

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that former Art. 100, § 94(g)(2) conditioned an award on a finding that a violation is not the result of a "bona fide" dispute. Although "bona fide" addresses "good faith", the Commissioner suggests that the former condition was intended to restrict "dispute" to a matter material to the violation. The General Assembly may wish to clarify the standard for an award.

As to the prohibition against requiring the Commissioner to pay filing fees and other costs, see CJ § 7-403.

Defined terms: "Commissioner" § 3-101

"County" § 1-101 "Employer" § 3-501

"Wage" § 3-501

### 3-508. PROHIBITED ACTS; PENALTIES.

#### (A) PROHIBITED ACTS OF EMPLOYER.

AN EMPLOYER MAY NOT WILLFULLY VIOLATE THIS SUBTITLE.

#### (B) PROHIBITED ACTS OF EMPLOYEE.

AN EMPLOYEE MAY NOT KNOWINGLY MAKE TO A GOVERNMENTAL UNIT OR OFFICIAL OF A GOVERNMENTAL UNIT A FALSE STATEMENT WITH RESPECT TO ANY INVESTIGATION OR PROCEEDING UNDER THIS SUBTITLE, WITH THE INTENT THAT THE GOVERNMENTAL UNIT OR OFFICIAL CONSIDER OR OTHERWISE ACT IN CONNECTION WITH THE STATEMENT.

#### (C) PENALTIES.

(1) AN EMPLOYER WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

(2) AN EMPLOYEE WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 100, § 94(f).

In subsection (b) of this section, the word "knowingly" is substituted for the former words "knowing the same, or any material part thereof, to be false", for brevity and conformity to the language of similar provisions in other revised articles.

Also in subsection (b) of this section, the former specific reference to "the Commissioner ... or his authorized agent" is deleted as unnecessary in light of the general reference to "an official" of a governmental unit.