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To: The Honorable Dereck E. Davis
Chair, House Economic Matters Committee

From: The Office of the Attorney General

Re: House Bill 1415 – Health Facilities – Residential Service Agencies – Compliance with
State Labor Laws – **SUPPORT**

The Office of the Attorney General urges the favorable report of House Bill 1415, which would require the Maryland Department of Health, Maryland Department of Labor, and the Office of the Attorney General to produce a guidance document concerning the application of Maryland Wage and Hour Laws to the employment of “personal care aides” by residential service agencies (hereinafter, RSAs).

There are about 1,351 RSAs in Maryland, and collectively they employ tens of thousands of workers at or near minimum wage. However, many of the employees at RSAs, notably, personal care aides, are misclassified as independent contractors. As independent contractors, these individual’s do not have the protections of Maryland wage and employment laws – which means the loss of minimum wage and overtime benefits, unemployment benefits, workers’ compensation benefits, protections against illegal employment discrimination and in the case of RSA workers, lack of protections against wage theft.¹

House Bill 1415 would develop guidelines to properly classify personal care aides as employees, rather than independent contractors. In so doing, personal care aides would be afforded the protections of Maryland wage and employment law.

For these reasons, the Attorney General urges the Committee to favorably report House Bill 1415.

cc: Members of the House Economic Matters Committee

¹ Maryland Dep’t of Labor, *Employee or Independent Contractor? – The Maryland Guide to Wage Payment and Employment Standards*, <https://www.dllr.state.md.us/labor/wagepay/wpempindcont.shtml>.