

Notice of Agency Rule-Making Proposal

AGENCY: 12-170 Department of Labor, Bureau of Labor Standards

CHAPTER NUMBER AND TITLE: Chapter 9, Rules Governing Administrative Civil Money Penalties

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: The Bureau of Labor Standards is proposing amendments to this Rule to clarify and expand upon the process for calculation of penalties for wage and hour violations and to provide more detail on the procedure when such penalties are appealed.

Date, time and location of PUBLIC HEARING (*if any*):

November 22, 2021

2:00PM

This hearing will be held via Zoom and details will be posted ahead of the hearing date.

COMMENT DEADLINE: December 6, 2021

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*):

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CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*):

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*):

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S. §§ 42 and 53

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*):

AGENCY WEBSITE: <http://www.maine.gov/labor>

DETAILED SUMMARY:

The Bureau of Labor Standard is proposing amendments to Chapter 9 to clarify and expand upon the process for calculation of penalties for wage and hour violations, specifically, to add multipliers for repeat and willful violations and to provide for combining or grouping violations. The proposed Rule expands upon the process for appeals of such penalties, by explaining in more detail the conduct of an appeal hearing, the role of the Hearing Officer in conducting the hearing and issuing a Recommended Decision, the role of the Bureau Director in issuing a final agency decision, and the right of appeal to Superior Court. The proposed Rule adds definitions and explains the respective roles of the Division Director and the Bureau Director.