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County passes "Nanny Bill"

By Clare Boyle
Special to the Sentinel

The Montgomery County Council unanimously approved a bill Tuesday that would require employers of certain domestic workers to negotiate and offer a written contract specifying terms and conditions of the employment in legislation that is believed to be the first of its kind nationwide.

"This legislation will provide a fundamental protection - a contract - that should be a basic entitlement for every worker," said Councilmember George Leventhal (D-At Large), a principal sponsor of the bill along with Councilmember Marc Elrich (D-At Large).

The "Nanny Bill," as it became known by the council, requires county residents who employ nannies, housekeepers and cooks for at least 20 hours a week to present the worker with a written notice of their legal rights guaranteed under state law and a written contract specifying the terms and conditions of employment. The employee can sign a contract with agreed-upon terms or must sign a waiver stating a written contract was presented, but the employee chose not to sign it.

Residents with live-in help will be required to provide a separate room, with a lock, for sleeping and "reasonable access" to a bathroom, kitchen and laundry room. The bill would cover in-home domestic workers whose employment lasts at least 30 days.

"I find it incredible that some people will trust others with their most precious possessions - their families and their homes - but then not fairly treat the employees who perform these domestic services," said Elrich.

Passage of the bill followed a three-year lobbying effort headed by the immigrant advocacy group CASA of Maryland and included labor, religious and student groups. Supporters gathered in council chambers for the vote, and met the 9-0 approval with applause.

"It sends a very strong message to Montgomery County and the entire nation that they care about domestic workers," said Gustavo Torres, executive director of CASA.

While some workers feel a contract guaranteeing rights was long overdue, some workers do not find it necessary.

"I don't think I need a contract," said Isabell Rivera, a dual citizen of the United States and the Dominican Republic, who spends at least four months a year working as a housekeeper for a family in Silver Spring. "I love [the family] I work for, so I don't need a contract."

Excluded from the bill are individuals working as a registered nurse, a licensed practical nurse or a certified nursing assistant. It also excludes companions to the elderly or disabled who are not employed by an agency. If employed by an agency, a contract would be negotiated between the worker and the agency, not with the individual.

Under existing law, domestic workers are entitled to minimum wage and are supposed to receive overtime pay when they work more than 40 hours a week. Most, however, do not have the same rights to organize that federal law provides other workers.

Montgomery's Office of Consumer Protection would enforce the measure and could fine violators as much as \$1,000.

The bill will go to County Executive Isiah Leggett (D) for his signature on Friday, and he plans on approving the measure. If he does sign it, the bills provisions will go into effect in 180 days.

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