

Domestic Workers – Employment Contract

Explanation of Bill 2-08, Consumer Protection – Domestic Workers – Employment Contracts

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1. What is the purpose of this law?

Montgomery County wants to ensure that domestic workers in the County receive the legal protections they are entitled to under State law, as well as the right to a written employment contract governing the terms and conditions of employment.

2. Which domestic workers are covered by the law?

This law applies to domestic workers if she or he:

- works primarily in a residence located in Montgomery County
- works at least 20 hours per week for at least a 30 day period
- performs primarily childcare, housekeeping, cooking, cleaning or laundry-type work
- works as a companion to a sick, convalescing, disabled, or elderly individual (only if employed by an agency)
- has an employer that is an individual or an employment agency

3. Who is NOT considered a domestic worker?

Domestic worker does NOT include:

- A registered nurse (RN), licensed practical nurse (LPN), or certified nursing assistant (CNA) who is licensed or certified by the Maryland Board of Nursing;
- A child, parent, spouse, or other member of the immediate family of the employer;
- An au pair; or
- An individual who primarily serves as a companion to a disabled or elderly individual who is unable to care for himself or herself, and who is not employed by an agency.

4. Who is responsible for providing the employment contract?

The Montgomery County Office of Consumer Protection (OCP) will maintain a model employment contract and a model disclosure statement that an employer may use to

comply with this law. The model contract and model disclosure statement are published in English, French, and Spanish and will be maintained electronically on OCP's website.

5. What must an employer do?

The law requires employers to negotiate with the domestic worker over the terms and conditions of employment and offer to sign a written contract specifying those terms and conditions of employment. An employer of a domestic worker must obtain either a written employment contract signed by both the employer and the domestic worker or a disclosure statement signed by the domestic worker.

If the domestic worker is employed by an agency, the employment contract must be between the agency and the worker.

6. What must the contract include?

The new law requires employers to present a written contract to domestic workers and offer to negotiate its terms. It does not require minimums in terms of payment, benefits, or time off. The contract must include the following terms:

- Work
 - ✓ Work Schedule (days/hours)
 - ✓ Duties
 - ✓ Whether an employer can require worker to perform additional duties
- Payment
 - ✓ Salary
 - ✓ How often worker will be paid
 - ✓ Deductions
 - ✓ Overtime pay
- Paid/Unpaid Time Off
 - ✓ Sick Leave
 - ✓ Vacation Time
 - ✓ Holidays
- Living Conditions
 - ✓ Living accommodations to be provided
 - ✓ Deductions for food and lodging, if any
- Termination of the Contract
 - ✓ Severance pay, if any
 - ✓ Notice required before termination of contract
- Additional Terms
 - ✓ Length of the contract
 - ✓ Reimbursement for work related expenses
 - ✓ Notice of employment rights under Maryland law

7. Does an employer have to use the Model Contract?

No, an employer is not required to use the Model Contract; however, employers must use a contract that contains all the required provisions under the law.

8. Who do I contact if my employer has not given me a written contract?

If your employer has not given you a written contract AND you did not sign a disclosure statement, contact the Montgomery County Office of Consumer Protection by calling 240.777.3636 or visiting the office at 100 Maryland Avenue, #330, Rockville, MD 20850.

9. What is the penalty for a violation of the law?

An employer who violates this law is subject to a civil penalty of not more than \$1,000.00 for each violation or the penalty for a Class A violation. The Director of the Office of Consumer Protection may seek damages, restitution, or any other available legal or equitable relief when seeking to enforce Chapter 11.

10. How do I file a complaint?

To file a complaint with the Office of Consumer Protection, please [download this form](#) (Adobe PDF file-English only) or [download this form](#) (Adobe PDF file--English/Spanish), complete it and mail the complaint form and copies of all related documentation (such as invoices, receipts or correspondence) to:

Montgomery County Office of Consumer Protection
100 Maryland Ave., Suite 330
Rockville, MD 20850
Attn: New Complaint Department