

- (1) "EMPLOY" MEANS TO ENGAGE AN INDIVIDUAL TO WORK.
- (2) "EMPLOY" INCLUDES:
  - (I) ALLOWING AN INDIVIDUAL TO WORK; AND
  - (II) INSTRUCTING AN INDIVIDUAL TO BE PRESENT AT A WORK SITE.

REVISOR'S NOTE: This subsection is new language that combines, without substantive change, former Art. 100, § 55B(c), § 82(c), § 94(a)(2), and the first clause of § 4(c), to provide a single, generally applicable definition of "employ" and to allow for variations of the term.

Former Art. 100, §§ 4(c), 55B(c), and 82(c) contained slightly different definitions of "employ" and variations of the term, while former Art. 100, § 94(c) defined "employee". However, the substance of the former definitions was similar. For example, only former § 55B(c) specifically stated that to employ meant "to engage". However, as former §§ 4(c), 82(c), and 94(a)(2) used "includes", rather than "means", they were merely illustrative of actions that constitute employing. See Art. 1, § 30 of the Code, which provides that generally "includes" is "by way of illustration and not by way of limitation."

Similarly, only former § 94(a)(2) specifically referred to instructions to "be present". Again, however, the use of "includes", in former §§ 4(c) and 82(c), would indicate that the definitions in former §§ 4(c) and 82(c) covered that action. Furthermore, instructing someone to be present at a work site seems to be merely a more precise form of engaging someone to work.

This subsection is revised to refer only to an "individual" since only human beings are protected under this title. As to the definition of "person", see § 1-101 of this article.

In paragraphs (1) and (2) of this subsection, the former alternative defined terms "employee", "employed", and "employment" are deleted since the terms are simply variations of the defined term "employ". Occasionally, those terms are used in this subtitle.

In paragraph (2)(i) of this subsection, the word "allowing" is substituted for the former archaic words "suffe[r]" and "permi[t]".

### 3-102. ADMINISTRATION.

#### (A) DUTY OF COMMISSIONER.

IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE COMMISSIONER SHALL:

- (1) ENFORCE SUBTITLE 2 OF THIS TITLE;
- (2) CARRY OUT SUBTITLE 3 OF THIS TITLE; AND