


PS COMMITTEE #2
March 5, 2009

MEMORANDUM

March 3, 2009

TO: Public Safety Committee

FROM: Susan D. John, Legislative Analyst 

SUBJECT: **Quarterly Report - Office of Consumer Protection**

Today, the Committee will receive an update from the Office of Consumer Protection (OCP) on its current initiatives and future plans. The following are expected to brief the Committee:

Eric Friedman, Director of the Office of Consumer Protection
Evan Johnson, Administrator, OCP
Peter Drymalski, Investigator, OCP

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

At the last quarterly update, the Committee was provided with an overview of the Commission on Common Ownership Communities (CCOC or Commission), its duties, and trends in the County regarding the increase of homes in common ownership communities (COCs). The CCOC is a 15-member volunteer commission whose primary function is to hear and resolve disputes between homeowner or condominium associations and homeowners/residents. Another integral role of the CCOC is to provide homeowner and association education.

Given the large number of homes subject to COCs, the Committee expressed interest in further exploring whether the CCOC's authority and duties should be modified or expanded to better assist homeowners and residents. One area that has been subject to discussion has been increasing the CCOC's educational and public outreach roles. Since the last update in October, Council staff has met several times with Commission staff, discussing possible ways to increase the Commission's educational role in an effort to reduce the number of complaints filed with CCOC. During this time, Commission staff have developed draft guidelines on "How to Hold an Annual Election" (attached at © 1-11).

Due to current County budget constraints, Council staff recommends that any further examination of CCOC duties and responsibilities be postponed until after the FY 2010 Operating Budget has been approved. Potential expansion of duties, such as an increased public outreach role, would most likely require increased funding. Even though the CCOC is funded by a fee levied on each home in a COC, passing on additional costs to homeowners may also be burdensome for County residents, given the current fiscal climate.

IMPLEMENTATION OF NEW LAWS

DOMESTIC WORKERS MODEL CONTRACT

In January, OCP launched a website that provides a domestic workers model contract, disclosure statement, resource links, and information regarding the new law that protects the rights of domestic workers in Montgomery County. The law, passed last year, went into effect January 18, 2009 (see © 12-13 for the January 12, 2009 press release). OCP is responsible for ensuring that employers provide a written contract for domestic workers. Montgomery County's Commission for Women and Casa de Maryland assisted OCP in drafting the model contract. The model contract is attached at © 14-18.

This site provides a model written contract that complies with all provisions of the law. The contract may be printed in English, Spanish, or French directly from the website. An FAQ is attached at © 19-22.

Questions:

- 1) How many calls has OCP received regarding the model contract? Are most inquiries for information, or complaints? Are calls received from domestic workers, employers, or both?***
- 2) How does OCP enforce the use of the contract?***
- 3 Other than OCP's website, is the law/contract posted elsewhere?***

OTHER NEW LAWS

OCP also has enforcement authority for two new laws – the Home Utility Bill Disclosure and Development Tax District Disclosure. OCP will brief the Committee on its implementation of these new laws.

Questions:

- 1) Given the several newly added responsibilities over the past year, how is OCP handling the increased workload?***
- 2) Do you foresee any problems in the next fiscal year carrying out these duties?***

RECENT LAW ENFORCEMENT CASES

ABATEMENT ORDER AGAINST UNLICENSED APPLIANCE REPAIR FIRM

The District Court of Maryland issued an Order for Abatement in October 2008 for Montgomery Maytag, LLC to prohibit the company from performing any appliance repairs in Montgomery County until the firm receives a license. The company has continued to operate in violation of the Court order. OCP has received five complaints from consumers against the company for failure to properly repair household appliances. Civil citations were issued to the company for failure to be properly licensed to perform appliance repairs.

OCP received one of the five complaints after the court order was issued. The complaints came from consumers in Silver Spring, Rockville, Bethesda, and Takoma Park and allege that the company misrepresented itself as an authorized Maytag repair business. The business was paid to perform repairs it did not complete, and for which it failed to provide refunds. Consumers paid between \$158 and \$442 for repairs. (See press release on © 23-24.)

SETTLEMENT AGREEMENT WITH DOOR-TO-DOOR WATER TREATMENT SCAM

In February, OCP issued a press release warning about door-to-door salespeople selling water treatment systems by misrepresenting themselves as government employees. OCP had received complaints from four Spanish-speaking consumers in Silver Spring who reported that salespeople knocked on their doors claiming to be County government inspectors who were there to test the drinking water in their homes. OCP determined that these individuals were unlicensed door-to-door vendors selling water treatment systems. These salespeople appeared to target Spanish-speaking consumers, telling them they were County employees there to test their water after a recent water main break. After testing the water, the salespersons told residents that the water was unsafe and advised that they should purchase a water treatment system.

OCP has entered into Settlement Agreements with the manufacturer, Puretech Water Treatment Systems, Inc., and with the local Puretech distributor. Puretech has agreed to ensure that all of its local distributors not engage in misleading sales practices. In addition, the company has paid \$1,000 to OCP, and the local distributor paid \$100 (see press release on © 25-26).

DTV UPDATE

At the July 2008 quarterly update, the Committee discussed the national conversion to Digital TV (DTV). Originally, all television stations would have been required to begin broadcasting in digital format only on February 17, 2009. Congress, however, recently voted to extend the deadline from February 17, 2009 to June 12, 2009. The major local stations will broadcast in both analog and digital until June 12th, but smaller, individual stations have been granted approval by the FCC to stop their analog broadcasting.

OCP has been coordinating an outreach plan to reach people in the County who will most likely be affected by the broadcasting change and the need for converter boxes. Target populations include seniors, immigrants, individuals with lower incomes, those in rural areas, and people

with disabilities. OCP provides information on the digital conversion on its webpage. In addition, OCP plans to distribute informational fliers at events around the County, hold meetings in senior centers, provide information on local radio shows, and contact local newspapers.

Questions:

- 1) How has the delayed implementation affected OCP?***
- 2) What are most consumer inquiries? Do many include requests for converter box installation assistance?***

<u>This packet includes the following:</u>	<u>©#</u>
OCP Draft Guidelines, "How to Hold an Annual Election"	1-11
OCP Domestic Workers Model Contract Press Release	12-13
OCP Model Contract	14-18
Domestic Workers Law FAQ	19-22
OCP Abatement for Appliance Repair Company Press Release	23-24
OCP Warning about Door-to-Door Sales of Water Treatment Systems Press Release	25-26

~~DRAFT~~

(CCOC Letterhead)

HOW TO HOLD AN ANNUAL ELECTION

A Guide for Small and Self-Managed Community Associations

One of the most important legal duties that common ownership communities have is to hold elections of members of their boards of directors. This should be done every year or as required by your governing documents.

The board of directors itself is a crucial part of the association. Maryland law and the association's own governing documents, which are legally binding, place most of the responsibility for the day-to-day operations and management of the association on the board, and give the board the right to make many important decisions, including, but not limited to, the establishment of the budget, the setting of the annual assessments, and the right to make many rules governing the common areas.

Although annual elections are important many boards are not familiar with the process and are not sure of how to call and hold elections properly. This is especially true when the association does not employ a professional community manager to advise them.

The CCOC has developed this package of advice, checklists, and sample forms to help guide our communities through the process. This package should not be used by itself. The board should review and follow the procedures set out in its own governing documents, because they may create specific requirements. In addition, the board should review the CCOC "Manual" section on Elections. The Manual is online at www.montgomerycountymd.gov/ccoc.

If you have any questions or comments, please let us know.

CHECKLIST

Annual Meetings and Elections

- ___ Review pages 27-38 of the CCOC Manual
- ___ Review Covenant and Bylaws Articles on Elections and Annual Meetings
- ___ Set Annual Meeting date, reserve space
- ___ Send "Call for Nominations" (see Form #1) and "Application for Board of Directors" (Form #2) to all members. (Condominiums: this must be sent at least 45 days before the Notice of Election is sent unless bylaws provide differently. Nominations must be returned at least 15 days before the Notice of Election is sent, unless the bylaws provide differently.)
- ___ Using the Notice of Election Checklist (Form #3), send "Notice of Annual Meeting & Election of Officers" (Form #4), "Agenda" (Form #5), "Proxy Ballot" (Form #6)
- ___ Prepare list of members to be used to qualify all walk-in voters and proxy ballots
- ___ Prepare ballot forms to be used at elections (Form #7)
- ___ Select non-candidate election judges to review and count ballots
- ___ Second Notice of Annual Meeting (to be used only if the first meeting fails for lack of a quorum) (Form #8)

CCOC Elections Packet Form #1

(For condos, the Call for Nominations should be sent at least 45 days before the notice of the election and nominations must be received at least 15 days before the notice of election in order to be listed on the election ballot.)

CALL FOR NOMINATIONS

The (name of association) will hold its (year) Annual Meeting and Election of Directors on:

There are currently (#) positions open on the Board of Directors that must be filled at the election.

If you are interested in serving on our Board, or know someone else who is willing to serve on the Boar, please fill out the attached "Application for Board of directors" and return it to (name, address) by (deadline). This will allow us to notify the members of the names of the candidates.

We appreciate your help and look forward to your reply.

Board President

(name of Association)

APPLICATION FOR BOARD OF DIRECTORS

This Application must be returned by(date) to be valid.

Name: _____

Address: _____

Telephone: _____

Email: _____

I wish to submit my application to serve as a member of the Board of Directors. I have reviewed the qualifications for a director's position as set out in the governing Documents. I am qualified and willing to serve as a member of the Board.

I have also reviewed the responsibilities of the Board of Directors. I wish to share with the members the reasons that I am qualified to serve and my goals for this community:

Signed

NOMINATION

I wish to nominate the following person for the position of Director:

Telephone; _____

Return this form by (date) to (name, address). Thank you!

CCOC Election Package Form #3

CHECKLIST FOR ANNUAL MEETING DOCUMENTS FOR MEMBERS
MEETING: DATE

- NOTICE OF ANNUAL MEETING (TO BE PRINTED ON LETTERHEAD)
- ATTACHMENT 1-AGENDA
- ATTACHMENT 2-STANDING RULES
- ATTACHMENT 3-NOTICE OF NOMINATIONS (includes resumes)
- ATTACHMENT 4-PROXY (We recommend you use paper that will be a different color from the ballots passed out at the meeting itself.)
- 2008 ANNUAL MEETING MINUTES FOR APPROVAL

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(name of Association)

NOTICE OF ANNUAL MEETING AND ELECTION

The (name of association) will hold its Annual Meeting and Election of Directors on

(day of week, date and time)
(location)

The purpose of this meeting will be to elect members of the Board of Directors and to conduct any other business that may come before the members.

Statements of the candidates are attached. Additional candidates may be nominated from the floor at the meeting before the election begins.

Each qualified member may cast as many votes as are authorized by the Declaration and Bylaws for the member's unit or lot. Members can be disqualified from voting as provided by the Declaration and Bylaws. [Note: check your community's bylaws and state the grounds for disqualification.]

If you cannot attend, you may vote by proxy. The approved Proxy Ballot is also enclosed. In order for you to use a proxy ballot to vote for a candidate, you must specify the name of the candidate. You can check off the name of the candidate if listed on the proxy ballot or write in the names of the candidates of your choice. (However, for a ballot to be used for a write-in candidate that person must be nominated from the floor at the election.) You may also use your proxy for quorum purposes only and without any authority to vote on any issue.

You may vote only once for each candidate.

Because (#) positions on the board are available, you should vote only for (#) candidates. (If you vote for more than that your ballot will be disqualified and not counted.)

You must give this Proxy Ballot to a proxy holder of your choice to carry to the meeting or you must give it to (name, address) no later than (deadline).

For homeowner associations-- use this paragraph:

If there are not enough members at the meeting in person or by proxy to establish a quorum, then pursuant to Section 5-206 of the Maryland Corporations and Associations Article, a second meeting may be called and at least 15 days notice will be given. At the second meeting, the lot owners present in person and by proxy

will constitute a quorum. Unless the Bylaws state otherwise, a majority of the lot owners present in person or by proxy at the second meeting may approve or authorize the proposed actions and may take any other action that could have been taken at the original meeting if there had been a quorum at that meeting.

For condominium association---use this paragraph:

If there are not enough members at the meeting in person or by proxy to establish a quorum, then pursuant to Section 11-109 of the Maryland Condominium Act, a second meeting may be called if a majority of those present in person and by proxy so agree. At least 15 days notice of the additional meeting will be given. At the second meeting, the unit owners present in person and by proxy will constitute a quorum. Unless the Bylaws state otherwise, the owners present in person or by proxy at the second meeting may approve or take any action that could have been taken at the first meeting if there had been a quorum.

We urge all members to attend this important meeting or to send their proxy ballots.

Board President

AGENDA

**(year) ANNUAL MEETING OF THE
(name of Association)**

**(day of week, date, time)
(location)**

- 1. Call to Order**
- 2. Call for Proxies to be submitted**
- 3. Determination of Quorum**
- 4. Proof of notice**
- 5. Adoption of Minutes of last Annual Meeting**
- 6. Candidates Forum**
- 7. Voting for Election of Board Members**
- 8. Reports**
- 9. Old Business**
- 10. New Business**
- 11. Member Time**
- 12. Announcement of Election Results**

CCOC Election Package Form #6
List candidates in *alphabetical order only*.

(name of Association)
OFFICIAL PROXY/ BALLOT
(YEAR) ANNUAL MEETING

Names of all co-owners: _____

Address: _____

Name of person appointed proxy holder: _____

Owners' signatures: _____

Date: _____

Unless the ballot form below is completed, this proxy will be used only for the purpose of obtaining a quorum at the Annual Meeting to be held on (DATE), or at the rescheduled meeting if there is no quorum at that time.

Instructions

1. Be sure to give this form to your appointed proxy holder in time to take to the meeting.
2. Be sure all owners of the lot or unit sign this form above.
3. If you wish to vote, please complete the ballot below. Vote for no more than (#) persons. You may write in a candidate, but the ballot can only be voted if that person is nominated from the floor.
4. Your Association fees must be current in order to vote. **[NOTE: check to see what the rules say about voting.]**
5. If you are voting, tear off the Ballot below, place it in a sealed envelope with this proxy form taped to the outside of the envelope.

(Association Name)
(Year) Annual Meeting
OFFICIAL BALLOT

There are (#) positions open on the Board of Directors. Do not vote for more than (#) candidates.

<u>Candidates</u>	<u>Vote</u>
Name of Candidate 1	_____
Name of Candidate 2	_____
Name of Candidate 3	_____
Write-in Candidate: _____	_____
Write in Candidate: _____	_____

CCOC Election Package Form #7—Sample Ballot
(List candidates in alphabetical order)

(name of association)
BALLOT

Vote for No More Than (#) Candidates

(name)

(name)

(name)

(name)

Write-in: _____

Write-in: _____

(name of association)
BALLOT

Vote for No More Than (#) Candidates

(name)

(name)

(name)

(name)

Write-in: _____

Write-in: _____

ANNUAL MEETING NOTICE

*The regular scheduled Annual Meeting of the (name), originally set for (date), has been rescheduled due to the lack of a quorum. The new date for the Annual Meeting is:
(day of week, date, time)
(location)*

This second meeting will take place pursuant to the original Annual Meeting Notice and as authorized by (*for condominiums:* Section 11-109 of the Maryland Condominium Act) (*for HOAs:* Section 5-206 of the Maryland Corporations and Associations Act). At the new meeting, the quorum will consist of the members present in person and by proxy, even if that number is less than the number stated in our governing documents.

The main order of business will be the election of new board members.

If you are unable to attend, you may use the attached Proxy Ballot.

There will be (#) positions available on the Board of Directors.

In addition to those who are listed on the attached Proxy, nominations for other candidates may be made from the floor.

We look forward to seeing you.

Board President



MONTGOMERY COUNTY, MARYLAND

News Release

For Immediate Release: 1/12/2009

Consumer Protection Office Launches Webpage Providing Domestic Workers Model Contract

Montgomery County's Office of Consumer Protection (OCP) has launched a webpage that provides a domestic workers model contract, disclosure statement, resource links and information regarding the new law that protects the rights of domestic workers in Montgomery County. The law was passed in July of last year and goes into effect on January 18, 2009.

The new site is located at www.montgomerycountymd.gov/consumer and enables employers and domestic workers to print a written contract that complies with all of the provisions of the law. The contract can be printed in English, Spanish or French.

"The webpage is designed to be a single source of comprehensive information providing all of the details, exemptions, resources and information related to the new law," said OCP director Eric Friedman. "This law will protect domestic workers who are frequently paid less than the state minimum wage and are unaware of their rights under state and federal law."

OCP is responsible for ensuring that employers provide and offer to negotiate a written contract with domestic workers. Montgomery County's Commission for Women and Casa de Maryland assisted OCP in drafting the model contract.

County Councilmembers Marc Elrich and George Leventhal were the chief sponsors of the legislation, which was approved unanimously by the County Council and signed into law by County Executive Isiah Leggett. This is believed to be the first legislation of its kind in the nation to regulate employers of certain domestic workers.

The Office of Consumer Protection investigates thousands of complaints each year involving automotive sales and repairs, new home purchases, home improvements, credit and financial issues, retail sales, internet services and most other consumer transactions. OCP provides pre-purchase information to consumers, as well as speakers to the community on consumer issues.

For more information, to receive advice or to file a complaint, call 240-777-3636 or visit OCP's website at www.montgomerycountymd.gov/consumer.

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Release ID: 09-020

Media Contact: Sue Tucker 240-777-6507

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MODEL DOMESTIC WORKER EMPLOYMENT CONTRACT

INSTRUCTIONS: Employer and Employee should negotiate the terms of this contract to reach an agreement. Check the appropriate box when selecting a contract term. Additional terms may be added as necessary. Any text in **bold** refers to Federal, State, or County law.

This contract, made on _____ (date), between _____ (Employer) and _____ (Employee) has the following terms of employment:

1. Employee will start employment on: _____ (date).
2. EMPLOYMENT TERM
_____ (#) Month(s) Year(s) Other: _____
3. LOCATION of employment is: _____ (address).

4. HOUSEHOLD INFORMATION
Household members include: # of Adults _____ # of Children _____
Are there any pets in the household? Yes No
If yes, what kind and how many? _____

Will Employee be expected to care for the pets? Yes No

5. LIVE-IN/LIVE-OUT
 Employee will live in the Employer's home. (See Section 12 Living Accommodations)
 Employee will live-out. (Employee will not live in the Employer's home.)
 Other: _____

6. WORK SCHEDULE Employee will work the following schedule:

<input type="checkbox"/> Sunday	Begin: _____ am / pm	End: _____ am / pm
<input type="checkbox"/> Monday	Begin: _____ am / pm	End: _____ am / pm
<input type="checkbox"/> Tuesday	Begin: _____ am / pm	End: _____ am / pm
<input type="checkbox"/> Wednesday	Begin: _____ am / pm	End: _____ am / pm
<input type="checkbox"/> Thursday	Begin: _____ am / pm	End: _____ am / pm
<input type="checkbox"/> Friday	Begin: _____ am / pm	End: _____ am / pm
<input type="checkbox"/> Saturday	Begin: _____ am / pm	End: _____ am / pm

7. JOB RESPONSIBILITIES
Employee will perform the following job responsibilities: (Check all that apply.)
 Babysitting or Child Care
Description of Child(ren) [Name, age, gender, activities, etc.]

Adult Care

Describe the adult(s), state why care is needed, and list the type(s) of care to be provided:

Housekeeping List the specific tasks below:

- Vacuuming ___ x per week Dusting ___ x per week Mopping ___ x per week
 Dishwashing ___ x per week Laundry ___ x per week Cooking ___ x per week
 Shopping ___ x per week Bathrooms (# ___) ___ x per week
 Kitchen clean up ___ x per week including: _____

- Car pick-up ___ x per week using Employer's car Employee's car
 Other: _____ x per week Other: _____ x per week
 Other: _____ x per week Other: _____ x per week

Pet Care

- Feeding ___ x per day Walking ___ x per day
 Grooming ___ x per week Other: _____ x per week

8. WAGES

a. The Employer will pay the Employee the following wages:

Regular rate of pay is \$ _____ per hour.

Overtime rate of pay is \$ _____ per hour for every hour worked over 40 hours per week.

Maryland law requires that workers be paid at least a minimum wage of \$6.55 per hour as of July 24, 2008 and that workers receive overtime compensation at the rate of 1.5 times their regular hourly pay for each hour worked over 40 hours in a given 7-day work week. As a reference point, Montgomery County, Maryland has set its "Living Wage" at \$12.40 per hour as of July 1, 2008. See Domestic Worker's Resource List for additional information on state minimum wage and county living wage laws.

b. Employee will receive compensation in addition to regular and/or overtime wages for the following conditions:

- Sleepovers for live-out employee: \$ _____ per _____;
 Overnight guests: \$ _____ per _____;
 Addition to Employer's Household: \$ _____ per _____;
 Travel: \$ _____ per _____;
 Other: _____ : \$ _____ per _____;
 Other: _____ : \$ _____ per _____.

c. Employee will receive the following additional wages (bonus, commission, fringe benefit, other payment):

d. Wage Deductions

Employer will make the following deductions from Employee's wages every pay period:

- Federal Taxes State Taxes
 Municipal Taxes Social Security
 Health Insurance Premium: \$ _____ Meals Amount: \$ _____
 Rent Amount: \$ _____ Other _____ : \$ _____

Employer will not deduct money if Employee breaks an item.

e. Wages will be paid:

- Weekly Bi-Weekly on _____ (day of the week).

Wages will be paid by: Check Cash

f. Employer and Employee will both maintain a signed record of hours worked and payment of wages.

9. BREAKS Employee will receive the following periodic breaks throughout the day:

15 minute break for every four (4) hours worked

Paid Unpaid

30 minute meal break for every eight (8) hours worked

Paid Unpaid

Other: _____

Paid Unpaid

Other: _____

Paid Unpaid

10. LEAVE

a. Employee will receive the following paid family sick leave:

Equivalent of one (1) work week paid family sick days every year (total of ___ days).

Other: _____

Employee may use sick leave to attend to her or his own medical needs as well as those of any family member. Whenever sick leave is used, Employee will notify Employer before the start of the workday unless Employee is physically unable to do so. Employee will be entitled to carry over a maximum of one year of accrued family sick leave to the following year.

b. Employee will receive the following paid vacation leave:

Equivalent of one (1) work week paid vacation days every year (total of ___ days).

Other: _____

Employee will determine the timing of vacation leave. Employer cannot require Employee to take her or his vacation to coincide with that of the employer. Employee will make every attempt to provide a minimum of four (4) weeks advance notice of her or his intent to use vacation leave. Employee will be entitled to carry over a maximum of one year of accrued vacation leave to the following year.

c. Employee will receive the following unpaid leave:

Equivalent of one (1) work week unpaid leave days every year (total of ___ days).

Other: _____

Employee will make every attempt to provide a minimum of four (4) weeks advance notice of her or his intent to use unpaid leave.

d. Employee will receive the following paid holidays: (Check all that apply.)

New Year's Day

Martin Luther King, Jr.'s Birthday

President's Day

Memorial Day

Independence Day (July 4)

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Christmas Day (December 25)

Other: _____

Other: _____

If Employee is required to work on a paid holiday, Employee will receive Holiday Pay at a rate of 1.5 times her or his regular/overtime rate of pay.

11. OUT-OF-TOWN TRAVEL (Other than commute between Employee's home and place of employment.)

a. If the Employer decides to travel outside of the local area with the Employee, Employer will cover all associated costs.

b. Employee will be required to travel. Yes No

c. Employer will provide the following minimum notice of travel plans:

Four (4) weeks

Other: _____

d. Employer will discuss travel plans with Employee if travel is required.

e. If Employee is not required to travel, Employee will be paid when Employer is away. Yes No

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12. LIVING ACCOMMODATIONS

County law requires that Employers provide live-in Employees with reasonable room and board accommodations. Such accommodations must meet all minimum standards for a dwelling unit as established in Chapter 26 of the Montgomery County Code; accommodations include, but are not limited to, a private room for sleeping with a door that can be locked. Employer shall also provide Employee with reasonable access to a kitchen, bathroom, and laundry facilities. See Domestic Worker's Resource List for additional information.

13. TELEPHONE

Employee will have reasonable use of Employer's telephone for placing local calls. Employer may deduct the cost of Employee's long-distance calls from Employee's wages.

Other: _____

14. HEALTH INSURANCE Employer will provide Employee with Health Insurance. Yes No

If Employer provides Health Insurance, the plan will cover:

Insurance Provider: _____ Telephone: _____

Subscriber Number: _____ Group Number: _____

If Employee is to pay for part of the insurance, Employee will pay \$ _____ per pay period.

15. REIMBURSEMENT Employer will reimburse Employee for any travel or other work-related pre-approved expenses. Such pre-approved expenses include but are not limited to, expenses for travel at the request of Employer, expenses incurred while caring for a child or children in Employee's charge, and other expenses related to the services Employee was hired to perform.

16. Employer will provide a minimum of two (2) days notice whenever Employee is required to work late or when overtime is required.

Other: _____

17. Employer will provide transportation or taxi fare if Employee is required to work late.

Other: _____

18. Employee will be entitled to a raise of at least 5% every year.

Other: _____

19. Rights of the Employer, if any, to require Employee to perform duties that are not specified in the contract:

None

Other: _____

20. Other: _____

21. Other: _____

22. **NOTICE OF TERMINATION AND SEVERANCE***

If Employer terminates this employment contract, the Employee will be given _____ week(s) written notice or _____ week(s) pay in lieu of notice. After one year of employment, Employer will provide one week's wages as severance pay and one additional week of wages for every year of work with that Employer, up to _____ week(s).

Employee will make every attempt to give Employer at least _____ week(s) notice of termination of this employment contract.

* This provision does not apply if Employee is terminated for cause.

23. **NOTICE OF EMPLOYMENT RIGHTS UNDER STATE LAW**

Employee, regardless of her or his immigration status, race, gender or age, is entitled to legal protections under Maryland employment laws including, but not limited to:

- a. **payment of minimum wage;**
- b. **payment for all hours worked;**
- c. **payment of wages in United States dollars no less than twice per month;**
- d. **overtime pay of 1.5 times the regular hourly wage for every extra hour worked over 40 hours per week;**
- e. **notice of rate of pay, regular paydays, and leave benefits; statement of earnings and deductions for each pay period; and notice of any change in a payday or wage at least one pay period in advance;**
- f. **worker's compensation; and**
- g. **upon termination of employment, payment of all wages due for work performed before the termination of employment, on or before Employee's regular payday.**

24. An employer may not retaliate against a domestic worker who:

- a. requests a written contract required under Montgomery County Code, Chapter 11, Sec. 11-4B(c), Consumer Protection
- b. seeks to enforce the terms of a written employment contract; or
- c. files a complaint or testifies, assists, or participates in any manner in an investigation, proceeding, or hearing to enforce any section of the Consumer Protection Statute.

Employer's Signature

Date

Employer's Name

Employee's Signature

Date

Employee's Name

Provided by the Montgomery County, MD Office of Consumer Protection
100 Maryland Avenue, #330
Rockville, MD 20850
Tel: 240.777.3636
www.montgomerycountymd.gov/consumer





Office of Consumer Protection 240-777-3636

Main	Law	Contract	Disclosure	FAQs	Resources	Contact Us	OCP Home
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FAQs

Frequently Asked Questions

1. What is the purpose of this law?
2. Which domestic workers are covered by the law?
3. Who is NOT considered a domestic worker?
4. Who is responsible for providing the employment contract?
5. What must an employer do?
6. What must the contract include?
7. Does an employer have to use the Model Contract?
8. Who do I contact if my employer has not given me a written contract?
9. What is the penalty for a violation of the law?
10. How do I file a complaint?

1. What is the purpose of this law?

Montgomery County wants to ensure that domestic workers in the County receive the legal protections they are entitled to under State law, as well as the right to a written employment contract governing the terms and conditions of employment.

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2. Which domestic workers are covered by the law?

This law applies to domestic workers if she or he:

- works primarily in a residence located in Montgomery County
- works at least 20 hours per week for at least a 30 day period
- performs primarily childcare, housekeeping, cooking, cleaning or laundry-type work
- works as a companion to a sick, convalescing, disabled, or elderly individual
- has an employer that is an individual or an employment agency

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3. Who is NOT considered a domestic worker?

Domestic worker does NOT include:

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- A registered nurse (RN), licensed practical nurse (LPN), or certified nursing assistant (CNA) who is licensed or certified by the Maryland Board of Nursing;
- A child, parent, spouse, or other member of the immediate family of the employer;
- An au pair; or
- An individual who primarily serves as a companion to a disabled or elderly individual who is unable to care for himself or herself, and who is not employed by an agency.

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4. Who is responsible for providing the employment contract?

The Montgomery County Office of Consumer Protection (OCP) will maintain a model employment contract and a model disclosure statement that an employer may use to comply with this law. The model contract and model disclosure statement are published in English, French, and Spanish and will be maintained electronically on OCP's website.

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5. What must an employer do?

The law requires employers to negotiate with the domestic worker over the terms and conditions of employment and offer to sign a written contract specifying those terms and conditions of employment. An employer of a domestic worker must obtain either a written employment contract signed by both the employer and the domestic worker or a disclosure statement signed by the domestic worker.

If the domestic worker is employed by an agency, the employment contract must be between the agency and the worker.

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6. What must the contract include?

The new law requires employers to present a written contract to domestic workers and offer to negotiate its terms. It does not require minimums in terms of payment, benefits, or time off. The contract must include the following terms:

- Work
 - Work Schedule (days/hours)
 - Duties
 - Whether an employer can require worker to perform additional duties
- Payment
 - Salary
 - How often worker will be paid

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- Deductions
- Overtime pay
- Paid/Unpaid Time Off
 - Sick Leave
 - Vacation Time
 - Holidays
- Living Conditions
 - Living accommodations to be provided
 - Deductions for food and lodging, if any
- Termination of the Contract
 - Severance pay, if any
 - Notice required before termination of contract
- Additional Terms
 - Length of the contract
 - Reimbursement for work related expenses
 - Notice of employment rights under Maryland law

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7. Does an employer have to use the Model Contract?

No, an employer is not required to use the Model Contract; however, employers must use a contract that contains all the required provisions under the law.

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8. Who do I contact if my employer has not given me a written contract?

If your employer has not given you a written contract AND you did not sign a disclosure statement, contact the Montgomery County Office of Consumer Protection by calling 240.777.3636 or visiting the office at 100 Maryland Avenue, #330, Rockville, MD 20850.

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9. What is the penalty for a violation of the law?

An employer who violates this law is subject to a civil penalty of not more than \$1,000.00 for each violation or the penalty for a Class A violation. The Director of the Office of Consumer Protection may seek damages, restitution, or any other available legal or equitable relief when seeking to enforce Chapter 11.

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10. How do I file a complaint?

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To file a complaint with the Office of Consumer Protection, please download our complaint form, complete it and mail the complaint form and copies of all related documentation (such as invoices, receipts or correspondence) to:

Montgomery County Office of Consumer Protection
100 Maryland Ave., Suite 330
Rockville, MD 20850
Attn: New Complaint Department

[Complaint Form](#)

[Complaint Form \(Spanish\)](#)

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John, Susan

From: Falcon, Karen

Sent: Tuesday, March 03, 2009 9:30 AM

Subject: District Court of Maryland Issues Order of Abatement for Appliance Repair Company

t/appliance.pr 09-102

For Immediate Release: March 3, 2009

District Court of Maryland Issues Order of Abatement for Appliance Repair Company

The District Court of Maryland issued an Order for Abatement in October 2008 for Montgomery Maytag, LLC to prohibit the company from performing any appliance repairs in Montgomery County until the firm receives a license. The company has continued to operate in violation of the court order.

Montgomery County's Office of Consumer Protection has received five complaints from consumers against Richard Frederick Buls, Jr. trading under several names, including "Montgomery Maytag Service, LLC," "Maytag Service" and "R.F. Buls, Jr." for failure to properly repair household appliances. Civil citations were issued to the merchant for failure to be properly licensed to perform appliance repairs in Montgomery County.

One of the five complaints was received after the court order was issued. The consumers are from Silver Spring, Rockville, Bethesda and Takoma Park and allege that the merchant misrepresented himself or his firm by claiming to be an authorized Maytag repair business when, in fact, the merchant is not a factory authorized repair business for Maytag or Whirlpool appliances. In addition, the consumers state the merchant was paid to perform repairs which he did not complete and for which he failed to provide a refund. Each consumer paid between \$158 and \$442 for repairs. In one case, the consumer subsequently discovered that the repair was covered by the manufacturer's warranty and no payment would have been required.

The merchant advertised in yellow page telephone directories and an online business referral directory. However, Montgomery County law states that it is unlawful for any person or firm to engage in the business of repairing home appliances without first being registered with OCP. Buls was licensed with OCP in 2006 and 2007, after being found to be operating in 2005 without a license, but failed to renew his registration when it expired on November 7, 2007.

OCP is in the process of bringing charges against the merchant to be held in contempt of the court order.

"Our licensing function is designed to protect consumers from rogue operators," said OCP director Eric Friedman. "We encourage consumers to contact our investigators if they suspect a merchant is committing an unfair or deceptive trade practice."

OCP, the County's consumer protection agency, investigates thousands of complaints each year involving automotive sales and repairs, new home purchases, home improvements, credit issues, retail sales, internet services, and most other consumer transactions. OCP provides pre-purchase information to consumers, as well as speakers to the community on consumer issues.

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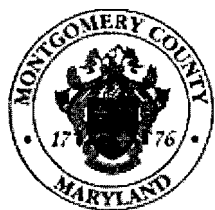
3/3/2009

For more information and to check any merchant's complaint record, call 240-777-3636 or visit OCP's website at www.montgomerycountymd.gov/consumer.

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Media Contact: Sue Tucker, 240-777-6531

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**MONTGOMERY COUNTY, MARYLAND****News Release**

For Immediate Release: 2/18/2009

Consumer Protection Issues Warning About Door-to-Door Sales of Water Treatment Systems

Montgomery County's Office of Consumer Protection (OCP) advises residents to beware of unscrupulous door-to-door salespeople selling water treatment systems by misrepresenting themselves to be government employees.

OCP recently received complaints from four Spanish-speaking consumers in Silver Spring who reported that salespeople knocked on their doors claiming to be County government inspectors there to test the drinking water in their homes. Upon investigation, OCP determined that these individuals were unlicensed door-to-door vendors selling water treatment systems costing thousands of dollars. In addition, the water treatment systems they sold were later installed by unlicensed plumbers.

OCP has entered into Settlement Agreements with the manufacturer, Puretech Water Treatment Systems, Inc. (Puretech), and with the local Puretech distributor, Rafael Arturo Cabello. Local salespeople appeared to target Spanish-speaking consumers, telling them that they were government employees there to test their drinking water as a result of a recent water main break. After "testing" the water, the sales people told residents that the tests showed the drinking water to be unsafe and advised that they should purchase a water treatment system.

Puretech states the local sales vendors are not their employees. However, Puretech made arrangements for the local sales people to offer financing to the consumers. Puretech cooperated with OCP and agreed to ensure that all its local distributors not engage in misleading sales practices. In addition, Puretech has paid \$1,000 to the Office of Consumer Protection and Cabello paid \$100 to the Office of Consumer Protection.

The water treatment systems were removed from the homes of the consumers. The finance companies agreed to refund deposits and cancelled all contracts so consumers did not have to pay thousands of dollars as originally required by the purchase agreements.

"Consumers should be cautious whenever a salesperson uses scare tactics to sell products," said OCP Director Eric Friedman. "We encourage consumers in Montgomery County to contact our office to request information or to report problems."

According to the Washington Suburban Sanitary Commission (WSSC), residents should rest assured that their drinking water is safe, clean and reliable. WSSC tests the water in its distribution system thousands of times each year. WSSC also urges consumers to always ask for identification from anyone going door-to-door and claiming to be a WSSC

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employee.

“In our 90-year history, our water has always met or exceeded federal standards,” said WSSC Communications and Community Relations Director Jim Neustadt. “If there was ever a need for concern about the water we provide, residents would hear that information directly from us, not from a door-to-door salesperson.”

Consumers can take the following steps to protect themselves:

- Contact OCP at 240-777-3636 and the local Better Business Bureau at 202-393-8000 or visit

<http://dc-easternpa.bbb.org/contactDC.asp> to ask about the company’s complaint history.

- Verify that the salesperson has a door-to-door vendor’s license. Go to www.montgomerycountymd.gov/permittingservices.
- Contact the local water provider to confirm any problems with the drinking water.

OCP, the County’s consumer protection agency, investigates thousands of complaints each year involving automotive sales and repairs, new home purchases, home improvements, credit issues, retail sales, internet services and most other consumer transactions. OCP provides pre-purchase information to consumers, as well as speakers to the community on consumer issues.

For more information and to check any merchant’s complaint record, call 240-777-3636 or visit OCP’s website at www.montgomerycountymd.gov/consumer.

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Media contact: Sue Tucker, 240-777-6507
Department contact: Eric Friedman, 240-777-3719

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Release ID: 09-082

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