

**Testimony: HB 489**

**Residential Service Agencies – Reimbursement – Personal Assistance Services**

**Hearing for Senate Finance Committee**

**March 29<sup>th</sup>, 2023**

**Position: FAVORABLE**

Dear Chair Griffith and members of the Senate Finance Committee:

My name is Vivian Boone. I live in Baltimore City and I have been a home care worker for 35 years. I enjoy the work I do because I have heart for those in need. However, home care workers need more support and protection.

Home care worker misclassification means that instead of being employees with full entitlement of a minimum wage and protections, we are classified as independent contractors. Many of us do not even know that we are misclassified until we start sharing our experiences of not getting paid overtime or for the time we spend commuting between homes. Because of low pay and poor benefits, many of my colleagues leave the field for more stable, less stressful jobs. By preventing worker misclassification, this legislation would reduce turnover and improve the quality of care.

I work hard for my money, but I am not getting what I work for. It hurts me, my family, my home. I work to pay my bills but when my agency misclassifies me. I work weekly to pay for my monthly bills and I still can't meet it. It's hard to make ends meet when we are not compensated justly.

This is a widespread issue, and it needs to be prevented. The state's public dollars are being used by agencies who are breaking the law and undercutting their staff.

Our governor, Wes Moore, said that no one will get left behind. Home care workers continue to be left behind because of lack of state oversight. We call on this committee and the Department of Health to stand with home care workers. I respectfully urge a favorable report on HB 489.

Sincerely,

Vivian Boone

[Vivian.boone@yahoo.com](mailto:Vivian.boone@yahoo.com)

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To Dear Chair Griffith and members of the Senate Finance Committee:

My name is Cynthia Neely. I live in Baltimore City and I have been a home care worker for 2 years. I enjoy the work I do because I have seen how elderly people need support and many families do not want to put their loved one in a nursing home. I lost my job during COVID, and I knew I would be filling a great need in the state for home care work. However, home care workers need more support and protection. I urge the Committee to issue a favorable report on HB 489 which would prevent home care work misclassification.

Home care worker misclassification means that instead of being employees with full entitlement of a minimum wage and protections, we are classified as independent contractors. Many of us do not even know that we are misclassified until we start sharing our experiences of not getting paid overtime or for the time we spend commuting between homes. Because of low pay and poor benefits, many of my colleagues leave the field for a more stable, less stressful jobs. By preventing worker misclassification, this legislation would reduce turnover and improve quality of care.

I have a co-worker who is filing an 1099 form instead of a W2. who are not getting the full benefits of being an employee. This is a widespread issue and it needs to be prevented. Because I don't have a car, I am taking transit which is often unreliable or catching Ubers. Our agencies do not accommodate us for commute time. Sometimes, paying for Ubers costs me a days' worth of pay. The state's public dollars are being used by agencies who are breaking the law and undercutting their staff.

There are a lot of bad actors among home care agencies that continue to illegally misclassify their workers and it's time we held them accountable. I respectfully urge a favorable report on HB 489.

Sincerely,

Cynthia Neely

[Crneely410@gmail.com](mailto:Crneely410@gmail.com)

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**Position: FAVORABLE**

To Dear Chair Griffith and members of the Senate Finance Committee:

My name is Jennifer Gibson. I live in Charles County and I have been a home care worker for 15 years serving clients in Baltimore and Montgomery County. I enjoy the work I do because I am passionate about caring for others. I was privileged to have loving elders that taught me to care for others. However, home care workers need more support and protection. I urge the Committee to issue a favorable report on HB 489 which would prevent home care work misclassification.

Home care worker misclassification means that instead of being employees with full entitlement of a minimum wage and protections, we are classified as independent contractors. Many of us do not even know that we are misclassified until we start sharing our experiences of not getting paid overtime or for the time we spend commuting between homes. I learned quickly that I have to advocate for myself against these residential service agencies. Home care workers are so needed in this state – without us everything would fall apart. I have worked for three different agencies and all of them are the same because they use our labor but with little pay and benefits.

Because of low pay and poor benefits, many of my colleagues leave the field for a more stable, less stressful jobs. By preventing worker misclassification, this legislation would reduce turnover and improve quality of care.

Aiding and assisting someone in their most vulnerable state is important work. If agencies valued this work they would not treat us with such disrespect. At first, I did not know that I was being misclassified. I had no clue that the agency was underpaying me. If it wasn't for 1199 SEIU and Public Justice Center, I would not have known that this was illegal. This is a widespread issue and it needs to be prevented. The state's public dollars are being used by agencies who are breaking the law and undercutting their staff.

There are a lot of bad actors among home care agencies that continue to illegally misclassify their workers and it's time we held them accountable. I respectfully urge a favorable report on HB 489.

Sincerely,

Jennifer Gibson

[Jagibsn@gmail.com](mailto:Jagibsn@gmail.com)