



House Bill 649

Labor and Employment - Equal Pay for Equal Work - Wage Range Transparency

February 21, 2024

Position: **OPPOSE**

Mr. Chairman and Members of the Economic Matters Committee:

The Restaurant Association of Maryland opposes House Bill 649, which would require employers to disclose wage/salary range and benefits information in job postings. Under current law, Maryland employers are required to provide wage/salary range to job applicants upon request.

For the restaurant industry, pay rates for servers, bartenders and other staff are generally the same. However, when hiring for management/operational positions, the wage/salary ultimately offered is relative to the skills, experience, and talent of the job applicant.

Passage of this legislation could force employers to significantly broaden the advertised wage/salary range to comply with the law. However, such a broad range will not help applicants determine whether the actual skill/experience-based compensation meets their requirements.

Some restaurant employers have also expressed concerns that passage of this legislation would affect situations in which they ultimately decide to promote a less-qualified current employee into an advertised position with the opportunity to grow into the job role and future commensurate pay. In this situation, the employer could be obligated to pay within the advertised wage/salary range despite the employee lacking the qualifications/experience to justify the advertised compensation. We have been in touch with the bill sponsors regarding amendment language to address this concern.

The private right of action in this legislation is also a significant concern. This bill language would prompt numerous lawsuits, including frivolous lawsuits by those who have no genuine interest in the advertised jobs. Our fears are justified by the attached list of civil action claims we obtained from Washington State where the wage/salary range law allows private right of action. Quite a few restaurants/foodservice businesses are among the defendants targeted by serial plaintiffs. If the committee intends to pass this legislation, the private right of action should be removed, and complaints should be handled by the Department with a letter compelling compliance for a first violation. We have also shared this concern with the bill sponsors.

For these reasons, we oppose this legislation as currently drafted.

Sincerely,

A handwritten signature in black ink that reads "Melvin R. Thompson".

Melvin R. Thompson
Senior Vice President

attachments

Plaintiff	Defendant	Case number
ATKINSON, JACOB	AJP Enterprises LLC, a Delaware limited liability company; NHG Enterprises LLC, a Delaware limited liability company; FNS Food Service Group LLC; Does	KCSC 23-2-10313-1
ATKINSON, JACOB	Jacobs Solutions Inc., a Delaware corporation; Jacobs Engineering Group Inc., a Delaware corporation; Does	KCSC 23-2-18734-2
ATKINSON, JACOB	Washington Fine Wine & Spirits LLC dba Total Wine & More	KCSC 23-2-19212-5
ATKINSON, JACOB	Adidas America Inc.	KCSC 23-2-19326-1
ATKINSON, JACOB	Albertson's LLC dba Albertsons dba Safeway	KCSC 23-2-19383-1
ATKINSON, JACOB	Simon Property Group Inc. dba JCPenney; Simon Property Group LP dba JCPenney	KCSC 23-2-19391-1
ATKINSON, JACOB	Office Depot LLC, a Delaware co dba Office Depot; The Office Club LLC, a Delaware co dba Office Depot	KCSC 23-2-19449-7
ATKINSON, JACOB	Herc Rentals Inc; Herc Rental Employee Services LLC	KCSC 23-2-19533-7
ATKINSON, JACOB	Burberry Limited dba Burberry	KCSC 23-2-19460-8
ATKINSON, JACOB	Aaron's, LLC DBA Aaron's Sales & Lease Ownership, LLC; Does	KCSC 23-2-19649-0
ATKINSON, JACOB	Awashington LLC dba Denny's aka Denny's Restaurant; Does	KCSC 23-2-19739-9
ATKINSON, JACOB	Sonesta International Hotels Corporation; Sonesta RL Hotels Franchising Inc.; Sonesta RL Hotels Canada Franchising Inc.; HPT TRS IHG-2 Inc.; Kimpton Hotel & Restaurant Group LLC; Avia PDX Northeast Parkway LLC; Does	KCSC 23-2-19802-6
ATKINSON, JACOB	AMF Bowling Centers Inc. dba AMF Bowlero; Lucky Strike Lanes; Bowlero Broadway Seattle LLC dba Garage; Bowlero Tukwila LLC dba Bowlero South Seattle; Bowlero Tacoma LLC dba Paradise Lanes; Bowlero Sports and Entertainment Holdings dba PBA; Leiserv LLC dba Bowlero Lynnwood; Henry Family Enterprises LLC dba Bowlero Lanes of Lakewood; Does	KCSC 23-2-19816-6
ATKINSON, JACOB	Intercontinental Hotels Group PLC, a U.K. for-profit corporation; Six Continent Hotels Inc., a Delaware for-profit corporation dba Holiday Hospitality Corporation; IHG Management (Maryland) LLC dba IHG Management (Maryland); IHG Franchising LLC; Intercontinental Hotels Group Resources LLC dba Staybridge Suites by Holiday Inn; Staybridge Suites Vancouver-Portland Metro; Does	KCSC 23-2-20028-4
ATKINSON, JACOB	BP Products North America Inc.; KRH Enterprises Inc.; Does	KCSC 23-2-20048-9
ATKINSON, JACOB	Williams-Sonoma Stores Inc. dba Williams Sonoma; Pottery Barn; Pottery Barn Kids; West Elm; Does	KCSC 23-2-20029-2
FLOYD, ALEXANDER	Insight Global LLC, a Delaware co.	KCSC 23-2-19335-1
FLOYD, ALEXANDER	Robert Half Inc. dba Robert Half	KCSC 23-2-19432-2
FLOYD, ALEXANDER	Doordash Inc. dba Doordash; Doordash Express Delivery LLC; Doordash Essentials LLC dba Dashmart; Doordash G&C LLC	KCSC 23-2-19559-1
FLOYD, ALEXANDER	Ashley Furniture Industries LLC dba Ashley Furniture Industries Inc.; Ashley Global Retail LLC dba Ashley; Ashley Pacific Northwest LLC; Does	KCSC 23-2-19765-8
HEROLD, VANESSA	Pep Boys - Manny, Moe & Jack LLC dba Pep Boys; PB acquisition Company Washington LLC dba Pep Boys Auto Service & Tires; Does	KCSC 23-2-19795-0
HEROLD, VANESSA	Cognizant Business Services Corporation; Cognizant Healthcare Services LLC; Cognizant Technology Solutions Services LLC; Cognizant Technologies Solutions U.S. Corporation; Does	KCSC 23-2-19796-8
HEROLD, VANESSA	Thrifty Payless Inc. dba Rite Aid	KCSC 23-2-19321-1

HEROLD, VANESSA	Orchard Foods Corporation dba Taco Bell	KCSC 23-2-19448-9
HEROLD, VANESSA	Smart Foodservice Stores LLC dba US Chef's Store; US Foods Inc.	KCSC 23-2-19555-8
LIU, DONGQI	Veeva Systems Inc.; Does	KCSC 23-2-20173-6
LOWE, RORY	The Cheesecake Factory Restaurants Inc. dba The Cheesecake Factory; Does	KCSC 23-2-20277-5
LOWE, RORY	M.C. Shuh LLC dba Chic-Fil-A	KCSC 23-2-19436-5
LOWE, RORY	Decca Enterprise Inc. dba Denny's Restaurant; Does	KCSC 23-2-19706-2
	Marriott International Inc.; Courtyard Management LLC dba Courtyard by Marriott; W Operating Company LLC dba W Seattle dba W Bellevue; Starwood Hotels & Resorts Worldwide LLC dba W Seattle dba The Westin Seattle dba Starwood Galaxy Hotel Systems dba Days Inn Town Center; Seattle Union Street Associates LLP dba Seattle Sheraton dba Sheraton Grand Seattle dba Alder & Ash; Sheraton Operating LLC dba Seattle Sheraton dba Sheraton Seattle Hotel & Towers dba Sheraton Grand Seattle	KCSC 23-2-19493-4
MOLIGA, DESTINEE	Ginseng LLC dba Wild Ginger; The Triple Door; Ginseng II LLC dba Wild Ginger at Lincoln Square South; Ginseng III LLC dba Wild Ginger	KCSC 23-2-19291-5
MOLIGA, DESTINEE	Home Depot USA Inc., a Delaware corp; Home Depot Management Company LLC, a Delaware co; Home Depot Store Support Inc., a Delaware corp.	KCSC 23-2-19486-1
MOLIGA, DESTINEE	Carpe Diem Pizza Inc. dba Domino's Pizza; King Beast Pizza alnc. dba Domino's Pizza; Does	KCSC 23-2-20218-0
MOLINGA, DESTINEE	Qdoba Restaurant Corporation dba Qdoba Mexican Eats Corporation; Does	KCSC 23-2-11540-6
MOREY, MAYA G	Suburban Propane LP, A Delaware LP dba Suburban Propane	KCSC 23-2-19553-1
SPENCER, SHANNON	Conifer Revenue Cycle Solutions LLC, a Texas co. dba Conifer Health Solutions LLC; Conifer Health	KCSC 23-2-19345-8
SPENCER, SHANNON	Walmart Inc.	KCSC 23-2-19402-1
SPENCER, SHANNON	Jeld-Wen Inc. dba Jeld-Wen	KCSC 23-2-19581-7
SPENCER, SHANNON	Washington Federal Bank dba WAFD Bank; WAFD Inc. dba Washington Federal	KCSC 23-2-19395-4
	Mastercard International Inc.; Mastercard Technologies LLC; Mastercard Transactions Services (US) LLC dba New York Bay Remittance; Applied Predictive Technologies Inc. dba Mastercard International Inc.; Ekata Inc.	KCSC 23-2-19564-7
SPENCER, SHANNON	BNY Mellon Securities Corporation; Bank of New York Mellon; Does	KCSC 23-2-19946-4
SPENCER, SHANNON	RXO Inc.; RXO Last Mile Inc.; RXO Corporate Solutions LLC; RXO Freight Forwarding Inc.; RXO Managed Transport LLC; Does	KCSC 23-2-20256-2
SPENCER, SHANNON	Northwest Restaurants Inc. dba Taco Bell	KCSC 23-2-19399-7
YOUNT, NICOLE	Sharp Electronics Corporation, a New York corp.	KCSC 23-2-19425-0
YOUNT, NICOLE	Dealer Tire LLC, a Delaware limited liability company; Does	KCSC 23-2-17697-9
YOUNT, NICOLE	Vera Whole Health Inc. dba Vera Whole Health and Apree Health; Vera Whole WA PC; Castlight Health Inc. dba Castlight Health and Apree Health; Does	KCSC 23-2-19284-2
YOUNT, NICOLE	Cintas Corporation; Cintas Corporation No. 2; Cintas Corporation No. 3	KCSC 23-2-19408-0
	Little Caesar Enterprises Inc.; Acast LLC dba Little Caesars; Seven Figures Inc. dba Little Caesars; Target Markt Enterprises Inc. dba Little Caesars	KCSC 23-2-19417-9
YOUNT, NICOLE	Ultra Salon, Cosmetics & Fragrance Inc. dba Ultra Beauty; Does	KCSC 23-2-20149-3