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SB 449: Labor and Employment - Direct Care Workforce Innovation Program

Hearing before the Senate Finance Committee, Feb. 27, 2020

Position: SUPPORT WITH AMENDMENT

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Our Workplace Justice Project works to expand and enforce the right of low-wage workers to an honest day's pay for an honest day's work. The PJC supports SB 449 with a friendly amendment requiring eligible entities to offer information to training participants concerning their rights as workers.

SB 449 would advance forward-thinking approaches to the increasingly dire shortage of direct care workers. The bill accomplishes this by tackling financial and other barriers facing those who would otherwise seek training in care-related certifications, such as Certified Nursing Assistants (CNAs) and Geriatric Nursing Assistants (GNAs), and Patient Care Technicians (PCTs).

One reason for the shortage of direct care workers is the poor quality of many direct care jobs. A 2018 [study](#) found that Maryland will need nearly 40 percent more direct services workers over the next ten years, but suggested that poor job quality is a key cause a worker shortage. In the PJC's experience, this is especially true for home care jobs. Home care employees are routinely misclassified as independent contractors and denied overtime wages, travel-time wages, and other benefits. Misclassification of home care employees as independent contractors also creates a serious problem when workers are injured on the job. Direct care jobs have among the highest injury rates of any job category – higher even than factory work, agricultural work, and public safety work. If an injured care worker has been misclassified as an independent contractor, it is much harder to receive workers' compensation, and the process can take months or years rather than weeks.

The PJC supports SB 449, with a friendly amendment requiring eligible entities to also provide training to participants concerning their rights as workers. Offering informational training on direct care workers' rights would empower workers to choose high-road employers, thus elevating the entire industry. This could be accomplished by simply adding to 11-1404(c) a provision providing "how the eligible entity will provide information to training participants about their rights as direct care workers."

For the foregoing reasons, the PJC **SUPPORTS SB 449 WITH AMENDMENT** and urges a **FAVORABLE WITH AMENDMENT** report. Should you have any questions, please call David Rodwin at 410-625-9409 ext. 249.