MONTGOMERY COUNTY
**Minimum Wage and Overtime Law**  
**Montgomery County**  
(An employer of one employee is subject to the County minimum wage law after 7/1/19.)

(Chapter 27, Article XI, Montgomery County Code)

<table>
<thead>
<tr>
<th>Montgomery County</th>
<th>Minimum Wage Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Large Employers with 51 or more employees:</strong></td>
<td></td>
</tr>
<tr>
<td>$14.00</td>
<td>After 7/1/20</td>
</tr>
<tr>
<td>$15.00</td>
<td>After 7/1/21</td>
</tr>
<tr>
<td>$15.00+CPI-W(^1)</td>
<td>After 7/1/22</td>
</tr>
</tbody>
</table>

| Mid-sized Employers with 11 to 50 employees | |
| $13.25 | After 7/1/20 |
| $14.00 | After 7/1/21 |
| $14.50 | After 7/1/22 |

| Small Employers with 10 or less employees | |
| $13.00 | After 7/1/20 |
| $13.50 | After 7/1/21 |
| $14.00 | After 7/1/22 |

Employers may also be subject to the Fair Labor Standards Act. MD DOL enforces the Montgomery County Minimum Wage Law (see Labor and Employment Article, Title 3, Subtitle 1, Annotated Code of Maryland)

**Minimum Wage**

Most employees must be paid the Montgomery Co. Minimum Wage Rate. Employees age 18 and under working under 20 hours per week are exempt from this rate.

**Tipped Employees** (earning more than $30 per month in tips) must earn the Montgomery Co. Minimum Wage Rate per hour. Employers must pay at least $4.00 per hour. This amount plus tips must equal at least the Montgomery Co. Minimum Wage Rate. Subject to the adoption of related regulations, restaurant employers who utilize a tip credit are required to provide employees with a written or electronic wage statement for each pay period showing the employee’s effective hourly rate of pay including employer paid cash wages plus tips for tip credit hours worked for each workweek of the pay period. Additional information and updates will be posted on the Maryland Department of Labor website.

**Employees under 18 years of age** must earn at least 85% of the State Minimum Wage Rate

**Overtime**

Most employees must be paid 1.5 times their usual hourly rate for all work over 40 hrs. per week. Exceptions:

- Employees of bowling establishments, and institutions providing on-premise care (other than hospitals) to the sick, the aged, or individuals with disabilities for all work over 48 hrs. per week
- Agricultural workers for all work over 60 hrs. per week

**Exemptions** (Federal Exemptions also apply under Montgomery County’s Ordinance)

**Minimum Wage and Overtime Exemptions:**

- Immediate family member of the employer
- Certain agricultural employees
- Executives, administrative, and professional employees
- Volunteers for educational, charitable, religious, and non-profit organizations
- Employees under 16 working less than 20 hours per week
- Outside salespersons
- Commissioned employees
- Employees enrolled as a trainee as part of a public school special education program
- Non-administrative employees of organized camps
- Certain establishments selling food and drink for consumption on the premises grossing less than $400,000 annually

- Drive-in theaters
- Establishments engaged in the first canning, packing or freezing of fruits, vegetables, poultry, or seafood

**Overtime Exemptions:**

- Taxicab drivers
- Certain employees selling/servicing automobiles, farm equipment, trailers, or trucks
- Non-profit concert promoter, theater, music festival, music pavilion, or theatrical show
- Employers subject to certain railroad requirements of the U.S. Dept. of Transportation, the Federal Motor Carrier Act, and the Interstate Commerce Commission
- Seasonal amusement and recreational establishments that meet certain criteria

**For more information or to file a complaint contact:**

Maryland Department of Labor  
Division of Labor and Industry  
Employment Standards Service  
1100 North Eutaw Street, Room 607  
Baltimore, MD 21201  
Telephone Number: (410) 767-2357 • Fax Number: (410) 333-7303  
E-mail: dldiemploymentstandards.dli@maryland.gov

**EMPLOYERS ARE REQUIRED BY LAW TO POST THIS INFORMATION. PAY RECORDS MUST BE KEPT FOR 3 YEARS ON OR ABOUT THE PLACE OF WORK. PENALTIES ARE PRESCRIBED FOR VIOLATIONS OF THE LAW.**

Rev. 5/2021
EARNED SICK AND SAFE LEAVE LAW

Montgomery County Code
Chapter 27 Human Rights and Civil Liberties, Article XIII

EFFECTIVE OCTOBER 1, 2016
Revised November 9, 2016

How is Earned Sick and Safe Leave Accrued?
An employee must accrue paid leave before accruing unpaid leave in a calendar year. Paid earned sick and safe leave must accrue at a rate of at least 1 hour for every 30 hours an employee works in the County.

An employer with FEWER THAN 5 EMPLOYEES:
✓ Must provide each employee with both paid and unpaid sick and safe leave for work performed in the County.
✓ Must not be required to allow an employee to:
✓ Earn more than 32 hours of paid earned sick and safe leave and 24 hours of unpaid earned sick and safe leave in a calendar year; or
✓ Use more than 80 hours of earned sick and safe leave in a calendar year.

An employer with 5 OR MORE EMPLOYEES must not be required to allow an employee to:
✓ Earn more than 56 hours of earned sick and safe leave in a calendar year; or
✓ Use more than 80 hours of earned sick and safe leave in a calendar year.

Permitted Uses of Earned Sick and Safe Leave:
✓ To care for or treat the employee’s own illness (mental or physical), injury, or health condition.
✓ To obtain preventative medical care for the employee or their family member.
✓ To take care of a family member with an illness (physical or mental), injury, or health condition.
✓ When the employee’s place of business or when the employee’s family member’s school or child care center has been closed by order of a public official due to a public health emergency.
✓ To care for a family member if a health official or health care provider determined the family member’s presence in the community, due to exposure to a communicable disease, would jeopardize the health of others.
✓ Due to domestic violence, sexual assault, or stalking against the employee or the employee’s family member. Leave must be used for medical attention, services from a victim services organization, legal services, or during the time that the employee has temporarily relocated.
✓ For the birth of a child or for the placement of a child with the employee for adoption or foster care.
✓ To care for a newborn, newly adopted, or newly placed child within one year for a newborn or adoption or placement.

An employer may not retaliate against an employee for exercising the rights granted by the Sick and Safe Leave Article.

If you think you have been subjected to a violation of any rights granted by the Earned Sick and Safe Leave Article, please contact:
Montgomery County Office of Human Rights
21 Maryland Avenue, Suite 330, Rockville, Maryland, 20850