



SPONSOR: Rep. Keeley

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 360

1 AMEND House Substitute No. 1 for House Bill No. 360 by adding after line 16 but before line 17 and
2 redesignating accordingly the following:

3 “() “Employee placed by employment agency” means an employee who performs services for an employer
4 as a result of the employer’s contractual agreement with an employment agency.”.

5 FURTHER AMEND House Substitute No. 1 for House Bill No. 360 by adding after line 18 but before line 19 and
6 redesignating accordingly the following:

7 “() “Employment agency” means as defined in § 710 of this Title.”.

8 FURTHER AMEND House Substitute No. 1 for House Bill No. 360 by deleting lines 20 through 23 in their
9 entirety and inserting in lieu thereof the following:

10 “(7) “Independent contractor” means as defined in § 3507 of this Title.”

11 FURTHER AMEND House Substitute No. 1 for House Bill No. 360 by deleting lines 44 through 53 in their
12 entirety and redesignating accordingly.

13 FURTHER AMEND House Substitute No. 1 for House Bill No. 360 on line 71 by adding after “distribute” and
14 before “the” as it appears therein “, physically or electronically,”.

15 FURTHER AMEND House Substitute No. 1 for House Bill No. 360 by deleting lines 79 and 80 in their entirety
16 and redesignating accordingly.

17 FURTHER AMEND House Substitute No. 1 for House Bill No. 360 on line 81 by deleting “at least 90 minutes of
18 effective” as it appears therein.

19 FURTHER AMEND House Substitute No. 1 for House Bill No. 360 by adding after line 104 and before line 105
20 the following:

21 “(6) Numerosity and training requirement.

22 a. Employers do not count applicants or independent contractors towards the numerosity requirement
23 under this subsection.

24 b. Employers are not required to provide training under this subsection to applicants, independent
25 contractors, or employees employed less than 6 months continuously.

26 c. Employment agencies are the only employers required to count and provide training to employees
27 placed by employment agency under this subsection.”

28 FURTHER AMEND House Substitute No. 1 for House Bill No. 360 on line 106 by adding after the period therein
29 the following: “The Department shall develop and post to their website a list of trainings and supervisor trainings that
30 satisfy the requirements under subsection (h).”

SYNOPSIS

This amendment replaces the definition of “joint employee” with “employee placed by employment agency” to make clear that such employees are protected against sexual harassment. This amendment also changed the definition of independent contractor by using a definition already existing in Title 19. This amendment also clarifies that employers can distribute the information sheet physically or electronically to employees. This amendment removes the requirement that an employer provide 90 minutes of sexual harassment training, but requires the Department of Labor to post to its website a list of trainings that meet the requirements under subsection (h). Finally, this amendment clarifies which employees are required to be counted and trained under subsection (h).