

THIS ARTICLE; provided that a "wage" paid to any employee includes the reasonable cost, as determined by the Commissioner, to the employer of furnishing such employee with board, lodging, or other facilities as are customarily furnished by such employer to his employees: provided further that the cost of board, lodging or other facilities shall not be included as a part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee: and provided further, that the Commissioner is authorized to determine the fair value of such board, lodging or other facilities for defined classes of employees and in defined areas, based on average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of fair value. Such evaluations, where applicable and pertinent, shall be used in lieu of actual measure of cost in determining the wage paid to any employee. In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 40 PERCENT, AND BEGINNING APRIL 1, 1990 45 percent, and beginning [January 1, 1980, 40 percent,] MARCH 31, 1991, 50 PERCENT of the applicable minimum wage rate, except that in the case of an employee who (either himself or acting through his representative) shows to the satisfaction of the Commissioner that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this sentence, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount. This provision shall not apply to any tipped employee unless (1) he has been informed by the employer of the provisions of this subsection, and (2) all tips received by the employee have been retained by the employee, except that this subsection does not prohibit the pooling of tips among employees who customarily and regularly receive tips.

83.

Every employer shall pay to each of his employees, except as may be provided pursuant to this subtitle, wages at the following rates:

(1) If such employees have been subject to the provisions of the Maryland Wage and Hour Law, and § 83 of Article 100 of the Annotated Code of Maryland prior to June 1, 1967, they shall receive a wage of not less than \$1.15 an hour beginning February 1, 1968, not less than \$1.30 an hour beginning February 1, 1969, not less than \$1.45 an hour beginning February 1, 1970, not less than \$1.60 an hour beginning February 1, 1971, and that beginning on July 1, 1975, the minimum wage shall be as follows:

(a) If such employees are subject to the provisions of both the Federal Fair Labor Standards Act (29 U.S.C. §§ 201-219) and the Maryland Wage and Hour Law, the minimum wage shall be the minimum wage as set forth in the minimum wage section of the Federal Fair Labor Standards Act (29 U.S.C. §§ 201-219).

(b) [If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (C) OF THIS PARAGRAPH, IF such employees are not subject to the provisions of the Federal Fair Labor Standards Act but are subject to the Maryland Wage and Hour Law,