

(C) SCOPE OF REVIEW.

(1) THE COURT SHALL DETERMINE WHETHER A REGULATION OR ORDER TO PAY WAGES IS IN ACCORDANCE WITH LAW.

(2) IF A FINDING OF FACT IS SUPPORTED BY SUBSTANTIAL EVIDENCE, THE FINDING IS CONCLUSIVE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 100, § 86(c).

In subsection (a) of this section, the word "written" is deleted as unnecessary, since only written complaints can be filed in court.

Subsections (b) and (c) of this section are revised to be applicable to orders to pay wages. The first sentence of former Art. 100, § 86(c) entitled any person aggrieved by an "administrative regulation or wage order" to judicial review. Subsequent references in former § 86(c) to "such regulation" and "the regulation" seemed to refer to an "administrative regulation or wage order".

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that, in subsection (a)(1) of this section, the reference to "the circuit court for the county" does not make it clear in which county a person may file an order for appeal. The General Assembly may wish to clarify the meaning of "the county".

The Labor and Employment Article Review Committee also notes, for consideration by the General Assembly, that Md. Rule B4a requires that, absent an extension, an appeal from any final administrative action be filed within 30 days after the date of the action. Subsection (b)(2) of this section sets a 60-day period for filing an order for appeal from an order to pay wages. Compare with § 5-215 of this article, which sets a 30-day period for filing under a provision that is similar to this section.

Defined terms: "Commissioner" § 3-101

"County" § 1-101 "Person" § 1-101

3-427. ACTION AGAINST EMPLOYER BY OR FOR EMPLOYEE.

(A) ACTION BY EMPLOYEE.

IF AN EMPLOYER PAYS AN EMPLOYEE LESS THAN THE WAGE REQUIRED UNDER THIS SUBTITLE, THE EMPLOYEE MAY BRING AN ACTION AGAINST THE EMPLOYER TO RECOVER THE DIFFERENCE BETWEEN THE WAGE PAID TO THE EMPLOYEE AND THE WAGE REQUIRED UNDER THIS SUBTITLE.

(B) ASSIGNMENT OF CLAIMS.

ON THE WRITTEN REQUEST OF AN EMPLOYEE WHO IS ENTITLED TO BRING AN ACTION UNDER THIS SECTION, THE COMMISSIONER MAY: