

PROVIDE PART-TIME OR TEMPORARY HELP TO ANOTHER GOVERNMENTAL UNIT OR PERSON; AND

(IV) AN INDIVIDUAL WHO PERFORMS WORK FOR A GOVERNMENTAL UNIT OR PERSON TO WHOM THE INDIVIDUAL IS PROVIDED BY ANOTHER GOVERNMENTAL UNIT OR PERSON WHO ENGAGES IN A BUSINESS THAT DIRECTLY EMPLOYS INDIVIDUALS TO PROVIDE PART-TIME OR TEMPORARY HELP.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 89, § 29(c).

In the introductory language of paragraph (1) of this subsection, the referenced exception is added to reflect that, in Subtitle 4 of this title, "employee" is defined to include former employees and certain volunteers.

In paragraph (1) of this subsection, the word "individual" is substituted for the second reference to "employee" in former Art. 89, § 29(c), to avoid the former circuitry of defining an "employee" as an "employee".

Also in paragraph (1) of this subsection, the reference to "a wage or other compensation" is substituted for the former words "wage, salaries or commissions", since, elsewhere in this article, the term "wage" includes a "commission". See, e.g., § 3-501 of this article. Also, the broad reference to "other compensation" would encompass the compensation due to a taxicab driver who rents a taxicab and who, under paragraph (2)(ii) of this subsection, is an "employee".

In paragraph (2)(ii) of this subsection, the former words "hires out" are deleted as unnecessary in light of the word "rents".

In paragraph (2)(iii) and (iv) of this subsection, the references to "governmental unit" are added for clarity. Although former Art. 89, § 29(b)(3) and (4) and (c)(3) and (4) referred only to a "person conducting a business", the Labor and Employment Article Review Committee concluded that former § 29(b)(1), which defined "employer" to include "[t]he State, and all county, city, and municipal governments and any agency thereof", was intended as an express inclusion of "governmental unit[s]" in all instances.

Defined terms: "Employ" § 5-101

"Employer" § 5-101 "Governmental unit" § 1-101

"Person" §§ 1-101 and 5-101

(D) EMPLOYER.

(1) "EMPLOYER" MEANS:

(I) EXCEPT AS PROVIDED IN § 5-401 OF THIS TITLE, A PERSON WHO IS ENGAGED IN COMMERCE, INDUSTRY, TRADE, OR OTHER BUSINESS IN THE STATE AND EMPLOYS AT LEAST 1 EMPLOYEE IN THAT BUSINESS; OR