



Developmental Disabilities Administration

Self-Directed Services Training Series

Module 17: Labor Laws

Updated October 2024



Overview

- This training module will provide you with an overview labor laws associated with the Maryland Department of Health Developmental Disabilities Administration (DDA)-operated Medicaid waiver programs.
- This training is a summary with important information on this topic
- More information and requirements are found in the Medicaid waiver program applications, laws, regulations, guidance and policies
- The most updated information regarding Self-Directed Services is published in the Self-Directed Services policy and manual that can be found on the DDA's website at <https://health.maryland.gov/dda/Pages/sdforms.aspx>

Participant as the Employer of Record

- Participants who self-direct may be subject to all employer laws:
 - Federal
 - State
 - Local
- Participants are responsible for knowing about changes in employer law
- This training is an introduction to some labor laws
- The DDA will not train participants, Support Brokers, or team members on ways to interpret laws

Labor Laws

Includes:

- Fair Employment Practices
- Wages Earned
- Overtime
- Paid and Unpaid Leave
- Record Keeping



Fair Employment Practices

- Laws associated with discrimination against employees or potential employees
 - Unfair treatment due to a “protected class”
 - Harassment by managers, coworkers, and others
 - Denial of reasonable workplace accommodations due to a disability
 - Retaliation because of complaints about discrimination

Some Federal Laws Associated with Fair Employment Practices

- Laws enforced by the [US Equal Employment Opportunity Commission \(EEOC\)](#):
 - Title VII of the Civil Rights Act of 1964 (Title VII)
 - The Pregnancy Discrimination Act
 - Equal Pay Act of 1963 (EPA)
 - The Age Discrimination in Employment Act of 1967 (ADEA)
 - Title I of the Americans with Disabilities Act of 1990 (ADA)
 - The Genetic Information Nondiscrimination Act of 2008 (GINA)
 - The Pregnant Workers Fairness Act of 2022 (PWFA)

Some Maryland Laws Associated with Fair Employment Practices

- State Government Article, Title 20, Subtitle 6, Annotated Code of Maryland
 - State policy is to assure equal opportunity in employment
 - Harassment due to a protected class and retaliation for reporting discrimination are against the law

Wages Earned

- Federal Minimum Wage Law: \$7.25 per hour
- Maryland Minimum Wage Law: \$15.00 per hour
- Maryland Counties: Varies by the number of employees

In cases where an employee is subject to two or more minimum wage laws, the employee is generally entitled to the *higher* minimum wage.

Overtime



- Federal Law and Maryland Law: When applicable, employees must be paid 1.5 times their usual hourly rate for all work over 40 hours per week
- Exemptions include immediate family members

Laws Related to Leave

- The Maryland Healthy Working Families Act
 - Employers with 15+ employees: required to provide **paid** earned sick and safe leave
 - Employers with fewer than 15 employees: required to provide **unpaid** earned sick and safe leave
 - Leave accrues at one hour for every 30 hours worked
 - Other conditions apply

Laws Related to Record Keeping

- **Maryland Law requires employer records be kept:**
 - For each employee
 - Name
 - Address
 - Race
 - Gender
 - Occupation
 - Rate of pay for each employee
 - Amount paid each pay period for each employee
 - Hours that each employee works each day and workweek



Medicaid Record Keeping

Medicaid requires records to be kept for 6 years

Resources - Federal Laws

- [US Department of Labor Website](#)
- [Equal Employment Opportunity Commission](#)
- [Federal Minimum Wage Law](#)
- [Federal Overtime Law](#)
- [Federal Record Keeping Requirements](#)

Resources - Maryland Laws

- [Maryland Department of Labor](#)
- [Maryland Employment Discrimination](#)
- [Maryland Minimum Wage and Overtime Law](#)
- [Maryland Healthy Working Families Act and Other Leave Policies](#)
- [Maryland Record Keeping Requirements](#)

Resources - Local Laws

- [Montgomery County Minimum Wage Law](#)
- [Montgomery County Earned Sick and Safe Law](#)
- [Howard County Minimum Wage Law](#)

Summary

- Participants who self-direct are subject to all employer laws, including those laws related to:
 - Fair Employment Practices
 - Wages, including Minimum Wage
 - Overtime
 - Leave, unpaid and paid
 - Record Keeping
- Participants are responsible for following any changes made to federal, State, or local employment laws