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**HB 299 – Labor and Employment – Employment Standards and Conditions –
Definition of Employer
House Economic Matters Committee
February 1, 2022**

SUPPORT

**Donna S. Edwards
President
Maryland State and DC AFL-CIO**

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of HB 299 – Labor and Employment – Employment Standards and Conditions – Definition of Employer. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland’s 340,000 union members, I offer the following comments.

For over a decade Maryland has been trying to correct the legal problem with the definition of “employer” – within Maryland code – being unclear in its language and allowing some federal courts to rule on labor and employment cases in ways that the law never intended. Recent rulings have narrowed the definition to exclude joint employers for the definition, going against the clear intent, but unfortunately not the letter, of the law. This has led to bad employers creating shell corporations by which to pay their workers, thus being able to avoid following the Maryland Wage Payment and Collection Law (MPCL).

HB 299 corrects this by eliminating any ambiguity within the definition, removing multiple references to it that are semi-contradictory, and placing it in a much more relevant part of the MPCL. Additionally, the new language within HB 299 reflects the same exact language in the Maryland Wage and Hour Law (MWHL), thereby harmonizing the MPCL and MWHL, removing more unwanted ambiguity, and giving courts a much cleaner law with clearer standards by which to adjudicate on Employee/Employer issues.

For these reasons we ask for a favorable report on HB 299.