building Officials and Code Administrators International, Inc. (BOCA), the State's Model Performance Building Code was intended by the General Assembly eventually to be adopted statewide so builders might adapt their construction practices to a single set of modern, performance-oriented standards. Compliance with that code at that time was voluntary. In 1993, mandatory standards, i.e., the Maryland Building Performance Standards, were enacted by the General Assembly. These standards were based on the most recent edition of the National Building Code issued by BOCA. They apply to all construction permits issued on or after August 1, 1995, with two exceptions. Counties or municipalities lacking any building code had to comply by 1997; those that adopted the Standard Building Code of the Southern Building Code Congress, Inc., had to comply by 1999.

In October 2001, the International Building Code (IBC), developed and published by the International Code Council (ICC), replaced the BOCA code in the Model Performance Code and Maryland Building Performance Standards. Since then, IBC has been updated on a three-year cycle, and the first printings of the latest editions of IBC were adopted into regulation within 18 months of their publication.

To meet local needs, local jurisdictions may amend the Maryland Building Performance Standards with a few limitations.

## **Model Performance Code for Building Construction**

Model Performance Code (MPC) applies to industrialized (modular) and state-owned buildings. MPC references the following codes: 2018 International Building Code (IBC), 2018 International Plumbing Code (IPC), 2017 National Electrical Code (NEC), 2018 International Residential Code (IRC), 2018 International Mechanical Code (IMC), 2018 International Energy Conservation Code (IECC), and 2012 International Green Construction Code (IgCC).

Codes Admin is responsible for the adoption of these individual codes on a three-year cycle, and for interpretation of codes when requested by citizens, design professionals, and local jurisdictions.

## **Maryland Accessibility Code**

The Department establishes minimum requirements that will provide for the accessibility and usability of buildings and facilities by individuals with disabilities. The Code references existing federal accessibility standards and includes additional Maryland requirements.

Codes Admin is responsible for the administration of this code, which includes accepting and processing waiver requests, interpretation of the Maryland portion of the code for citizens, design professionals, and local jurisdictions.

## **Minimum Livability Code**

The Code was created to protect the public's health, safety, and welfare in residential structures and premises. The Code references the International Property Maintenance Code (IPMC) (current edition is 2012).

## **Industrialized Buildings and Manufactured Homes**

Codes Admin is responsible for the administration of the Industrialized Building Program, which is a state-wide program requiring the Department's approval before the construction of all industrialized buildings to be installed in Maryland. Tasks include the processing of new/renewal applications of both manufacturers and Approved Testing facilities; the processing of Maryland Insignia applications; reviewing building plans of proposed modular buildings and issuing approval as required; conducting plant inspections; responding to home owners' complaints; and coordinating with local authorities having jurisdiction on all modular building-related issues.

Under a separate contract with the U.S. Department of Housing and Urban Development (HUD), Codes Admin works with HUD's Office of Manufactured Housing Program and serves as the State Administrative Agency (SAA) for the State of Maryland. The current scope of contract is limited to processing homeowner complaints.

## **Safety Glazing**

This law provides for determinations by the Secretary of Labor as to three subjects: further requirements for standards of safety glazing material, additional glazed elements to be designated "hazardous locations," and exceptions of certain panels from the definition of "hazardous locations".

## **Maryland Building Performance Standards**

The Maryland Building Performance Standards (MBPS) were created to provide reasonable protection to the public against hazards to life, health, and property related to building construction. These statewide minimum codes are then implemented by the various local jurisdictions, which may make certain amendments and are responsible for enforcement of the code requirements.

MBPS incorporates, through reference, the following codes with amendments: 2018 International Building Code (IBC), 2018 International Residential Code (IRC), 2018 International Energy Conservation Code (IECC), and 2012 International Green Construction Code (IgCC).

Codes Admin is responsible for the adoption of these individual codes on a three-year cycle, maintaining an online database of locally amended and adopted codes, providing code training to employees of local authorities having jurisdiction, and assisting in the interpretation of codes requested by citizens, design professionals, and local jurisdictions.

## **Maryland Building Rehabilitation Code**

The Maryland Building Rehabilitation Code (MBRC) was created to encourage the continued use or reuse of existing buildings and structures. MBRC applies to all rehabilitation projects for which a construction permit application is received by local jurisdictions, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission. MBRC incorporated by reference to the 2018 International Existing Building Code (IEBC). Codes Admin is responsible for the adoption of the IEBC on a three-year cycle, and for the interpretation of the code requested by citizens, design professionals, and local jurisdictions.

## **2022 Metrics**

*(reporting period: January 1, 2022 through December 31, 2022)*

- Maryland Accessibility Code waiver request received/processed: 5
- Maryland Accessibility Code interpretation requests/inquiries received: 51
- Code training, number of attendees: 0
- Code interpretation (number of written requests received): 139
- Industrialized Building Program
  - Active manufacturers/plants: 97/106
  - Active Approved Testing Facilities: 8
  - Renewal Fees received: \$59,750
  - Maryland Insignia Fees received: \$240,780
  - Funds received from U.S. HUD: \$13,824
  - Number of sets of building plans received/reviewed: 676
  - Number of Plan Approval issued: 403
  - Number of Plant Inspections conducted: 0

## **Wage Related Enforcement Units**

The Division of Labor and Industry administers a wide range of laws related to the wages workers earn and a variety of employment laws. In total, there are over 30 separate statutes currently under the purview of the Commissioner. These laws are divided up into two main units:

### **Employment Standards Service (ESS) & Wage and Hour**

Administers a multitude of industry-specific labor laws as well as Statewide wage-related laws including, but not limited to Minimum Wage, Overtime, Maryland Healthy Working Families Act (Sick and Safe Leave), Employment of Minors, and payment of wages.

**&**

### **Prevailing Wage, Living Wage & Worker Classification**

Administers laws related to wage rates that must be paid on certain state and local public works projects and service contracts, as well as the proper classification of construction and landscape workers. This unit also licenses farm labor contractors.

## **Employment Standards**

Created in 1965 to enforce Maryland’s Minimum Wage Law, the Employment Standards Service has been traditionally responsible for administering the following Maryland laws:

*Labor and Employment Article*

Employment of Minors	Title 3, Subtitle 2
Equal Pay for Equal Work	Title 3, Subtitle 3
Wage and Hour Law	Title 3, Subtitle 4
Minimum Wage for the Disabled	Title 3, §4-414
Wage Payment and Collection	Title 3, Subtitle 5
Medical Questions	Title 3, § 3-701
Lie Detector Tests	Title 3, § 3-702
Volunteer Activities	Title 3, § 3-703
Day of Rest	Title 3, § 3-704
Pension Plans	Title 3, § 3-705
Interpreters	Title 3, § 3-707
Active Service in the Armed Forces of the United States – Renewal of Licenses; Credit or Apprenticeship	Title 3, § 3-708
Jury Service	Title 3, § 3-709
Healthy Retail Employee Act	Title 3, § 3-710
Job Applicant Fairness Act	Title 3, § 3-711
Username and Password Privacy Protection Act	Title 3, § 3-712
Payments or Deduction from Wages - Tipped Employees	Title 3, § 3-713
Hiring and Promotion Preferences - Veterans of Commissioned Corps	Title 3, § 3-714
Disclosing Sexual Harassment in the Noncompete and Conflict of Interest Clauses	Title 3, § 3-715
Workplace Act of 2018	Title 3, § 3-716
Use of Facial Recognition Services – Prohibited	Title 3, § 3-717
Adoption Leave	Title 3, § 3-801
Flexible Leave Act	Title 3, § 3-802
Deployment Leave	Title 3, § 3-803
Workplace Fraud Act	Title 3, Subtitle 9
Civil Air Patrol	Title 3, § 3-1001
Lien for Unpaid Wages	Title 3, Subtitle 11
Parental Leave Act	Title 3, Subtitle 12
Healthy Working Families Act	Title 3, Subtitle 13
Organ Donation Leave	Title 3, Subtitle 14
Criminal Record Screening (Ban the Box)	Title 3, Subtitle 15
Secure Maryland Wage Act	Title 3, Subtitle 16
Maryland Essential Worker’s Protection Act	Title 3, Subtitle 17
Farm Labor Contractors	Title 7

*Business Regulation Article*

Employment Agencies	Title 9
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**WAGE PAYMENT AND COLLECTION**

The Wage Payment and Collection Law requires that an employee be paid what was promised. The law imposes certain duties on an employer and establishes the time when wages must be paid upon termination of employment.

<b>Wage Payment and Collection/Wage and Hour Activity for: January 1, 2022 through December 31, 2022</b>	
Complete wage claim forms received	548
Investigations completed	583
Claims for which wages were recovered	313
Total wages collected	\$497,908

The Commissioner issues administrative orders to pay wages where it is determined that the wage payment and collection law has been violated. An employer may appeal the administrative order, but if no appeal is filed, the Commissioner may proceed with collection. Administrative orders are an effective tool to the wage payment and collection processes.

## **WAGE AND HOUR**

Pursuant to Labor and Employment Article, Title 3, Subtitle 4, *Annotated Code of Maryland*, Wage and Hour Law requires that all covered employees be paid the specified minimum wage rate, and 1½ times the usual hourly wage for hours worked in excess of 40 in one workweek. Certain establishments and employees are exempt from both the minimum wage rate and overtime provisions of the law. Others are exempt only from the overtime provisions.

### **Payment of Wages – Minimum Wage (Fight for Fifteen)**

The minimum wage rate in 2022 was \$12.50. The law provides for incremental increases until the rate reaches \$15.00 on January 1, 2025.

## **EMPLOYMENT OF MINORS**

Pursuant to Labor and Employment Article, Section 3-202, *Annotated Code of Maryland*, “the policy of the State is to encourage the development of minors by allowing them to engage in occupations that prepare them for responsible citizenship, yet to protect them from occupations that will be injurious to their mental, moral, or physical welfare.” The Employment of Minors Law restricts the occupations and hours of work for minors 14 through 17 years of age and imposes certain obligations on both minors and employers. Pursuant to §3-205, an employer must have a valid work permit.

**Employment of Minors Activity for:  
January 1, 2022 through December 31, 2022**

Work permits issued	76,300
Employment of Minor Complaints Received and Resolved	26
Special Work Permits Issued	339

The application process was modified and is now available on-line through the Labor website at <http://www.labor.maryland.gov/labor/wages/empm.shtml>. Issuing officers from most secondary schools in Maryland, as well as most Division of Labor and Industry offices, can access the system and issue permits. To ensure compliance, the Division responds to complaints. Upon investigation, the Division of Labor and Industry notifies employers of apparent violations and seeks compliance with the requirements. However, although complaints were received and violations identified, the current statute only provides for criminal prosecution of violators, and therefore its effectiveness is compromised. There are no administrative sanctions. Special permits for child actors or models of any age are issued by the Commissioner upon evaluation of the circumstances, ensuring that the child is working in a safe environment, has proper supervision, and that as a result of the experience, he or she does not suffer damage to educational enrichment.

### **Equal Pay for Equal Work**

Pursuant to Labor and Employment Article, Title 3, Subtitle 3, *Annotated Code of Maryland*, men and women performing the same or similar work must be paid equally. Consideration is made for merit, longevity, skill, and shift work. This law prohibits an employer from providing less favorable employment opportunities and from discriminating between employees in any occupation by paying a wage to employees of one sex or gender identity at a rate less than the rate paid to employees of the opposite sex if both employees work in the same establishment and perform work of comparable character or work on the same operation, in the same business, or of the same type. This law also provides that an employer may not prohibit an employee from inquiring about, discussing, or disclosing the wage of the employee or another employee, or requesting that the employer provide a reason for why the employee's wages are a condition of employment; and prohibits an employer from taking any adverse employment action against an employee for inquiring about the employee's own wages. Additionally, this law requires an employer to provide, at the request of an applicant for employment, the wage range for the position for which the applicant applied. It also prohibits an employer from seeking wage history information for an applicant, from screening or considering an applicant for employment, or from determining an applicant's wages based on the applicant's wage history. Under the law,

the applicant is not prohibited from voluntarily sharing wage history information with an employer. An employer is prohibited from retaliating against or refusing to interview, hire, or employ an applicant because the applicant did not provide a wage history or requested a wage range. There are civil penalties for employers with multiple violations of this provision.

## **WHOLESALE REPRESENTATIVES**

Section 3-604 of the Labor and Employment Article, *Annotated Code of Maryland*, requires each principal to pay to a sales representative all commissions that are due under a contract that is terminated within 45 days after payment would have been due if the contract had not terminated.

## **MEDICAL QUESTIONS**

Section 3-701 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from requiring an applicant for employment to answer an oral or written question that relates to a physical, psychiatric, or psychological disability, illness, handicap, or treatment unless the disability, illness, handicap, or treatment has a direct, material, and timely relationship to the capacity or fitness of the applicant to perform the job properly.

## **LIE DETECTOR TESTS**

Section 3-702 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from requiring an applicant for employment to submit to a lie detector test in order to be hired, or from requiring an employee to submit to a lie detector test as a condition of continued employment. The law requires that certain language appear on every employment application. The Division responds to inquiries related to this law and provides guidance to employers. Exemptions from this law are codified for certain law enforcement officials and applicants applying for jobs involving a national security interests.

## **VOLUNTEER ACTIVITIES**

Section 3-703 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from discharging an employee for participation in an activity of a civil air patrol, civil defense, volunteer fire department, or volunteer rescue squad if the activity is in response to an emergency that the Governor declares on the request of the governing body of a county or municipal corporation; and the employee submits written proof that the participation of the employee was required.

## **DAY OF REST – RETAIL AND WHOLESALE ESTABLISHMENTS**

Section 3-704 of the Labor and Employment Article, *Annotated Code of Maryland*, permits an employee in a retail establishment may choose, as a day of rest, Sunday or the Sabbath of the employee unless, outside Wicomico County, the employee is a managerial employee, professional employee, or part-time employee; and in Wicomico County, the employee is a managerial employee or professional employee.

An employee who chooses a day of rest shall give written notice to the employer and during employment, may change the day of rest by giving written notice of the change to the employer at least 30 days before its effective date.

## **PENSION PLANS**

Section 3-705 of the Labor and Employment Article, *Annotated Code of Maryland*, a pension plan may not reduce a payment to an individual entitled to receive the payment because Social Security payments to that individual increase.

## **INTERPRETERS**

Section 3-707 of the Labor and Employment Article, *Annotated Code of Maryland*, a deaf employee may request an interpreter for proceedings before an administrative or executive board or any similar body provided by an employer, employee organization, or union to hear employee grievances. The request must be in writing and submitted at least 5 days before the proceeding begins. The employer, employee organization, or union shall notify the deaf employee in writing of the right granted by this section as soon as it is possible or at least 8 days before the hearing begins. If an interpreter is the employer, the employee organization, or union shall request the Department of Disabilities to assist in locating a qualified interpreter to assist at the hearing. The Department of Disabilities shall promptly assist in locating an interpreter. The interpreter shall facilitate communication between the affected parties, subject to the code of ethics of the National Registry of Interpreters for the Deaf. The cost of the interpreter's services shall be divided equally between the employer and the union or employee organization.

## **JURY SERVICE**

Section 3-709 of the Labor and Employment Article, *Annotated Code of Maryland*, An employee has the duties and rights set forth, with respect to jury service in a circuit court of this State, in Title 8 of the Courts Article; and with respect to jury service in a federal court, in 28 U.S.C. § 1861 et seq.

## **HEALTHY RETAIL EMPLOYEE ACT**

Section 3-710 of the Labor and Employment Article, *Annotated Code of Maryland* applies to Maryland employers who operate “retail establishments” and requires that these employers must provide non-exempt retail employees with break periods based on the length of the shifts the employees’ work. The Act defines a retail establishment as “a place of business with the primary purpose of selling goods to a consumer who is present at the place of business at the time of sale.” A “retail establishment” does not include a restaurant or wholesaler.

### **JOB APPLICANT FAIRNESS ACT**

Section 3-711 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits employers in Maryland from using a job applicant's or employee's credit report to determine: (1) whether to hire a job applicant; (2) whether to terminate an employee; or (3) the rate of pay or other conditions of employment for an employee.

### **USERNAME AND PASSWORD PRIVACY PROTECTION ACT**

Section 3-712 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits Maryland employers from requesting or requiring that an employee, or an applicant for employment provide access to personal social media accounts. The Act forbids employers from asking for any username, password, or other means to access a personal account or service through an electronic communications device, including computers, telephones, and personal digital assistants. The Act forbids employers from discharging, disciplining, penalizing, or threatening to do any of the foregoing for an employee’s refusal to disclose any such information. However, the Act does not restrict employers from searching social media accounts and viewing publicly available information about an employee or an applicant.

### **PAYMENTS OR DEDUCTION FROM WAGES TIPPED EMPLOYEES**

Section 3-713 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from requiring a tipped employee to reimburse an employer or pay an employer for a customer’s charge for food or beverage if the customer leaves the employer’s place of business without paying for the charges. In addition, unless otherwise provided by law, an employer is prohibited from making a deduction from an employee’s wages to cover the cost of a customer’s charge for food or beverage if the customer leaves the employer’s place of business without paying the charge for food or beverage.

## **HIRING AND PROMOTION PREFERENCES – VETERANS OF COMMISSIONED CORPS**

Section 3-714 of the Labor and Employment Article, *Annotated Code of Maryland*, authorizes an employer to grant a hiring and promotion preference to an eligible veteran, the spouse of an eligible veteran who has a service-connected disability, or the surviving spouse of a deceased eligible veteran. An eligible veteran is a veteran of any branch of the U.S. Armed Forces who has received an honorable discharge or a certificate of satisfactory completion of military service, including the National Guard and the military reserves. The bill establishes that granting this preference does not violate any State or local Equal Employment Opportunity law.

## **DISCLOSING SEXUAL HARASSMENT IN THE WORKPLACE**

Section 3-715 of the Labor and Employment Article, *Annotated Code of Maryland*, provides a provision in an employment contract, policy, or agreement that waives any substantive or procedural right or remedy to a claim that accrues in the future of sexual harassment or retaliation for reporting or asserting a right or remedy based on sexual harassment is null and void as being against the public policy of the State. This bill took effect on October 1, 2018.

## **NONCOMPETE AND CONFLICT OF INTEREST CLAUSES**

Section 3-716 of the Labor and Employment Article, *Annotated Code of Maryland*, establishes that a noncompete or conflict of interest provision in an employment contract or similar document or agreement that restricts the ability of an employee who earns \$15 per hour or less or \$31,200 or less annually to enter employment with a new employer or become self-employed in the same or similar business or trade is null and void. The Act applies regardless of whether the employer and employee entered into the employment contract or similar document or agreement in the State. This Act does not contain enforcement provisions and does not require action by Labor.

## **USE OF FACIAL RECOGNITION SERVICES PROHIBITED**

Section 3-717 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from using certain facial recognition services during an applicant's interview for employment unless the applicant consents by signing a waiver. It defines "facial recognition service" as "technology that analyzes facial features and is used for recognition or persistent tracking of individuals in still or video images." It also provides specific requirements for the waiver.

## **ADOPTION LEAVE**

Section 3-801 of the Labor and Employment Article, *Annotated Code of Maryland*, requires that an employer who provides leave with pay to an employee following the birth of the employee's child shall provide the same leave with pay to an employee when a child is placed with the employee for adoption.

## **FLEXIBLE LEAVE ACT**

Section 3-802 et. seq. of the Labor and Employment Article, *Annotated Code of Maryland*, authorizes employees of employers with 15 or more individuals to use "leave with pay" for an illness in the employee's immediate family, which includes a child, spouse, or parent. Leave with pay is considered time away from work for which an employee is paid and includes sick leave, vacation time, and compensatory time. This law also requires an employer to allow an employee to use earned paid leave for bereavement leave. An employee is also allowed to use bereavement leave for the death of the employee's immediate family member, including an adult child of the employee. An employee may only use leave with pay that has been earned. Employees who earn more than one type of leave with pay may elect the type and amount of leave with pay to be used. An employee who uses leave with pay under this law is required to comply with the terms of any collective bargaining agreement or employment policy.

The Flexible Leave Act prohibits an employer from discharging, demoting, suspending, disciplining, or otherwise discriminating against an employee or threatening to take any of these actions against an employee who exercises rights under this law. This law does not affect leave granted under the Federal Family and Medical Leave Act of 1993 (FMLA).

## **DEPLOYMENT LEAVE**

Section 3-803 of the Labor and Employment Article, *Annotated Code of Maryland*, authorizes specified employees to take leave from work on the day that an immediate family member is leaving for, or returning from, active duty outside the United States as a member of the armed forces of the United States; prohibits an employer from requiring an employee to use compensatory, sick, or vacation leave when taking leave under the Act; authorizes an employer to require an employee who takes leave under the Act to submit specified proof to the employer; etc.

## **CIVIL AIR PATROL**

Section 3, Subtitle 10 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from discriminating against or releasing from employment an employee who has been employed for a minimum of 90 days and is a member of the Civil Air Patrol because of membership in the Civil Air Patrol. An employer may not hinder or prevent an employee who has been employed for a minimum of 90 days from performing service as part of the Maryland Wing of the Civil Air Patrol during an emergency mission if the member is entitled to leave under this subtitle.

## **LIEN FOR UNPAID WAGES**

Section 3, Subtitle 11 of the Labor and Employment Article, *Annotated Code of Maryland*, requires an employee to provide specified written notice to a specified employer first in order to establish a lien for unpaid wages; authorizing a specified employer to dispute a lien for unpaid wages by filing a specified complaint in a specified circuit court in a specified manner; authorizes a party to request an evidentiary hearing; requiring a circuit court to make a determination on a claim to establish a lien for unpaid wages in a specified manner; authorizing a circuit court to take specified actions; etc.

## **PARENTAL LEAVE ACT**

Section 3, Subtitle 12 of the Labor and Employment Article, *Annotated Code of Maryland*, an eligible employee is entitled to a total of 6 workweeks of unpaid parental leave during any 12-month period for the birth of a child of the employee: or the placement of a child with the employee for adoption or foster care.

## **HEALTHY WORKING FAMILIES ACT**

Section 3, Subtitle 13 of the Labor and Employment Article, *Annotated Code of Maryland*, requires all employers with employees whose primary work location is in Maryland to provide earned sick and safe leave, regardless of where the employer is located. Employers who employ 15 or more employees are required to provide paid, earned safe and sick leave. Employers with 14 or fewer employees are required to provide unpaid earned sick and safe leave. Certain employees are exempt from the requirements of the law. All employees whose primary work location is in Maryland are entitled to accrue sick and safe leave unless they are exempt from coverage under the law. Leave accrues at the rate of one hour for every thirty hours that an employee works. An employee is not entitled to accrue sick and safe leave during (1) a 2 week pay period in which the employee worked fewer than 24 total hours; (2) a 1 week pay period if the employee worked fewer than a combined total of 24 hours in the current and immediately preceding pay period;; or (3) a pay period in which the employee is paid twice per month and worked fewer than 26 hours in the pay period. The leave hours provided for under the law are the minimum number of hours an employee is entitled to earn and accrue. An employer may provide more leave for its employees. The Act preempts local paid sick and safe leave laws enacted on or after January 1, 2017. Only Montgomery County enacted a sick and safe leave law prior to January 1, 2017.

## **ORGAN DONATION**

Section 3, Subtitle 14 of the Labor and Employment Article, *Annotated Code of Maryland*, provides that an employer who employs at least 15 people in Maryland would need to provide organ donation leave to eligible employees, defined as individuals who have requested that an employer provide organ donation leave and who, as of the date of the request, will have been employed by their employer for at least 12 months and worked for at least 1,250 hours during the previous 12 months. The leave would allow an eligible employee to take off up to 60 business days in any 12-month period to serve as an organ donor and up to 30 business days in any 12-month period to serve as a bone marrow donor. The leave is unpaid. According to the provisions of the Act, to receive the leave, the employee would need to provide written physician verification that the employee is an organ or bone marrow donor and that the donation is medically necessary. The leave may not be taken concurrently with any leave taken under the Federal Family and Medical Leave Act.

## **Criminal History Screening (Ban the Box)**

Section 3, Subtitle 15 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits employers with 15 or more full-time employees from, directly or otherwise, requiring an applicant for employment to disclose whether the applicant has a criminal record or has had criminal accusations brought against the applicant, or conduct a criminal history records check. This Act includes as an “employer” a person who acts, directly or indirectly, in the interest of an employer. This Act does not expressly provide that state or local government or municipalities are included in the definition of employer; therefore, the provisions of this Act will not apply to government units or their employees. This Act allows an employer to require an applicant to disclose during the first in-person interview with the applicant whether the applicant has a criminal record or has had criminal accusations brought against the applicant. This Act does not prohibit an employer from making an inquiry or taking other actions that the employer is required to take or is expressly authorized to take by another applicable federal, state, or local law. This Act does not apply to an employer that provides programs, services, or direct care to minors or vulnerable adults.

The Act authorizes the Commissioner of Labor and Industry, through the Employment Standards Service (ESS) Unit, to investigate upon receipt of a written complaint from an applicant or employee. If the Commissioner determines that a provision of this subtitle has been violated, the Commissioner may try to resolve the matter informally by mediation or ask the Attorney General to bring action on behalf of the applicant or employee. The Attorney General, without a referral from the Commissioner, may independently bring an action under the section for injunctive relief, damages, or other relief in the county where the violation allegedly occurred.

The Act provides for anti-retaliation and anti-discrimination provisions for applicants or employees who have claimed a violation of this Subtitle.

An employer found guilty of violating any provision of the Act will be guilty of a misdemeanor and, on conviction, be subject to a fine not exceeding \$500, imprisonment up to 90 days, or both, for each violation.

## **Secure Maryland Wage Act**

Section 3, Subtitle 16 of the Labor and Employment Article, *Annotated Code of Maryland*, requires an employer to pay specified wages and benefits to a covered employee. A “covered employee” is a nonexempt employee under the federal Fair Labor Standards Act (FLSA) who performs work at a “heightened security interest location,” which is defined as Baltimore-Washington International Thurgood Marshall Airport (BWI Marshall Airport) or Pennsylvania Station in Baltimore (Penn Station), subject to specified exceptions.

### **Maryland Essential Worker’s Protection Act**

Section 3, Subtitle 17 of the Labor and Employment Article, *Annotated Code of Maryland*, establishes benefits and protections for essential workers during a catastrophic health emergency, and related responsibilities for each employer of an essential worker. The law requires (1) the Maryland Department of Labor (MDL) to enforce the law and adopt a specified emergency temporary standard to address the COVID-19 pandemic, and (2) the Maryland Department of Health (MDH) to adopt a template health emergency preparedness plan. The law applies prospectively and may not be applied or interpreted to require an essential employer to pay an essential worker for leave taken before the effective date of the law. The law’s requirements related to an emergency temporary standard and the adoption of a template health emergency preparedness plan terminate six months from the date the COVID-19 state of emergency ends.

# Wage-Related Programs:

## PREVAILING WAGE - CONTRACTS FOR PUBLIC WORKS

The Division is responsible for implementing the prevailing wage law on covered public works contracts, ensuring proper classification of workers, rates of pay and conditions of employment. The Maryland prevailing wage law and regulations are intended to encourage the development of a high-skill, high-wage growth path for the construction labor market in public works contracting. Union and non-union contractors win public works jobs based on having the most productive, best equipped, and best managed workforce. This creates a win/win situation for successful contractors and their workers.

The Prevailing Wage Law regulates the hours of labor, rates of pay, conditions of employment, obligations of employers, and duties of certain public officials under contracts and subcontracts for public works in Maryland. The Prevailing Wage Law applies to a construction project valued at \$250,000 or more if either of the following criteria are met: (1) the contracting public body is a unit of State government or an instrumentality of the State, and there is any State funding for the project; or (2) the contracting public body is a political subdivision, agency, person, or entity (such as a county), and the State funds 25% or more of the project.

The Prevailing Wage Unit conducts a continuing program to gather current relevant wage data. The statistical information needed to issue wage determinations is obtained through annual surveys and from payrolls submitted by contractors. Wage determinations are issued for each locality in the State (23 counties and the City of Baltimore) and remain in effect for one year from the date they are issued. At the end of 2022, 4,173 covered projects were under construction.

Activity for 2022	
Payrolls received	124,213
Audits performed	154,980
Determinations issued	501
Wages recovered for employees	\$135,850.00
Liquidated damages collected for violations	\$573,691.00

The Prevailing Wage Law requires contractors to submit certified payroll statements indicating proper worker classification and wages for both straight and overtime work. The payrolls are audited by field investigators to determine whether employees are paid according to the determinations issued. Together with information from field investigations and employee complaints, the audits frequently result in liquidated damages and restitution recovery for the employees. Restitution from these investigations is recovered for all employees that have been underpaid and do not require a worker to file a complaint.

## FARM LABOR CONTRACTORS

The Division of Labor and Industry is charged with administering the Farm Labor Contractors Law which was designed to improve the migratory labor system in Maryland. A Farm Labor Contractor (FLC) is someone who, for money or other valuable consideration paid or promised to be paid, recruits, solicits, hires, employs, furnishes, or transports migrant and/or seasonal agricultural workers or provides housing to migrant agricultural workers.

Before performing any farm labor contracting activity in or for Maryland, a farm labor contractor must obtain a license from the Commissioner. Since 1983, all farm labor contractors who work in Maryland must be licensed by the Commissioner. Additionally, the law imposes duties on a farm labor contractor regarding the employment, housing, and transportation of migrant agricultural workers. An agricultural operation, or "grower", should verify that a farm labor contractor is licensed before using the contractor's services.

<b>Farm Labor Contractors Licenses for 2022</b>	
Applications received	2
Licenses issued	2
Licenses denied	0
Applications incomplete	0

When applications are received, the Division of Labor and Industry continues to process the applications and issue licenses to qualified applicants. Since the FLC must also obtain federal registration, where appropriate, complaints are referred to the U.S. Department of Labor for investigation. There were no citations issued for violations of the Farm Labor Contractors Law in 2022.

## LIVING WAGE - STATE CONTRACTS FOR PUBLIC SERVICES

The Living Wage Law requires certain contractors and subcontractors to pay minimum wage rates to employees working under certain state services contracts valued at more than \$100,000. Under State Finance and Procurement Article, Sections 18-101 through 18-109, *Annotated Code of Maryland*, the Commissioner of Labor and Industry is authorized to administer and enforce the Living Wage Law.

The State Finance and Procurement Article requires the Commissioner of Labor and Industry to adjust the living wage rates each year based on the Consumer Price Index. New rates are published at the beginning of the State's fiscal year in July and become effective 90 days after the end of the state's fiscal year in June.

The law establishes two tiers of rates based on the geographic area where the work is performed or the location benefiting from the work.

The tiers and rates as of September 28, 2022, are as follows:

**Tier 1—\$15.13 per hour:** Anne Arundel County, Baltimore City, Baltimore, Howard, Montgomery, and Prince George's Counties

**Tier 2—\$11.36 per hour:** Any county in the State not included in the Tier 1 area for each hour you work on that contract.

The Maryland minimum wage rate, as established in the Labor and Employment Article, is scheduled to incrementally increase to \$15.00 per hour over the next few years. In 2021, the minimum wage rate will surpass the Tier 2 living wage rate. To avoid confusion, the Division has done outreach to ensure contractors subject to the living wage law understand that they are required to pay the higher of the minimum wage or the living wage. The Division's outreach included information on webpages, and also disseminated information to procurement agencies.

<b>Living Wage Activity for 2022</b>	
Service Contracts Received	280
Total Non-Exempt Contracts	1413
Exempt & Non-Exempt Contracts as of 12/31	3382
Employees Receiving Restitution	0
Amount of Restitution Recovered	0
Vendors/Contractors Submitting Payroll	1725

## WORKPLACE FRAUD ACT - CONSTRUCTION AND LANDSCAPING

The Workplace Fraud Act (WFA), Labor and Employment Article, Title 3, Subtitle 9, *Annotated Code of Maryland* requires that all workers in the construction and landscaping industries in Maryland be properly classified for purposes of workers' compensation and unemployment insurance and for payroll tax withholdings. A work provider may not report a worker as an independent contractor and give that worker a 1099 if an employer-employee relationship exists in fact. Certain small business operators are exempt from the WFA, and a work provider may properly classify a worker as an independent contractor or sub-contractor if they meet the proper conditions and have the proper documentation.

To ensure compliance with the WFA, the Worker Classification Protection Unit (WCPU) conducts compliance reviews based upon complaints, referrals from other government agencies, and random selection.

### WCPU Activity Report 2022

The data below represents activity conducted between January 1 and December 31:

# and nature of complaints	16 misclassification complaints
# of investigations conducted	64
# of citations issued	0 (misclassification)
# of informal resolutions	0
# of appeals to OAH and outcome	0
# of requests for judicial review	0
# of civil penalties assessed	0
Total penalty dollar amount collected	\$0

# Maryland Occupational Safety and Health

## History

The Williams-Steiger Occupational Safety and Health Act (OSHA) of 1970 charges the U.S. Department of Labor with responsibility for establishing a program assuring "so far as possible every working man and woman in the nation, safe and healthful working conditions, and preserving our human resources." The Act provides that states may elect to assume responsibility for the development and enforcement of a state occupational safety and health program.

In March 1971, the Governor of Maryland designated the Division of Labor and Industry as the agency responsible for Maryland's Occupational Safety and Health (MOSH) Plan. Authority and enforcement responsibilities were assumed on July 1, 1973. On July 18, 1985, the Maryland program received final approval and full enforcement authority in all subject areas covered by the State Plan.

MOSH acts in place of Federal OSHA in Maryland, eliminating duplication of requirements and programs for Maryland employers and employees. Federal OSHA retains coverage for workers employed by the Federal Government or in the maritime, longshore, and mining industries in Maryland. MOSH is charged with ensuring that each employer meets its responsibility of providing each working man and woman in the state with safe and healthy working conditions.

The MOSH program consists of four units: *Research and Statistics, Compliance, Consultation, and Outreach.*

## Office of the Assistant Commissioner

The Office of the Assistant Commissioner administers the MOSH Program. This office has direct responsibility for program planning and policy-making, program analysis and evaluation, and staffing and resource allocation.

During Calendar Year 2022, Maryland Occupational Safety and Health (MOSH) continued the recovery from the COVID-19 pandemic. In response to the many challenges brought on by the pandemic, MOSH staff continued to refine internal procedures and protocols, utilize new technologies, and streamline processes to increase productivity, reduce inefficiency, and eliminate redundancy. Notable improvements included: full integration and implementation of the online complaint form; migration of administrative operations from an outdated local database to cloud-based shared drives and the OSHA Information System; and upgrading and migrating telephones and computer systems to the Maryland Department of Information Technology network.

The Office of the Assistant Commissioner for MOSH also responds to requests under the Maryland Public Information Act (MPIA) for copies of documents maintained by the MOSH Program. MOSH received and processed 160 MPIA requests in 2022; a 31% increase from 2021.

## **Staffing**

In 2022, MOSH celebrated the retirement of two long-time MOSH employees and welcomed six new team members, including six Safety Compliance Officers and two Industrial Hygienists. Each trainee participated in a training curriculum that consisted of classroom-style and field training with senior compliance officers. A total of 14 training classes were offered or scheduled for early 2023 and included topics covering the 29 CFR 1926 Construction Subparts, as well as equipment use, inspection procedures, and case writing. MOSH personnel, including veteran compliance safety and health officers and consultants, supervisors, and managers, provided the training, which included classroom and hands-on practical instruction and evaluation. Compliance Officers and Consultants were also able to take advantage of training opportunities to attend both in-person and virtual OSHA Training Institute (OTI) courses, engage in internal on-the-job training with senior compliance offices in the field, and attend safety and health conferences.

## **Proposed Regulations**

MOSH proposed, and published in the Maryland Register, Heat Stress Regulations required by Title 5, Subtitle 12 of the Labor and Employment Article, Annotated Code of Maryland, Chapter 308, Laws of 2020 (House Bill 722) – Heat Stress Standards. The regulations went through the notice and comment period and will be under review by the Department in 2023.

## **ENFORCEMENT**

Enforcement is the largest unit within MOSH. In 2022, MOSH averaged 40 compliance officers throughout the year assigned to one of four office locations in the State - Easton, Hagerstown, Hunt Valley, and Largo. MOSH Enforcement operates seven regions (six safety and one health) that cover all geographic areas of the State. Each safety region covers a group of counties, while the health region covers the entire State.

During CY2022, MOSH was able to maintain an effective enforcement program despite operational challenges, including staff turnover. Compliance officers conducted 1,271 inspections through enforcement programs, removed almost 28,000 employees from hazardous conditions, and identified over 6,100 hazards. In 2022, compliance officers investigated 240 formal complaints alleging serious hazards and investigated 22 work-related fatalities.

MOSH compliance officers are regarded as some of the most technically diverse inspectors, able to readily identify hazards across various industries. Mandatory compliance officer training aligns with the competency-based training model for OSHA compliance personnel. The training curriculum includes initial phase courses such as Initial Compliance, Inspection Techniques and Legal Aspects, Accident Investigation, Interviewing, and Introduction to Safety and/or Health Standards. Technical courses offered range from topics such as Excavation and Trenching, Demolition, Electrical Standards, Machine Guarding, Fall Protection, Principles of Scaffolding, Industrial Noise, Respiratory Protection, and Industrial Ventilation. By attending these training courses and completing on-the-job training, compliance officers obtain the knowledge, skills, and abilities to become highly trained occupational safety and health inspectors.

## **Notable Cases**

### ***Wastewater Processing Facility Fire and Fatality***

On March 7, 2022, MOSH was notified of an industrial fire and fatality at a wastewater processing facility in the Baltimore neighborhood of Curtis Bay, located on the south side of Baltimore City. Upon initial inspection, the employer claimed to process “only water”, and was unsure of the cause of the fire. MOSH visited the facility multiple times, interviewed witnesses, and conversed with officials at the Maryland Department of the Environment (MDE) and Environmental Protection Agency (EPA). The investigation revealed that one employee had been emptying wastewater from a tanker truck into a 6,000-gallon, single-walled, high-density polyethylene processing tank using a Honda trash pump. When the contents of the processing tank began to overflow, the employee unloading the tanker ran to shut off the pump, and a fire erupted, quickly engulfing him and spreading to the rest of the exterior holding tanks of the facility. Co-workers were unable to extinguish the flames on the victim, and the employee succumbed to his injuries.

MOSH concluded that the wastewater in the processing tanks contained varying layers of petroleum products, including oil, gasoline, and diesel fuel, which are lighter than water and had floated to the top of the tanks. The autoignition temperatures of these materials are as low as 477 degrees Fahrenheit. When Tank 2 began to overflow near the trash pump, the overflowing liquid contained mostly petroleum products. The flammable material spilled onto the employee while he was attempting to shut off the adjacent trash pump. The material ignited, either by the hot engine or the backfire of the muffler, as the employee attempted to shut off the pump, catalyzing a large, rapidly-spreading petroleum fire. The fire, which required foam to extinguish, resulted in the death of one employee, the destruction of 13 storage tanks, and damage to several buildings. MOSH issued citations for violations related to sources of ignition and storage of flammable liquids, confined space, hazard communication, and respiratory protection.

## ***Fire Service Fatalities***

On January 24, 2022, MOSH was alerted that two firefighters were fatally injured, a third had sustained severe injuries, and a fourth was still missing in a structure collapse where firefighters were responding to a dwelling fire with reports of people trapped in a vacant row home in the Mount Clare neighborhood of southwest Baltimore City. MOSH inspectors conducted a thorough investigation, including a review of all relevant data and documents, interviews with the employer, employees, union representatives, and other interested parties, and discussions with in-house counsel. MOSH identified several concerns relative to the resulting fatalities and department incident response overall, such as: emergency responses to this and similar previous incidents entering vacant structures; the history and identification of vacant, unoccupied structures in Baltimore City; and, fire service “culture” surrounding entry into structures with unconfirmed occupants. MOSH issued a hazard alert letter and recommended the following steps, or their equivalent, be taken in an effort to eliminate or reduce the hazards associated with fighting fires in unoccupied structures:

- Implement Departmental Order 102-10, dated November 30, 2010, and titled “Unsafe Vacant Buildings” or a similar policy. The purpose of the order [to reduce the risk to firefighters from injury and death caused by the serious known threats associated with unsafe vacant buildings] was a pilot program and required certain Fire Departments to attach placards to mark vacant buildings that are unsafe for interior firefighting purposes. A universal marking/placarding system with detailed instructions [shall] be utilized along with a periodic reconciliation exercise to ensure unsafe vacant structures remain marked and structures are added or removed based on current conditions. A database of the vacant or unsafe buildings that are marked should be maintained. Units responding to fires in buildings marked/placarded in accordance with Departmental Order 102-10, or similar, shall immediately notify Fire Communications of the structure’s designation [prior to entry]. Fire Communications shall immediately alert all responding units that a structure is designated as an Unsafe Vacant Building when the information is provided from the database or premise file.
- Develop and enforce a policy that prohibits firefighters from entering unoccupied structures that are on fire absent express approval from command staff, which may include but is not limited to:

*When responding to a fire at an unoccupied structure, units are to use EXTERIOR OPERATIONS ONLY or other means that eliminate the exposure of firefighters to the hazards associated with structural collapse unless otherwise directed by the Incident Commander after considering the site conditions and the risk to*

*subordinate firefighters. If a determination is made to override exterior operations only, communication of the decision and concurrence by the next higher ranking fire official through Fire Communications shall be made. The Department shall initiate an operating policy that provides that no firefighter enters an unoccupied dwelling where heavy fire is showing from two or more floors upon their arrival unless the firefighter has credible firsthand knowledge that someone is in the structure.*

## **Discrimination**

MOSH is charged with handling discrimination complaints pursuant to Section 5-604 and under COMAR 09.12.20.05. It is the policy of MOSH to be as accessible as possible to those who have legitimate discrimination complaints concerning safety and health.

Timely-filed discrimination complaints are investigated by MOSH personnel, who recommend appropriate case dispositions to the Assistant Commissioner at the conclusion of the investigations. The Assistant Commissioner makes the final determination in the cases and notifies the complainants of the determination. When there is a merit determination in a case, the case is transferred to the Office of the Attorney General (OAG), as counsel to the Assistant Commissioner, for litigation as appropriate. When there is a non-merit determination in a case, the case is dismissed. The OAG provides legal assistance, as necessary, during the investigation.

MOSH processed a total of 28 whistleblower complaints in Calendar Year 2022. MOSH found 7% of cases meritorious. For the meritorious discrimination complaints, MOSH was able to collect back pay wages totaling approximately \$43,000.

In addition to investigating discrimination complaints related to occupational safety and health, MOSH provides assistance, information, and referrals on discrimination via telephone inquiries from employers, employees, the general public, and local, state, and federal government agencies.

# **OUTREACH PROGRAM**

## **Training and Education**

The Maryland Occupational Safety and Health Program operates the MOSH Training and Education Unit, which provides information and training to internal stakeholders as well as employers, employees, unions, trade associations, and the general public. MOSH distributes resources pertaining to MOSH/OSHA laws and regulations in the form of flyers, fact sheets, brochures, pamphlets, and booklets. The unit also has a video library that contains several hundred titles on safety and health issues that employers can check out to aid in their training of employees. The Education Unit maintains a comprehensive reference library with several hundred books, national consensus standards, and more for employers to research. The Education Unit provides speakers for employers who want to teach their employees about specific topics, as well as informational booths at safety fairs and conventions throughout the state. This unit is also responsible for providing free public seminars on a variety of safety and health topics. A public website (<http://www.labor.maryland.gov/labor/mosh>) is maintained for employers and employees to search for regulations, publications, course offerings, and general information about MOSH. As more workplaces resumed in-person activities, MOSH received many requests for event speakers in 2022. The training and education unit continued to develop, train, and support compliance assistance staff in order to fulfill speaker requests and provide training seminars to the general public. MOSH was able to offer speaking engagements on a wide variety of safety and health topics, including tree care, fall protection, machine guarding, and teen safety.

## **Cooperative Programs**

MOSH maintains several strategic partnership programs for employers that offer workplace safety and health protections to their employees above and beyond the minimum standards. Cooperative programs include the Voluntary Protection Program (VPP), Strategic Partnership for Excellence in Construction Safety (SPECS), Cooperative Compliance Partnerships (CCP), and Safety and Health Achievement Recognition Program (SHARP). Companies that achieve partnership or alliance status are looked upon as leaders in safety and health. Strategic partnership programs are beneficial to the participating employers, trade associations, organizations, and MOSH because they allow us to partner together, outside the scope of traditional compliance enforcement, to ensure safe and healthful working conditions for the workers in Maryland. Each program is discussed in further detail below.

## **Voluntary Protection Program (VPP)**

Maryland's VPP Program is a cooperative effort by MOSH and participating employers to extend worker protection beyond the minimum required by MOSH standards. VPP recognizes the outstanding achievements of participating employers who have successfully incorporated comprehensive safety and health management plans into their total management system.

## **Strategic Partnership for Excellence in Construction Safety (SPECS)**

Strategic Partnership for Excellence in Construction Safety (SPECS) program is a pilot program of a strategic partnership between MOSH and Maryland chapters of the Associated Builders and Contractors (ABC) that acknowledges those construction employers that go beyond basic compliance with all applicable MOSH standards and provides mentorship to those seeking a higher level of safety and health program.

## **Cooperative Compliance Partnership (CCP)**

The Maryland Cooperative Compliance Partnership (CCP) program is a cooperative approach to safety by MOSH and participating construction contractors to extend worker protection beyond the minimum OSHA/MOSH standards. Each CCP is site-specific and designed to recognize the outstanding achievements of participating employers who have successfully incorporated comprehensive safety and health programs into their total management system. Over the years, MOSH built lasting relationships with these contractors and is now seeing a new safety culture emerge among, not just the individual companies, but the individual employees as well.

## **Safety and Health Achievement Recognition Program (SHARP)**

The Safety and Health Achievement Recognition Program (SHARP) is operated through the MOSH On-Site Consultation Program and recognizes small employers who operate an exemplary safety and health management system. The acceptance into SHARP by MOSH is an achievement that singles employers out among their business peers as models of worksite safety and health. The program recertified one SHARP site in 2022, Architectural Ceramics, Inc. in Rosedale.

# **CONSULTATION**

## **Private Sector Consultation**

Private Sector Consultation assists private sector employers, free-of-charge, to achieve voluntary compliance with MOSH laws, standards, and regulations and to improve safety, health, and ergonomic conditions in the workplace.

At the request of an employer, a consultant conducts an on-site visit which includes an opening conference, a "walk-around" survey to identify apparent hazards, including air and noise sampling when necessary, a closing conference to set a schedule for correction of hazards, and a written report.

Private Sector Consultation is separate from MOSH Compliance. No citations or penalties are issued. However, an employer is obligated to correct any imminent danger hazard immediately and to correct all serious hazards within an agreed-upon correction schedule. The highest priority is given to small, high-hazard employers. An employer may request a survey of an entire work site or a specific area of concern. When necessary, follow-up visits are made to ensure the correction of serious hazards.

In addition to on-site hazard surveys, Private Sector Consultation provides assistance through correspondence, telephone calls, meetings, safety and health program assessments and assistance, and limited formal or informal training on-site regarding conditions observed during a survey.

In 2022, the Private Sector Consultation unit consisted of four full-time safety consultants and two full-time health consultants, who assisted the Public Sector Consultation unit as needed. The unit was able to complete 294 initial on-site hazard surveys, 52 follow-up visits, and 11 training visits during 2022. Based on opening conference dates during the same period, 1,038 serious hazards, 331 other-than-serious hazards, and one imminent-danger hazard were identified.

## **Public Sector Consultation**

MOSH Public Sector Consultation provides assistance to prevent injury and illness to state, county, and municipal employees. Upon the request of an agency representative, a MOSH consultant conducts an on-site visit, following the same procedures as private sector consultation. In addition, the unit provides off-site assistance, such as standard interpretation and training.

In 2022, Public Sector Consultation completed 78 initial on-site hazard surveys, 15 follow-up visits, and zero training and education visits. Based on opening conference dates during the same period, 195 serious hazards, 52 other-than-serious hazards, and zero imminent danger hazards were identified. Through our public sector consultation visits, MOSH was able to remove over 21,022 employees from risk.

## **RESEARCH AND STATISTICS**

The MOSH Research and Statistics Unit is responsible for developing and administering data collection programs that generate occupational injury and illness statistics. The current data collection programs are the Survey of Occupational Injuries and Illnesses (SOII); the Census of Fatal Occupational Injuries (CFOI); and an online query application that accesses the Maryland Workers' Compensation Commission's Employer First Report of Injury and Illness database. Statistics from these three programs provide a valuable tool to help guide the Maryland Occupational Safety and Health Agency's surveillance efforts by creating a body of data that describes the nature and cause of occupational injury and illness. In addition, the SOII results are used to identify and profile the most hazardous industries in Maryland that may require outreach or intervention.

### **BUREAU OF LABOR STATISTICS' SURVEY OF OCCUPATIONAL INJURIES AND ILLNESSES (SOII)**

In cooperation with the U.S. Department of Labor, Bureau of Labor Statistics (BLS), the MOSH Research and Statistics Unit, within the Maryland Division of Labor and Industry, conducts the SOII. The SOII estimates the number and frequency (incidence rates) of nonfatal workplace injuries and illnesses. The estimates are based on injury and illness logs kept by employers on an annual basis. Each January, a survey is mailed to a selected sample of Maryland employers, asking them about their previous year's workplace injury and illness experiences. Reference year 2021 results were collected, compiled, and analyzed during calendar year 2022.

The number of injuries and illnesses reported in any given year can be influenced by changes in the level of the State's economic activity, working conditions and practices, employee experience and training, and the number of hours worked. The SOII also provides details on the demographics of the more seriously injured and ill workers (e.g., occupation, gender, race, and length of service) along with the characteristics of their injuries and illnesses (e.g., nature of injury/illness, part of the body affected, event or exposure, and source of the injury/illness).

Policymakers in government and industry use the SOII data. In addition, labor organizations, manufacturers of safety equipment, academics, and other researchers in the field of occupational safety and health use the SOII results. The U.S. Bureau of Labor Statistics includes Maryland's data when compiling the official national statistics. MOSH uses the program results to establish and assess agency performance measures. Maryland employers use the data to measure the effectiveness of their own safety programs by comparing individual establishment rates to the aggregate state and national rates for their respective industries. Federal OSHA uses the SOII to monitor the effectiveness of certain MOSH activities and to measure our progress in meeting the objective of the Occupational Safety and Health Act by assuring safe and healthful working conditions for every working man and woman through the reduction of occupational injuries and illnesses.

## **MARYLAND SOII RESULTS FOR 2021**

In 2021, approximately 58,300 nonfatal workplace injuries and illnesses were reported through the Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses by Maryland's private sector and state and local government employers. The injuries and illnesses occurred at a rate of 2.9 cases per 100 full-time equivalent workers. This rate was an increase from the previous year's rate of 2.6 per 100 full-time equivalent workers. The Survey of Occupational Injuries and Illnesses or (SOII) is a cooperative program between the Maryland Department of Labor and Regulation, Division of Labor and Industry, and the U.S. Department of Labor, Bureau of Labor Statistics. In 2021, there were approximately 2.4 million workers in the State under the Maryland Occupational Safety and Health (MOSH) agency's regulatory oversight.

### **THE PRIVATE SECTOR**

Maryland's private sector employers reported 45,800 nonfatal injuries and illnesses for 2021 compared to 42,400 reported in 2020. Injuries and illnesses in private industry occurred at a rate of 2.7 cases per 100 equivalent full-time workers in 2021. Cases of a more serious nature involving days away from work, job transfers, or restrictions -- commonly referred to as the DART rate, occurred at a rate of 1.7 cases per 100 full-time equivalent workers. There were 29,300 such cases reported. Rates of injury and illness in the private sector ranged from a total recordable case incidence rate of 0.4 injuries and illnesses per 100 full-time equivalent workers for Computer and electronic product manufacturing (NAICS 334) to a rate of 16.7 for Air transportation (NAICS 481).

Eighty-six percent of private industry's reported injuries and illnesses occurred in service-providing industries with 39,300 cases, while goods-producing industries accounted for 14 percent of the total with 6,500 cases. Injury and illness estimates for Maryland's private sector covered just under 2.1 million workers, based on the Maryland Department of Labor's labor market information and the Quarterly Census of Employment and Wages program.

Maryland's private sector total recordable case rate of 2.7 injuries and illnesses per 100 full-time equivalent workers was the exact same as the U.S. private sector's rate of 2.7.

### **STATE AND LOCAL GOVERNMENT**

Collectively, Maryland state and local government agencies reported 12,500 new cases of occupational injury and illness in 2021, with a total recordable case (TRC) incidence rate of 4.7 injuries and illnesses per 100 full-time equivalent workers. Local government accounted for approximately 78 percent of the public sector cases.

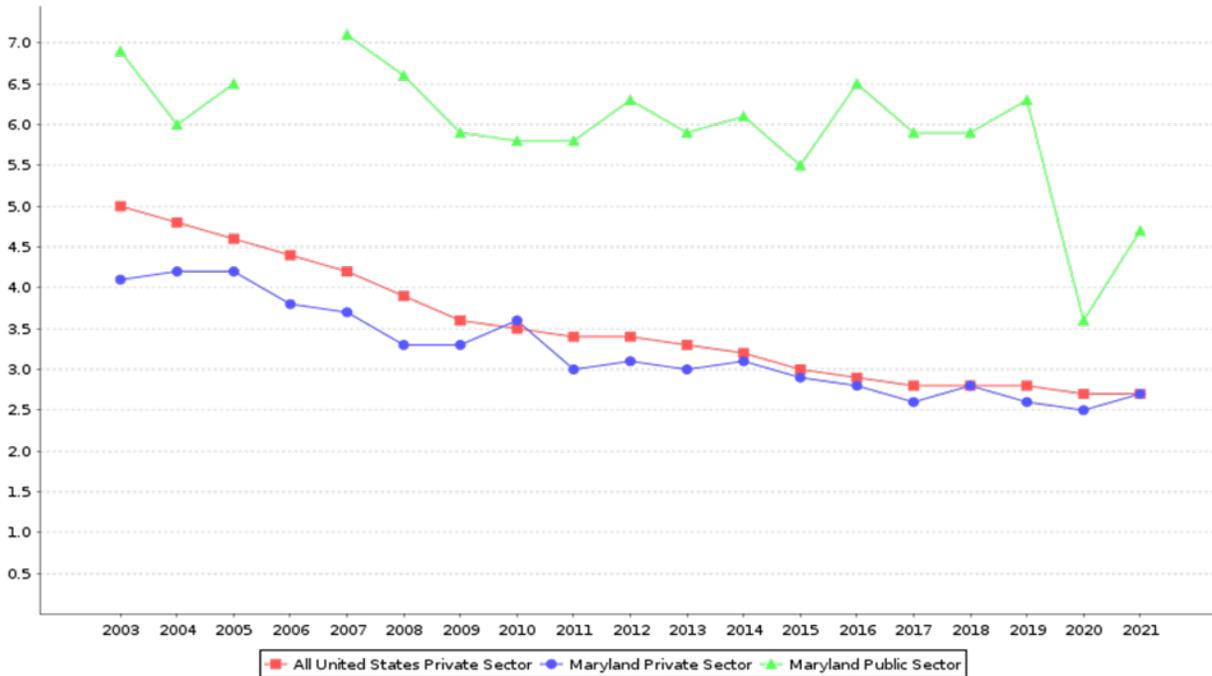
In 2021, the Maryland State government's TRC rate was 3.2 injury and illness cases per 100 full-time equivalent workers, as compared to the previous year's rate of 3.0. Maryland's state government's TRC rate in 2021 was the same as the U.S. rate for all state governments. Industries in the State government reporting the highest rates in 2021 were Hospitals (13.4),

Nursing and residential care facilities (12.9), and Transit and ground passenger transportation (10.4).

Of the 2,700 total cases reported during 2021 by the Maryland state government (compared to the 2,500 cases reported the previous year), approximately 1,500 cases were severe enough to require the employee to miss at least one day from work for recuperation. Maryland’s local government sector reported 9,800 new cases of occupational injury and illness in 2021. Approximately 3,600 cases resulted in days away from work.

Maryland State and local government municipalities and agencies employed some 329,244 workers during 2021, based on data provided by the Maryland Department of Labor, Licensing, and Regulations’ Office of Workforce Information and Performance, Quarterly Census of Employment and Wages program.

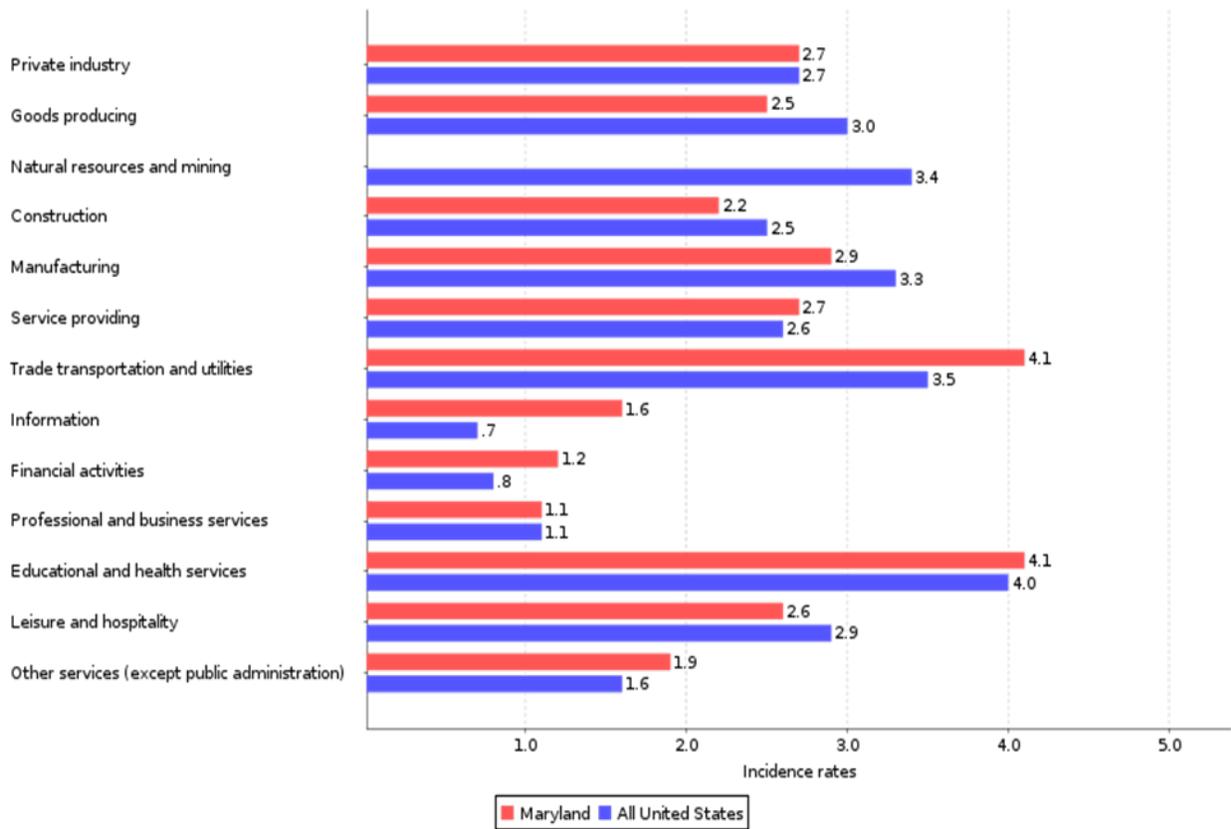
Incidence rates per 100 full-time workers for total nonfatal occupational injuries and illnesses, Maryland and All United States, 2003-2021  
 [SOURCE : U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2022]



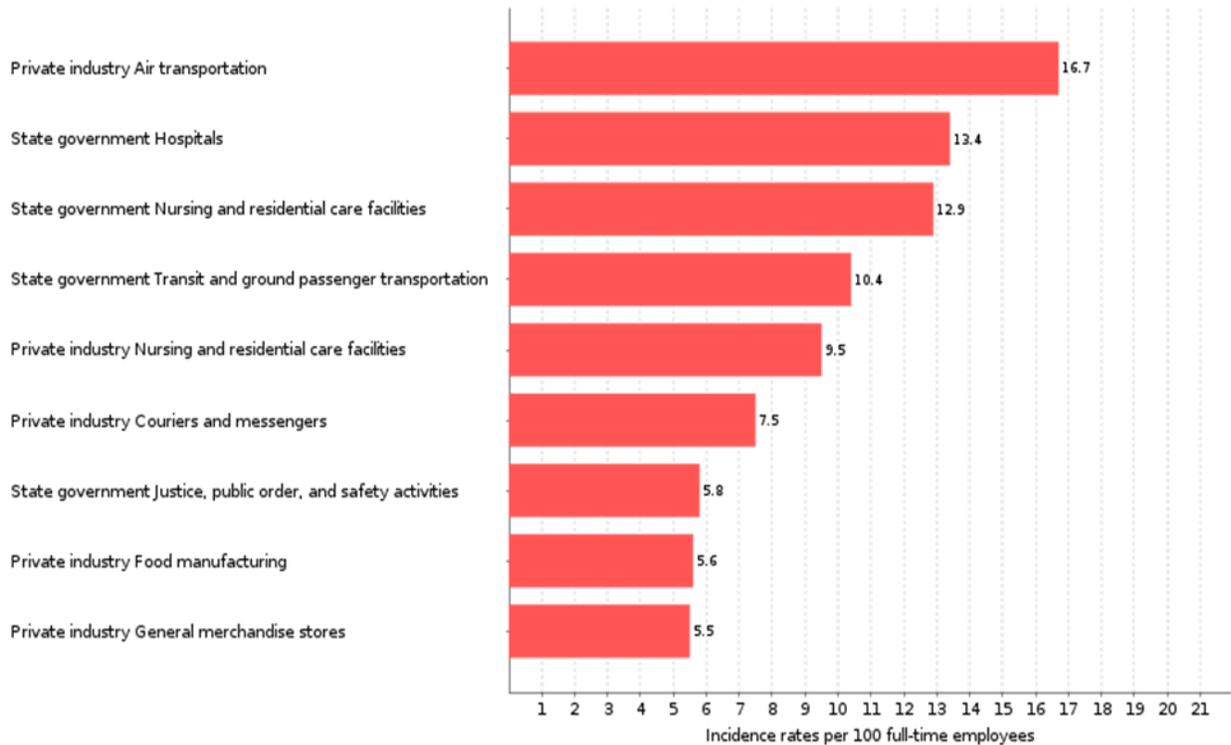
\*2006

Maryland Public Sector data did not meet publication criteria

Incidence rates per 100 full-time workers for total nonfatal occupational injuries and illnesses by major industry sector, Maryland and All United States, 2021  
 [SOURCE : U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2022]



Industries with the highest incidence rates of total nonfatal occupational injuries and illnesses, Maryland, 2021  
 [SOURCE : U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2022]



## THE MARYLAND CENSUS OF FATAL OCCUPATIONAL INJURIES (CFOI)

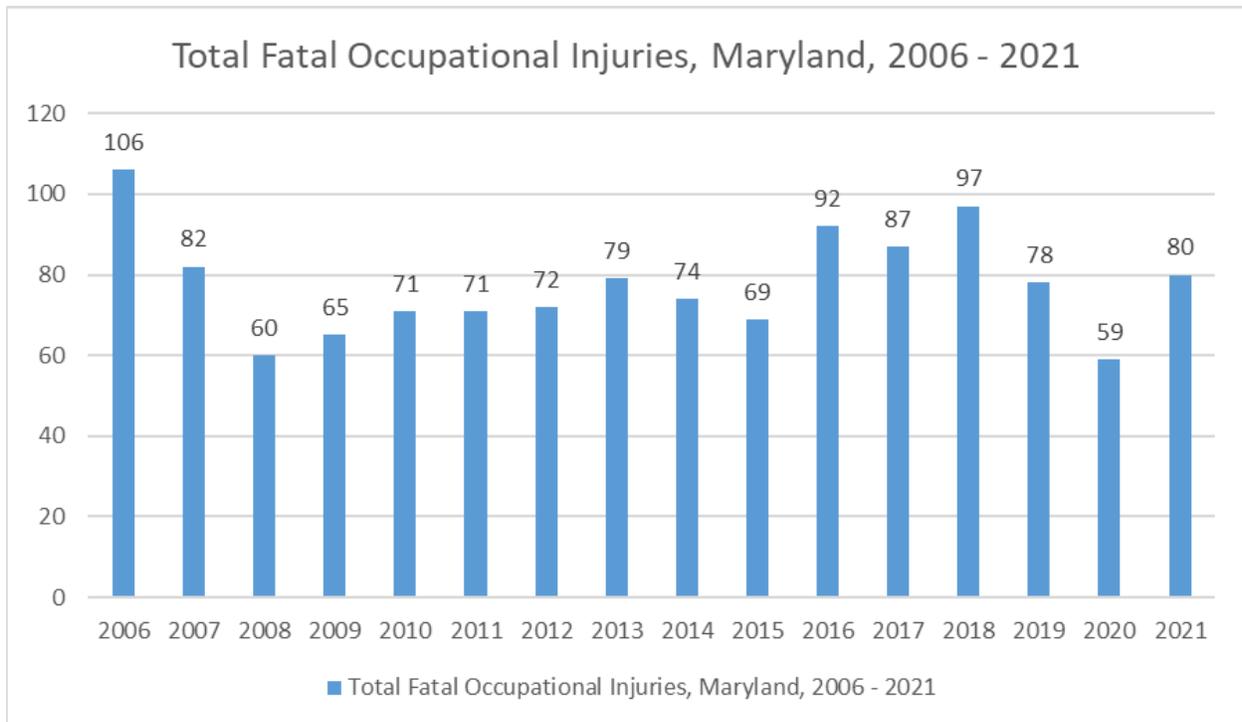
The Maryland CFOI program within the Division of Labor and Industry compiles a complete accounting of all fatal work injuries occurring in the State during the calendar year. The program uses diverse data sources from a variety of federal, state, and local government administrative records, media reports, and other independent data sources, in order to substantiate and profile fatal work injuries. CFOI includes data for all workplace fatalities, regardless of whether the fatality was under the regulatory authority of the Maryland Occupational Safety and Health Agency or other federal and state agencies. Any comparisons, therefore, between the CFOI program’s census counts and those released by other agencies or sources should take into account the different scopes of coverage and definitions being used.

For a fatality to be included in this census, the decedent must have been employed (defined as working for pay, compensation, or profit) at the time of the event, engaged in a legal work activity, or present at the site of the incident as a requirement of his or her job. Fatalities to volunteers and unpaid family workers who perform the same duties and functions as paid workers are also included in the count. These criteria are generally broader than those used by other State and federal agencies administering specific laws and regulations. (Fatalities that occur during a person’s normal commute to and from work are excluded from the census counts.)

Data presented includes deaths occurring that resulted from traumatic occupational injuries. An injury is defined as any wound or damage to the body resulting from acute exposure to energy, such as heat, electricity, or impact from a crash or fall, or from the absence of such essentials as heat or oxygen, caused by a specific event or incident within a single workday or shift. Included are open wounds, intracranial and internal injuries, heatstroke, hypothermia, asphyxiation, acute poisonings resulting from short-term exposures limited to the worker’s shift, suicides and homicides, and work injuries listed as underlying or contributory causes of death.

## MARYLAND CFOI RESULTS FOR 2021

Fatal work injuries totaled 80 in 2021 for Maryland, an increase from the previous year total of 59. Fatal occupational injuries in the state have ranged from a high of 106 in 2006 to a low of 59 in 2020. Nationwide, a total of 5,190 fatal work injuries were recorded in 2021, a 9-percent increase from 4,764 in 2020, according to the results from the Census of Fatal Occupational Injuries (CFOI). Certain fatal events are not covered under the Maryland Occupational Safety and Health Agency's investigative oversight, including cases of workplace homicide and suicide; certain transportation events, such as aircraft, rail, and highway crashes; and fatalities among the self-employed. The Census of Fatal Occupational Injuries does include these cases; therefore, the work fatality count reported on CFOI is significantly higher.

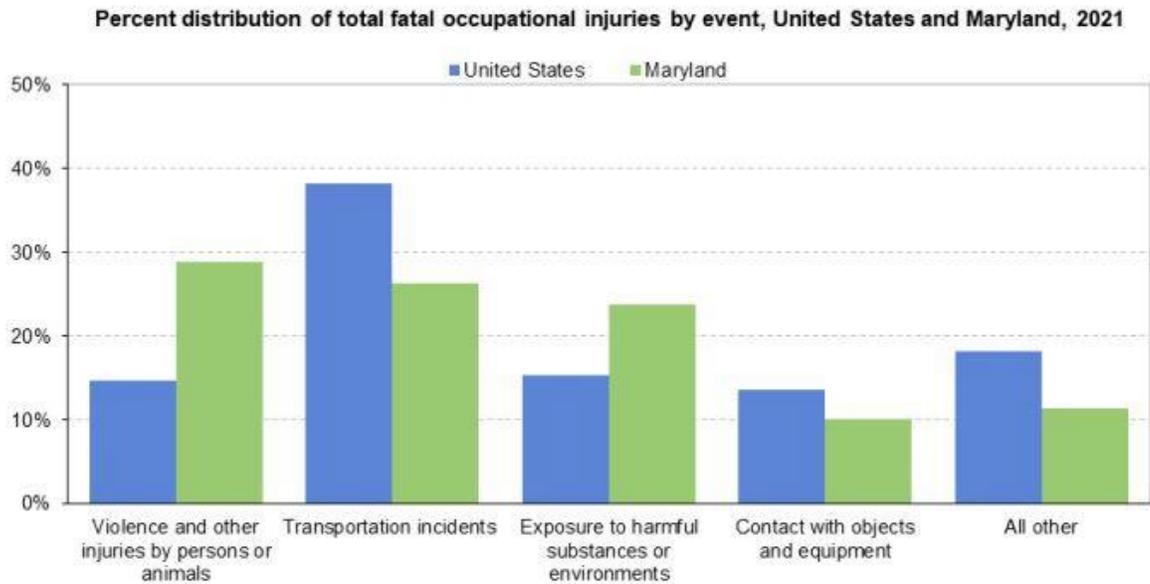


Source: Maryland Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, CFOI Program, December 2022.

## TYPE OF INCIDENT

In Maryland, violence and other injuries by persons or animals resulted in 23 fatal workplace injuries, transportation incidents accounted for 21 fatalities, and exposure to harmful substances or environments led to 19 fatal workplace injuries. These three major categories accounted for 79 percent of all fatal workplace injuries in the state. Worker fatalities due to transportation incidents were up from 18 over the year, and fatal work injuries from exposure to harmful substances or environments were up from 11 in 2020. 2021 is the first year since 2014 that transportation incidents were not the most frequent cause of death for workers in Maryland; in 2018, it tied with exposure to harmful substances or environments for the most frequent.

Nationally, transportation incidents were the most frequent fatal event in 2021, accounting for 38 percent of fatal work injuries. Falls, slips, and trips were the second-most common fatal events (16 percent), followed by both exposure to harmful substances or environments and violence and other injuries by persons or animals (15 percent each) and contact with objects and equipment (14 percent).



Source: Maryland Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, CFOI Program, December 2022.

## INDUSTRY

The private construction industry sector had the highest number of worker fatalities in Maryland with 14, down from 21 in the previous year. (See table 2.) Transportation incidents and exposure to harmful substances or environments both resulted in 4 of the 14 work-related fatalities. The specialty trade contractors subsector accounted for 11 of the 14 fatal workplace injuries in the construction industry.

The private administrative and support, waste management, and remediation services industry sector had 13 fatal occupational injuries in 2021, up from 7 in 2020. Landscaping services within the administrative and support services sector accounted for 6 of the 13 work-related fatalities, or 46 percent of the industry sector. The private transportation and warehousing industry sector had 10 fatal workplace injuries, no change from the prior year. The support activities for transportation subsector reported 4 of the 10 work-related fatalities, while the couriers and messengers subsector accounted for 3 of the 10.

## OCCUPATION

The transportation and material moving occupational group had the highest number of fatal workplace injuries with 15. Motor vehicle operators accounted for 9 of the 15 fatalities among transportation and moving material workers, or 60 percent. Of those, 7 were driver/sales workers, and truck drivers. The protective service occupational group and the construction and extraction occupational group had the second-highest number of fatal workplace injuries, both with 10. Roofers represented 4 of the 10 fatalities within the construction and extraction worker group.

## ADDITIONAL HIGHLIGHTS

- Men accounted for 89 percent of the work-related fatalities in Maryland, similar to the 91 percent national share. Transportation incidents made up 27 percent of the fatalities for men in Maryland.
- White non-Hispanics accounted for 48 percent of those who died from a workplace injury. Nationwide, this group accounted for 60 percent of work-related deaths.
- Workers 35-64 years old accounted for 68 percent of the state's work-related fatalities in 2021, compared to 62 percent of on-the-job fatalities nationally.
- Of the 80 fatal work injuries in Maryland, 69 percent worked for wages and salaries; the remainder were self-employed. The most frequent fatal events for wage and salary workers were transportation incidents and violence and other injuries by person or animals; violence and other injuries by persons or animals was the most frequent fatal event for self-employed workers.

### **Coronavirus (COVID-19) Pandemic and the Census of Fatal Occupational Injuries**

CFOI reports fatal workplace injuries only. These may include fatal workplace injuries complicated by an illness such as COVID-19. Fatal workplace illnesses not precipitated by an injury are not in scope for CFOI. CFOI does not report any illness related information, including COVID-19. Additional information is available at [www.bls.gov/covid19/effects-of-covid-19-on-workplace-injuries-and-illnesses-compensation-and-occupationalrequirements.htm](http://www.bls.gov/covid19/effects-of-covid-19-on-workplace-injuries-and-illnesses-compensation-and-occupationalrequirements.htm).

# Safety Inspection 2022 Annual Report

The Safety Inspection Program includes several diverse inspections and educational initiatives focused on ensuring the safety of the public when using or being exposed to certain equipment. Working with owners, industry management, and labor, the Safety Inspection program ensures that boilers, pressure vessels, elevators, escalators, amusement rides, and railroads are constructed and operated in accordance with applicable State laws and regulations.

A Chief Amusement Ride Inspector, a Chief Boiler Inspector, and a Chief Elevator Inspector, under the guidance and direction of a Safety Inspection Program Manager, supervise the conduct of compliance inspections. Administrative support staff in Baltimore coordinates communications between industry representatives, field inspection staff, and program management. They also perform a major supporting role with respect to inspection scheduling, invoicing, and inspection certificate issuance. The focus of all these activities is the prevention of injury, death, and property loss for Maryland citizens and visitors to our State.

## **BOILER AND PRESSURE VESSEL SAFETY INSPECTION**

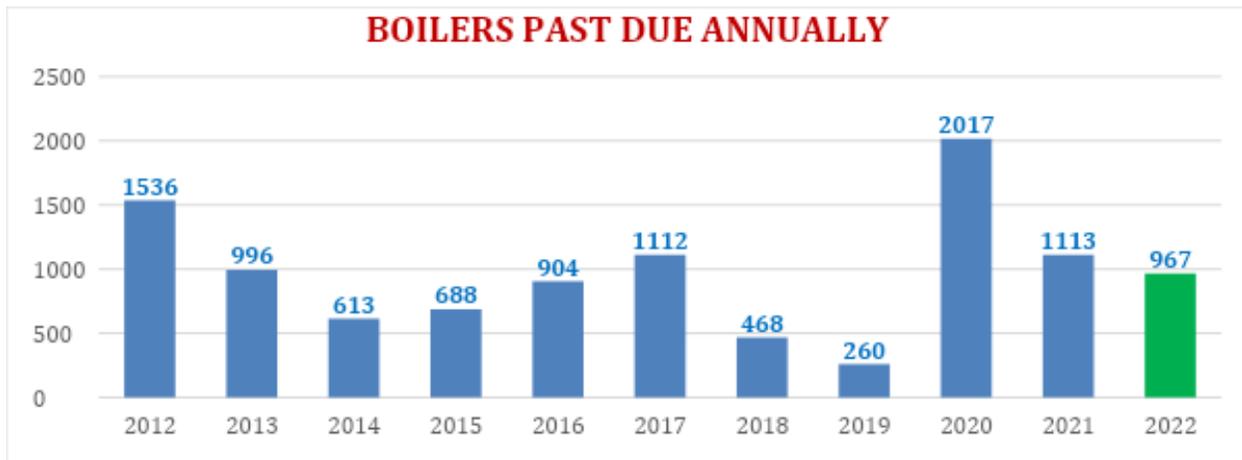
The Boiler and Pressure Vessel Safety Act, *Public Safety Article, Title 12, Subtitle 9, Annotated Code of Maryland*, establishes safety standards for boiler and pressure vessel safety and requires the inspection and registration of boilers and pressure vessels used in commercial establishments and places of public gathering. Such equipment may be located in schools, places of worship, apartment buildings, day care centers, hospitals, nursing homes, office buildings, government buildings, and other places where the citizens of Maryland gather to work or play.

The Boiler and Pressure Vessel Safety Inspection Unit is mandated by the General Assembly to ensure proper construction, installation, maintenance, use, and repair of these boilers and pressure vessels in order to prevent injury to life, limb, and property. With two vacancies at the end of 2022, the unit currently includes a Chief Boiler Inspector, 8 Deputy Boiler Inspector positions, and 125 AIA Commissioned Inspectors (AIA Inspectors) that actively conducted inspections during the year, all commissioned by the National Board of Boiler and Pressure Vessel Inspectors and the State of Maryland to conduct boiler and pressure vessel safety inspections. There are currently no vacant State inspector positions.

AIA Inspectors employed by authorized inspection agencies performed approximately 81% of the 35,988 safety inspections conducted in 2022, as required by the Maryland Boiler and Pressure Vessel Law. All owners/users of boilers and pressure vessels are required to contract with an authorized inspection agency to have the required periodic safety inspections performed. The Chief Boiler Inspector is responsible for monitoring their inspection activities. This cooperative arrangement between the State and the private sector has been in existence for over sixty years and has saved taxpayers millions of dollars.

Deputy Boiler Inspectors assist the Chief Boiler Inspector in monitoring AIA Inspectors, inspecting repairs to boilers and pressure vessels, registering and inspecting all new installations, and performing follow-up inspections of violations to ensure their correction. Deputy Boiler Inspectors also perform accident, complaint, and variance investigation.

For many years, the Boiler and Pressure Vessel Unit has steadily reduced the number of past due objects. In 2022, the number of past due objects decreased by 13% from 1,113 objects past due at the end of 2021, to 967 finishing out 2022. Considering the pattern of decreasing overdue counts pre-covid, this number is expected to decrease even more moving forward.



- Boiler and Pressure Vessel data for CY2022:

<b>Boiler and Pressure Vessel Inspections Conducted by Deputy Boiler Inspectors and Special Inspectors</b>			
Inspections		Deputy Inspectors	Special Inspectors
Inspections performed	35,988	6,766	29,222
Units Registered	53,490		
Accidents investigated	0		
Complaints investigated	0		
Total certificates issued	28,107		
New registrations	2,370		

The Board of Boiler Rules, whose members are appointed by the Governor, provides additional technical expertise. The Board formulates proposed regulations for the Commissioner of Labor and Industry and evaluates requests for variances from applicable regulations.

Codes and Standards used by State and Special Inspectors are as follows:

- ASME Boiler and Pressure Vessel Code
- National Board Inspection Code
- ASME B31.1 Power Piping
- ASME B31.3 Chemical Plant and Petroleum Refinery Piping
- ASME CSD-1 Controls and Safety Devices for Automatically Fired Boilers
- NFPA 85 Boiler and Combustion System Hazards

Maryland law requires that any boiler or pressure vessel installed in the State be built to the standardized American Society of Mechanical Engineers (ASME) construction code. Commissioned inspectors ensure that repairs to registered boilers and pressure vessels also are performed in accordance with State requirements. There are over 20 Maryland companies authorized to perform repairs to boilers and pressure vessels.

Both Deputy Boiler Inspectors and AIA Inspectors report violations of State law and regulations to the Chief Boiler Inspector, who ensures that the equipment owner is notified of the violation in order to secure timely correction of the hazard. There were 3,597 such violations opened this year, of which 702 were identified by State inspectors. 2,837 violations were corrected throughout the year. Each violation reported and corrected is an accident prevented.

## **RAILROAD SAFETY AND HEALTH INSPECTION**

Maryland's Railroad Safety and Health Program was created by the General Assembly to help reduce railroad-related accidents, deaths, injuries, and damage to property throughout the State of Maryland. Established and operating since 1980, this unit is a vital supplement to the national inspection program conducted by the Federal Railroad Administration.

By law, the Federal Railroad Administration (FRA) has primary responsibility for ensuring railroad safety nationwide. FRA's traditional safety inspection program has produced substantial gains in railroad safety with real benefits for the American people. FRA designates six regional inspection areas across the United States. The states of Maryland, Delaware, Ohio, Pennsylvania, Virginia and West Virginia are designated as part of FRA Region 2. Delaware is the only state in Region 2 that does not participate in the state railroad safety program. Participating state railroad safety programs provide a vital source of associated, yet independent, compliance inspections for the citizens of their respective states.

The Maryland program monitors the safety practices of each railroad company operating in Maryland by focusing statewide compliance inspections on the current disciplines of track, operating practices, motive power, and equipment. Staff also continues to successfully work with the FRA and the National Transportation Safety Board (NTSB) while investigating rail accidents that occur in Maryland.

Railroad Safety and Health monitors and assists railroad operations that are not inspected by the FRA. Maryland inspectors work with private industries that ship or receive goods via rail, to promote understanding of railroad safety practices and ensure the safety of the in-plant operation of locomotives and railroad freight cars. Staff members enforce Maryland specific requirements for track clearances, yard safety, and walkway safety. They also work with several tourist and museum railroad operators that carry passengers and lend their experience and knowledge to assist the Amusement Ride Safety Program in the inspection of trains and tracks that are used as amusement rides.

Railroad safety compliance inspections are especially important in the many areas that operate both freight and passenger services on shared use rail lines. The increasingly busy Amtrak Northeast Corridor and several CSX rail lines have shared operations with the MARC commuter service, and these rail lines receive enhanced Maryland railroad compliance inspections.

Increased rail traffic throughout Maryland makes adequate railroad safety inspections vital and necessary. The safety and wellbeing of the general public that lives, works, attends school, or travels on or near railroad lines rely on safe railroad operations. Despite being small in size, Maryland's Railroad Safety and Health Program provides a vital additional measure of safety for the citizens of Maryland and the traveling public. There is currently a Track inspector, a Motive Power and Equipment inspector, and an Operating Practices inspector. There are no longer any vacancies in this department.

- Railroad Safety data for CY2022:

<b>Railroad Safety and Health Inspections</b>	
<b>Motive Power and Equipment</b>	
MP&E Inspections	82
Cars inspected	4,322
Locomotives inspected	80
Defects reported	198
Violations reported	0
Blue Signal observations	27
<b>Track</b>	
Track Inspections	18
Private industry inspections	20
Track miles inspected	248
Turnouts inspected	110
Defects reported	43
Violations reported	0
<b>Operating Practices</b>	
OP Inspections	93
Railroad operating rules	89
Railroad operating practices	98
Radio standards and procedures	50
Rear end marking devices	0
Hours of service of railroad employees	0
Defects reported	5
Violations reported	1
Blue Flag observations	7
<b>Railroad Accident/Incident Reporting</b>	
Accidents/Incidents	37
Fatalities (including trespassers)	6
Injuries	9
Property Damage	21

### **Operating Practices**

Railroad operating practices inspections cover the “human factor” element of railroad operations. A track defect or an equipment defect can be readily observed and repaired. However, behavior that increases the likelihood of an accident cannot be undone but rather must be identified so that systems can be developed to prevent recurrence. This type of prevention

often involves cultural changes for both employees and management. An Operating Practices inspector monitors the actions of railroad employees to deter unsafe behavior and promote proper safety practices.

Operating practice enforcement activities not only prevent injuries to railroad employees performing their own assignments, but also protect employees and the public from the unsafe actions of others. Some areas of responsibility include compliance inspections designed to deter drug and alcohol abuse and tampering with locomotive safety devices. Compliance inspections also monitor other railroad employee testing programs and the procedures for protection of railroad maintenance personnel in the performance of their duties.

The Railroad Safety and Health Operating Practices Inspector participates in investigations that evaluate the causation of fatalities, injuries, and property damages as related to human factor caused events.

### **Track Safety**

A State track inspector monitors the inspections performed by each railroad company operating in Maryland to ensure compliance with federal track safety standards, including regulations that provide a safe working environment for track maintenance workers. The inspector routinely identifies significant defects on tracks used to carry both passengers and hazardous materials. Tracks located near schools, residential and industrial areas, and major highways must have defects and other hazards abated to avert major catastrophic events.

In addition to regulatory compliance inspections of railroads, the Maryland track inspector evaluates the safety of private industry tracks serviced by each railroad company. This process ensures the safety of common railroad carriers operating over the private track and increases the level of safety for private industry employees as well as the community at large.

The Railroad Safety and Health Track Inspector participates in investigations that evaluate the causation of fatalities, injuries, and property damages as related to track caused events.

During 2022, the track inspector retired, which would account for the reduction in track inspections compared to 2021 (18 vs. 224, respectively). A new track inspector was hired and is currently in training. The FRA has been completing track inspections during this training period.

### **Motive Power and Equipment**

A motive power and equipment (MP&E) inspector monitors inspections and worker safety protection (Blue Signal Protection) as implemented by each railroad company under Federal Railroad Administration regulations. Locomotives (motive power), passenger cars and freight cars (equipment), and track maintenance equipment are the focus areas of compliance inspection. The MP&E inspector conducts independent inspections of railroad equipment, including new technology such as remote-controlled locomotives and high-speed train sets.

The Railroad Safety and Health MP&E inspector participates in investigations that evaluate the causation of fatalities, injuries, and property damages as related to railroad equipment caused events.

## **AMUSEMENT RIDE SAFETY INSPECTION**

By providing for an effective inspection and enforcement program, the *Amusement Ride Safety Law, Business Regulation Article, Title 3, Annotated Code of Maryland*, ensures, as far as possible, the safety of the public in the use of amusement rides and attractions. The Law indicates that certain amusement rides or attractions may not be operated in Maryland until the Commissioner of Labor and Industry has issued a certificate of inspection. As part of the certificate application process, the owner or lessee must provide the Commissioner with a current certificate of insurance indicating liability coverage in the amount specified by law.

A certificate of inspection issued by the Commissioner for a ride or attraction in an amusement park is valid for not more than one year from the date issued. Certificates for rides and attractions at fairs and carnivals are valid for no more than 30 days. Each time certain rides or attractions are moved to a new location, they must be inspected and a new certificate issued before operation begins.

Owners of inflatable amusement attractions are required to register their attractions each year with the Commissioner of Labor and Industry and provide proof of general liability insurance. Inflatable amusement attractions over four feet are subject to an annual inspection.

The Amusement Ride Safety Law prohibits the conduct of a “bungee jumping operation” in Maryland. The General Assembly moved to prohibit this activity in response to research, investigation, and several catastrophic events. The law provides for criminal penalties for any person violating its provisions.

- Amusement Ride Safety data for CY2022:

<b>Amusement Ride Safety Inspections</b>	
Accidents investigated	6
Incidents investigated	7
Certificate Inspections	3,852
Other Inspections (Strip-Downs, Preliminary, Assists)	1,806

<b>Total Inspections Performed</b>	5,658
<b>Certificates issued</b>	3,852

The Amusement Ride Safety Inspection Unit includes a staff of 1 Chief position, 1 supervisor position (vacant), and 7 field inspector positions statewide.

There were 5,658 inspections performed throughout the 2022 calendar year. Not all inspections result in a certificate being issued (strip-downs, preliminary), and some devices may not have been inspected for various reasons, including mechanical malfunction, weather related cancellations, inaccurate information in the inspection request, or customer failure to register their equipment with the State, which is a requirement under COMAR 09.12.62.

Due to the warm winter months there were notably more inflatable inspections conducted as the inflatable season extended beyond normal. Also, regulation changes to include the inspection of challenge courses increased inspection workload in the off-season. Challenge courses are now part of annual certificate inspections. Additionally in 2022, winter wonderland types of attractions also showed an increase in inspection frequency.

Otherwise, during normal winter months, when inspection activity decreases, amusement ride inspectors assist the elevator and boiler units by hand-delivering citations that are returned as undeliverable mail and investigating possible building closures and new ownership of property where elevators and boilers exist. Amusement ride inspectors continued to paired up with elevator inspectors to gain training and experience for potentially assisting in the future.

A nine-member Amusement Ride Safety Advisory Board appointed by the Governor advises, consults with, and makes recommendations to the Commissioner for the prevention of conditions on amusement rides and attractions that may be detrimental to public safety.

The Safety Inspection program makes a concerted effort to increase public awareness by disseminating copies of the law and regulations, and keeping the public informed about availability of the laws and regulations on-line.

## **ELEVATOR SAFETY INSPECTION**

The Commissioner of Labor and Industry is responsible for ensuring that the required safety inspections are performed on all elevators, dumbwaiters, escalators, and moving walks operating throughout Maryland, pursuant to *Public Safety Article, Title 12, Subtitle 8 Elevator Safety*. Inspections are conducted by State inspectors and authorized third party qualified elevator inspectors (TPQEI) in accordance with the nationally recognized American Society of Mechanical Engineers Safety Code for Elevators and Escalators.

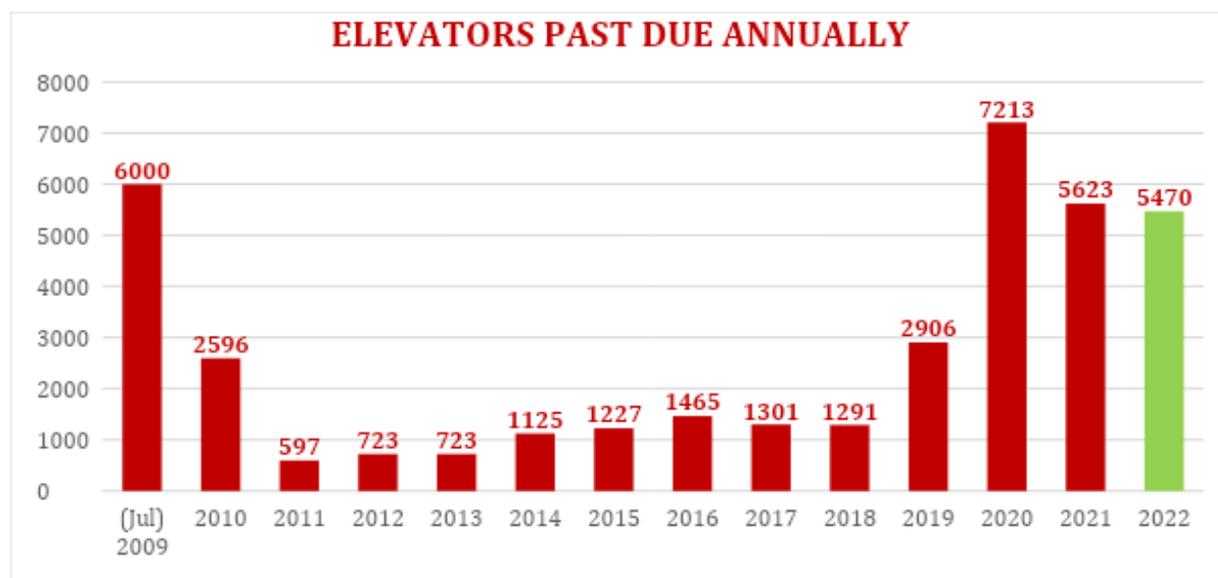
The Commissioner may grant an exception from the requirements of applicable codes when necessary to prevent undue hardship or where existing conditions prevent practical

compliance. With proper documentation and where reasonable safety can be secured, the Commissioner considers applications for variance on a case-by-case basis.

The Elevator Safety Inspection Unit includes a Chief Elevator Inspector, an Assistant Elevator Chief, 2 regional supervisors who coordinate, train, and supervise a staff of 8 field inspector positions statewide and 3 trainees. There were 2 vacant positions at the end of 2022.

The Elevator Safety Law requires owners of elevator units in Maryland to contract with an authorized third-party inspector to perform the annual safety inspections and witness certain types of tests as required by law. An authorized inspector must hold a valid Qualified Elevator Inspector certification issued by a nationally recognized safety organization accredited by the National Commission for Certifying Agencies or the American National Standards Institute. They also shall maintain professional liability insurance and be licensed by the Commissioner of Labor. Since 2018, the Elevator Safety law was amended to provide that certain types of inspections would be transferred to third party inspectors. In 2022, direct-acting hydraulic elevators, which were delayed until 10/1/2022 are now subject to inspection by third party inspectors. State inspectors continue to perform final acceptance, alteration, accident, incident, complaint, third party monitoring inspections, and reinspection of all these inspection types.

During 2022, there were an average of 90 TPQEIs assisting Maryland elevator owners with keeping their elevators, escalators, and lifts safe. The joint effort between State and TPQEI inspectors has had a positive impact on the number of overdue units in Maryland. Since this joint effort took place, the Elevator Safety Unit has successfully reduced the number of past due elevator units. In 2020-2021, however, there was a reduction in inspection activity caused by COVID-19 and the declaration of a state of emergency in Maryland, which created an inspection backlog. Once the state of emergency was lifted in 2021, the Safety Inspection Unit began working along with TPQEIs to reduce the number of past due elevator units as quickly as possible. At the end of 2022, the number of past due elevators was 5,470.



There are two components to the process that results in the issuance of a certificate of inspection: inspecting equipment (Third Party Qualified Elevator Inspector TPQEI or State Inspector) and testing equipment (Licensed Elevator Mechanic). Inspecting is one component required by elevator code, (A17.1 section 8.11) to be performed by a QEI certified inspector, confirming compliant equipment safety functions. Testing is another separate component required by the elevator code, (A17.1 section 8.11) to be performed by a licensed elevator mechanic. In privately owned buildings, annual testing was able to be “verified” by an authorized TPQEI through documentation during an onsite inspection. Witnessing of the annual test is currently an option in Maryland for privately owned elevator units, depending on the facility owner’s choice, or the authorized/registered TPQEI’s business practice.

HB 1107 significantly changed the witnessing requirement. Beginning October 1, 2018, a TPQEI is required to be physically present during the testing of certain elevator units. This requirement is phased in as follows:

- Beginning October 1, 2018: Five year inspections of privately owned elevators will transfer from the state to TPQEI who will witness the test;
- Beginning October 1, 2019: Annual and five year inspection of elevators owned by state or local governments will transfer from the state to TPQEI who will witness the test<sup>1</sup>; and
- In the spring of 2020 SB 618 passed and eliminated this 3<sup>rd</sup> phase of HB1107 that was to begin October 1, 2020. It would have required annual tests of privately owned elevators to be witnessed and inspected by TPQEI. No changes occurred in 2020, however SB 618 split the 3<sup>rd</sup> phase of HB1107 into 2021 and 2022.
- Beginning October 1, 2021: an annual tests on an elevator in a privately owned building, except for direct acting hydraulic elevators, shall be performed by a licensed mechanic and witnessed by a TPQEI.
- Beginning October 1, 2022: an annual test on a direct acting hydraulic elevator in a privately owned building shall be performed by a licensed mechanic and witnessed by a TPQEI.

HB 1107 became effective on 10/1/2018 and eliminated the requirement for a third-party pre-final (compliance) inspection. The state will retain final acceptance inspections (new installations), alterations, investigations of accidents, complaints, and incidences, follow up inspections to confirm the corrective action, and systematic/random quality control monitoring inspection, of third-party QEI inspectors. The law also creates an apprenticeship program for TPQEI.

- Elevator Safety data for CY2022:

<b>Elevator Safety Inspections</b>			
		<b>State</b>	<b>QEI</b>
Inspections performed	39,419	3,839	35,580
Elevators Registered	25,208		
Accidents/Incidents investigated			1
Complaints investigated			68

# **Boards, Councils and Committees**

## **AMUSEMENT RIDE SAFETY ADVISORY BOARD**

The Amusement Ride Safety Advisory Board consists of nine members appointed by the Governor for a four-year term, with the advice and consent of the Senate. The Governor designates one of the public members as chairman. The Board advises, consults with and makes recommendations to the Commissioner of Labor and Industry, and proposes regulations and standards for the prevention of conditions detrimental to the public in the use of amusement rides

and attractions. The Board holds public hearings and reports findings to the Commissioner as necessary for the protection and safety of the public.

## **BOARD OF BOILER RULES**

The Board of Boiler Rules is composed of nine members appointed for a four-year term by the Governor with the advice of the Secretary of Labor, Licensing and Regulation, and with the advice and consent of the Senate. The Board formulates and recommends to the Commissioner of Labor and Industry definitions and regulations for the safe construction, use, installation, maintenance, repair and inspection of boilers and pressure vessels in Maryland. All regulations conform as nearly as possible to the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and to the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors.

## **SPECIAL ADVISORY COMMITTEE ON ELEVATORS**

The Special Advisory Committee on Elevators is a six-member committee appointed by the Commissioner of Labor and Industry to provide the Commissioner with expertise, knowledge, and technical data on elevators, dumbwaiters, escalators and moving walks. Members include representatives of State agencies, elevator contractors, labor and the public. The Committee assists the Commissioner in the formulation of regulations and standards for elevators, dumbwaiters, escalators, and moving walkways.

# **Electronic Publications**

## **Laws and Regulations**

- Amusement Ride Safety Law and Regulations
- Boiler and Pressure Vessel Safety Act and Regulations
- Elevators, Dumbwaiters, Escalators and Moving Walks and Smoking on Elevators Law and Regulations
- Employment of Minors Law
- Equal Pay for Equal Work Law
- Farm Labor Contractors Law and Regulations
- Lie Detector Tests Law
- Maryland Apprenticeship and Training Law and Regulations

- Maryland Employment Agency Act and Regulations
- Maryland Occupational Safety and Health Act and Regulation
- Maryland's Living Wage Law
- Maryland's Prevailing Wage Law
- Medical Questions Law
- OSHA Standards with Maryland Amendments
  - Cranes and Derricks (29 CFR 1926.500)
  - Excavations (29 CFR 1926, Subpart P)
  - Lead in Construction (29 CFR 1926.62)
  - Permit Required Confined Spaces (29 CFR 1910.146) – *amendment only*
- Prevailing Wage--Contracts for Public Works Law and Regulations
- Railroad Safety and Health Act and Regulations
- Wage and Hour Law and Regulations
- Wage Payment and Collection Law

### **Occupational Safety and Health**

- Access to Information about Hazardous and Toxic Substances
- Bloodborne Pathogens Exposure Control Plan
- Carbon Monoxide
  - Carbon Monoxide Poisoning
  - Occupational Health Hazard Fact Sheet
- Developing a Workplace Safety and Health Program
- Electrical Safety
  - Danger: Overhead Electric Lines
  - Ground Fault Protection on Construction Sites
  - If You Don't Become an Inspector (power tools)
- Excavation Safety Guidelines
- Fall Protection
  - Fall Protection in Construction
  - Stairways and Ladders
- First Aid: Guidelines for Basic First Aid Training Programs
- Hazardous Waste Operations and Emergency Response
- Hearing Conservation
- Heat Stress
  - Fact Sheet for Workers
  - Protecting Workers from Hot Environments
  - Poster
- Indoor Air Quality
  - MOSH Booklet
  - Prohibition on Smoking in an Enclosed Workplace
  - Smoking - Compliance Guidelines for the Hospitality Industry
- Lead Fact Sheets
  - Employee Lead in Construction
  - Engineering Controls
  - Housekeeping and Personal Hygiene Practices

- Lead in Construction
- Lead in Radiator Repair Facilities
- Protective Clothing
- Respiratory Protection
- Worker Protection Programs
- Machinery and Equipment
  - Machine Safeguarding
  - Sling Safety
- Maryland Fatal Facts (1 - 11)
- MOSH Audiovisual Catalog
- MOSH Closing Conference Guide
- MOSH Consultation Services
- MOSH Ergonomic Services
- MOSH for Employees
- MOSH Posters for Private and Public Sectors
- MOSH Self-Inspection Checklist for Construction
- MOSH Self-Inspection Checklist for General Industry
- MOSH Seminars
- MOSH-Specific Requirements
- MOSH Training and Education
- MOSH Voluntary Protection Program
- OSHA Injuries and Illnesses Log and Supplementary Record
- OSHA Standards - How to Obtain Copies
- Personal Protective Equipment
- Process Safety Management
- Respiratory Protection
- Scaffolding: A Guide to Scaffolding in the Construction Industry

- Silica
  - Occupational Health Hazards
  - A Guide to Working Safety with Silica
  - Tips for Preventing Silicosis
- This is MOSH
- Underground Construction (Tunneling)
- Video Display Terminals
- Workplace Violence
  - Health Care and Social Service Workers
  - Late Night Establishments

### **Miscellaneous**

- Amusement Ride Safety Revolves Around You (safety brochure)
- Annual Report of the Division of Labor and Industry
- Building the Future - Your Way (Apprenticeship and Training videotape)
- Do's and Don'ts of Heating Pressure Boiler Operations
- Do's and Don'ts of High-Pressure Boiler Operations
- Do's and Don'ts of Compressed Air Storage Tank Operations
- Do's and Don'ts of Hot Water Heater Safety
- Employment of Minors Fact Sheet
- Manual for Issuing Officers of Work Permits
- Maryland Farm Labor Contractors: Responsibilities of Growers and Crew leaders
- Maryland Guide to Wage Payment and Employment Standards
- Maryland is Training For Tomorrow (Apprenticeship and Training)
- Operation Lifesaver - Safety at Highway Railway Crossings
- Putting it all Together (Apprenticeship and Training)
- Steps to Safety on Escalators
- Wage and Hour Fact Sheet

# **APPENDIX**

## **OCCUPATIONAL DISEASE SURVEILLANCE IN MARYLAND 2021 REPORT**

Pursuant to the Environment Article, Section 6-702, *Annotated Code of Maryland*: a physician who believes that a patient under the physician's care has an occupational disease shall submit a report to the Secretary of the Maryland Department of Health. The report shall state the patient's name, address, occupation, and place of employment; identify the suspected disease; and contain any other information that the Secretary requires. The Secretary shall give the information received under this section to the Commissioner of Labor and Industry. No reports were received by the Commissioner of Labor and Industry under this program in 2021.

### **NOTICE OF EXCESSIVE SAFETY VIOLATIONS**

Consistent with the requirements of Section 9-312(b) of the Labor and Employment Article, *Annotated Code of Maryland*, the Workers' Compensation Commission did not refer any notice of excessive safety violations to the Commissioner.

### **ENFORCEMENT EFFORTS TO ELIMINATE ENVIRONMENTAL TOBACCO SMOKE IN THE WORKPLACE**

Consistent with the requirements of Section 5-608(a) of the Labor and Employment Article, *Annotated Code of Maryland*, individuals may not smoke in an indoor place of employment. The Clean Indoor Air Act (CIAA) was signed into law on May 17, 2007. For almost twenty years prior to this date, the Commissioner, through the Maryland Occupational Safety and Health (MOSH) Program, had adopted and enforced a rule that generally prohibited smoking in most indoor places of employment, except in designated tobacco stores, restaurant bar areas, and licensed bars.

Under the CIAA, regulatory authority is vested with the Department of Health and Mental Hygiene (DHMH) for public areas, and DLLR, for workplace areas not generally open to the public. DLLR and DHMH have established operational agreements and work jointly to enforce this law, including sharing of information related to compliance activity. MOSH issues letters of reprimand in an attempt to control the behavior in establishments reported to be in violation.