

THE COMMISSIONER MAY CONDUCT AN INVESTIGATION UNDER SUBTITLE 4 OF THIS TITLE, ON THE COMMISSIONER'S OWN INITIATIVE OR ON RECEIPT OF A WRITTEN COMPLAINT.

(C) SUBTITLE 5.

THE COMMISSIONER MAY CONDUCT AN INVESTIGATION TO DETERMINE WHETHER SUBTITLE 5 OF THIS TITLE HAS BEEN VIOLATED ON RECEIPT OF A WRITTEN COMPLAINT OF AN EMPLOYEE.

(D) SUBTITLE 7.

(1) THE COMMISSIONER MAY INVESTIGATE WHETHER § 3-701 OF THIS TITLE HAS BEEN VIOLATED ON RECEIPT OF A WRITTEN COMPLAINT OF AN APPLICANT FOR EMPLOYMENT.

(2) THE COMMISSIONER MAY INVESTIGATE WHETHER § 3-702 OF THIS TITLE HAS BEEN VIOLATED ON RECEIPT OF A WRITTEN COMPLAINT OF AN APPLICANT FOR EMPLOYMENT OR AN EMPLOYEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 100, §§ 7(c), 95(d), and 95A(c), the first sentence of § 94(g), and, except for the reference to ascertaining wages, § 84(a)(1).

Subsection (a) of this section is revised to enable the Commissioner to initiate an investigation, since the Commissioner has construed the specific reference "may require a written complaint" as discretionary, and intended to preclude frivolous complaints, rather than as a limit on initiating investigations. Similarly, in subsection (b) of this section, the phrase "on the Commissioner's own initiative" is added to clarify the authority implied under the former law.

In subsections (c) and (d) of this section, the references to a determination whether a provision "has been violated" are substituted for the former words "as to the existence of the alleged violation", to clarify that a violation need not be occurring when an investigation is made.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that these provisions for investigations are slightly different and incomplete. For example, a complaint under Subtitle 4 of this title may be made by anyone, while the Commissioner's authority to investigate violations under Subtitle 5 of this title and under §§ 3-701 and 3-702 of this title seems limited to whenever the Commissioner receives a written complaint. Under § 3-701 of this title, a complaint may be made only by an applicant for employment. Also, the Commissioner is expressly responsible for administration of Subtitle 3 of this title but is not given investigatory powers.

Defined term: "Commissioner" § 3-101