

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 100, § 55B(g).

The word "wage" is substituted, as the defined term, for the former term "[w]age rate". In former Art. 100, §§ 55A through 55H, the terms "wage" and "wage rate" were used interchangeably or jointly and, in fact, "wage" was used more frequently. The substance of the former definition of "wage rate", and its use in former §§ 55A through 55H, indicated that the intent of the former sections was to define "wage", rather than "wage rate".

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that this title includes two other definitions of the term "wage". See §§ 3-401(e) and 3-501(c) of this title. Each definition sets forth the general meaning of "wage". However, there are some differences in what the term "includes". For example, in paragraph (2) of this subsection, the term "wage" is defined to include certain advantages "provided to an employee for the convenience of the employer". Section 3-418 provides for computation of "wage" on the basis of the cost to an employer in providing an advantage "that an employer customarily provides to an employee." The regulations that the Commissioner adopted, for purposes of the provisions revised in Subtitle 4 of this title, state that a wage may not include the cost of an advantage provided primarily for the convenience of the employer. See COMAR 09.12.41.18F. Thus, paragraph (2) of this subsection contradicts the scope of "wage" under Subtitle 4. The federal laws that correspond to this subtitle and the Wage and Hour Law both are part of the federal Fair Labor Standards Act and subject to the same definition of "wage". The federal law defines "wage" to include the cost of board, lodging, or other advantages that are "customarily furnished" by the employer. See 29 U.S.C. § 203(m). The General Assembly may wish to adopt a single comprehensive definition for "wage". See the General Revisor's Note to this subtitle.

Defined term: "Employer" § 3-301

REVISOR'S NOTE TO SECTION: Former Art. 100, § 55B(d), which defined "[o]ccupation", is deleted as unnecessary in light of the definition of "employer", which includes the substance of the former term "[o]ccupation".

3-302. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES TO AN EMPLOYER OF BOTH MEN AND WOMEN IN A LAWFUL ENTERPRISE.

REVISOR'S NOTE: This section is new language derived without substantive change from the three references to "lawful" in former Art. 100, § 55B(a) and the second sentence of § 55A and revised as a scope provision for emphasis.