

See also Art. 30, § 2A of the Code, giving a deaf employee the right to an interpreter during certain grievance proceedings; Art. 33, § 26-9(c) of the Code, regulating how an employer handles payroll deductions made for a political purpose; Art. 49B, §§ 14 through 18 of the Code, concerning employment discrimination; Art. 65, § 32A of the Code, protecting civilian employment of members of the organized militia who are ordered into active duty or training; §§ 8-105 and 8-401(a) of the Courts Article, prohibiting an employer from depriving an employee of a job solely because of jury duty; and § 9-205 of the Courts Article, prohibiting an employer from depriving an employee of a job solely because the employee loses time to comply with certain subpoenas.

Article 23, § 139, which first was enacted by Ch. 589, Acts of 1902, and required associations and corporations engaged in certain types of business to use certain methods to make wage payments to "wageworkers" and to make the payments within specified time limits, may have been superseded. Since 1966, all employers, including associations and corporations, have been subject to the similar requirements of former Art. 100, § 94 — now Subtitle 5 of this title. See State v. Coblentz, 167 Md. 523, 527 (1934).

However, the Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that Art. 23, § 139 expressly makes officers subject to the criminal penalties to which the associations and corporations are liable. A myriad of questions result, including whether an express reference to an officer is needed and, if so, whether the provisions of Art. 23, § 139 that relate to officers can be severed from the provisions that relate to the association or corporation. Similar questions arise with respect to other provisions of this article where an "employer" is made subject to penalties and, indeed, with respect to other criminal statutes. See, e.g., the General Revisor's Note to Title 13, Subtitle 10 of the Tax — General Article. See also Moniodis v. Cook, 64 Md. App. 1, 13, cert. denied, 305 Md. 631 (1985).

The Committee was apprised that violations on wage payments frequently arise in instances where the assets of an entity have been dissipated unlawfully. In those instances, there may be recourse against an officer for the underlying crime, 40 A.L.R. 2d 1209, or for breach of the standard of care. E.g., CA §§ 2-405.1 and 2-405.2.

In light of the questions, the Committee chose to leave Art. 23, § 139 in the Code but urges the General Assembly to examine the provision.

The Committee also notes that most of the provisions in this title are administered by the Commissioner of Labor and Industry. However, there are no provisions for the administration of Subtitle 6 and §§ 3-703 and 3-704 of this title.

TITLE 4. BARGAINING REPRESENTATIVES; LABOR DISPUTES.

SUBTITLE 1. MEDIATION OR ARBITRATION OF LABOR DISPUTE.

4-101. DEFINITIONS.

(A). IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.