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By: **Delegates Pendergrass, Gordon, Frank, and Exum**

Introduced and read first time: January 29, 1998

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2                                   **Workers' Compensation - Domestic Servants - Election to be Covered**  
3                                   **Employee**

4 FOR the purpose of authorizing, under certain circumstances, an individual who is  
5 employed as a domestic servant and is not a covered employee to elect to be  
6 considered a covered employee; and providing a certain exception.

7 BY repealing and reenacting, with amendments,  
8 Article - Labor and Employment  
9 Section 9-209  
10 Annotated Code of Maryland  
11 (1991 Volume and 1997 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14                                   **Article - Labor and Employment**

15 9-209.

16 (A) An individual who is employed as a domestic servant in a private home is  
17 a covered employee with respect to a household if the individual earns at least \$750 in  
18 cash in a calendar quarter from that household.

19 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH ~~(2)~~ (3) OF THIS SUBSECTION, AN  
20 INDIVIDUAL AND THE EMPLOYER OF THE INDIVIDUAL MAY ELECT TO MAKE THE  
21 INDIVIDUAL A COVERED EMPLOYEE BY FILING A JOINT ELECTION WITH THE  
22 COMMISSION, IF THE INDIVIDUAL:

1 (I) IS EMPLOYED AS A DOMESTIC SERVANT IN A PRIVATE HOME;  
2 AND

3 (II) WOULD NOT BE A COVERED EMPLOYEE WITH RESPECT TO A  
4 HOUSEHOLD UNDER THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION  
5 BECAUSE THE INDIVIDUAL EARNS LESS THAN \$750 IN CASH IN A CALENDAR  
6 QUARTER FROM THAT HOUSEHOLD.

7 (2) THE RIGHT TO MAKE AN ELECTION UNDER PARAGRAPH (1) OF THIS  
8 SUBSECTION FOR AN INDIVIDUAL MAY BE EXERCISED BY:

9 (I) AN INDIVIDUAL WHO IS AT LEAST 16 YEARS OLD; OR

10 (II) A PARENT OR GUARDIAN OF AN INDIVIDUAL WHO IS LESS THAN  
11 16 YEARS OLD.

12 ~~(2)~~ (3) FOR AN INDIVIDUAL WHO IS NOT A COVERED EMPLOYEE DUE  
13 TO § 9-223(C) OF THIS SUBTITLE, AN EMPLOYER MAY NOT MAKE AN ELECTION UNDER  
14 THIS SUBSECTION IF PROHIBITED BY FEDERAL LAW.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 1998.