# **Letter of Support - SB-0486- Essential Workers Pro** Uploaded by: Ahmad, Tazeen



February 9, 2021

The Honorable Delores Goodwin Kelley, Chair Senate Finance Committee Miller Senate Office Building 3 East Wing 11 Bladen St., Annapolis, MD 21401

The Honorable Malcolm L. Augustine Miller Senate Office Building 3 East Wing 11 Bladen St., Annapolis, MD 21401

> RE: <u>Letter in Support of the Maryland Essential Workers Protections</u> <u>Act (SB 0486)</u>

Dear Chairwoman Kelley, Senator Augustine, and Members of the Committee:

Thank you for the opportunity to submit testimony on behalf of the Montgomery County Commission for Women ("Commission"). We urge a favorable report for SB 0486, the Maryland Essential Workers Protections Act. The Commission is a 15-member advisory board appointed by the County Executive to advise him, the County Council, and county, state and federal government on matters of importance to women and girls. Support for SB 0486 falls squarely within several Montgomery County Commission for Women's strategic priorities which include supporting and increasing the financial, physical security of women in our state and promoting the health of Maryland women.

The legislation provides much-needed standards and procedures that aim to protect the health and safety of essential workers not only during the current pandemic but also during future pandemics, which is critical for all Maryland workers.

So many Marylanders have been working to provide essential services to communities throughout the state during the Covid-19 pandemic. They continue to go to work at hospitals, grocery stores, restaurants, manufacturing companies, pharmacies, and other critical work sites putting themselves and their families at risk so we can all remain safe and healthy. We need to protect these frontline workers that day in and day out exposing themselves to high-risk conditions without appropriate protective equipment, adequate safety standards, proper health care and childcare or basic job protections, leaving them susceptible to contracting contagions and other dangers at higher rate than the general public.

The Maryland Essential Workers Protections Act is legislation that is an important step to supporting these essential workers by providing clear guidelines to employers that will protect workers who are showing up and serving us during pandemics. The bill defines people working in certain key industries as "Essential Workers" and will require employers to provide these workers with safe and hygienic workspaces, personal protective equipment, emergency pandemic action plans that include sanitation protocol and changes in shift hours, paid health and bereavement leave, free COVID-19 testing, an additional \$3 an hour in hazard pay and the ability to refuse dangerous work without fear of retaliation.

According to the Economic Policy Institute, most essential workers in the state of Maryland come from marginalized communities, are women, and are people of color. If this bill is passed, it will allow more women and people from marginalized communities and people of color to work in safe conditions under pandemic circumstances. In action, this legislation will close many loopholes that have been exposed by this pandemic and unfortunately, have negatively impacted essential workers the most.

In the midst of the ongoing pandemic and in the event of future pandemics, the need to establish statewide standards and protocols that apply to every industry and are enforced by OSHA to protect essential workers has never been more urgent. Additionally, keeping these workers safe helps stop the spread of the virus, keeping workers' families and all of our communities safer.

So, on behalf of the Commission, I urge a favorable report on this bill because it helps further our goal to protect women in the workplace and also ensures that all essential workers are fairly compensated for the work they do and the risks they've been taking during the state of emergency. Establishing emergency action plans ensures employers are never again unprepared for a major catastrophic event like Covid-19.

Sincerely,

Tazeen Ahmad Commissioner

Montgomery County Commission for Women

#### Commissioners:

Nicole Y. Drew, Esq. –President Donna Rojas – First Vice President Diana Rubin – Second Vice President Tiffany Boiman – Recording Secretary Tazeen Ahmad Isabel Argoti Mona-Lee Belizaire Tonia Bui Arlinda Clark Ijeoma Enendu Patricia Maclay Chai Shenoy Patricia Swanson Angela Whitehead Quigley Meredith Weisel

Executive Director
Jodi Finkelstein

# **SB0486-FAV-DTMG-2-11-21.pdf** Uploaded by: Bartlett, Olivia



#### Olivia Bartlett, Co-Lead, DoTheMostGood Maryland Team

Committee: Finance

**Testimony on:** SB0486 – Labor and Employment – Employment Standards During an Emergency

(Maryland Essential Workers' Protection Act)

**Position: FAVORABLE with Amendments** 

Hearing Date: February 11, 2021

**Bill Contact:** Senator Malcom Augustine

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 2500 members who live in a wide range of communities in Montgomery and Frederick Counties, from Bethesda near the DC line north to Frederick and from Poolesville east to Silver Spring and Olney. DTMG supports legislation and activities that keep all the members of our communities healthy and safe in a clean environment, uplift all members of our communities, and promote equity across all of our communities. DTMG strongly supports the concept of SB0486 because it is imperative that we keep the essential frontline workers we all depend on so heavily safe.

If we have learned anything during the current coronavirus pandemic, it is that we all depend on "essential" frontline workers much, much more than we ever appreciated. Supermarket workers, delivery drivers, postal employees, transit workers, construction workers, poultry and meat plant workers, food harvesters and packers, auto and home repair persons, factory workers, medical workers, childcare and eldercare workers, among others, who reported to work have proven to be absolutely indispensable for our daily lives while the rest of us teleworked or quarantined at home. However, these frontline workers, who are disproportionately low income and people of color, have also borne a disproportionate burden of disease and death. In an infectious disease pandemic, the more people you are exposed to, the higher your risk of infection. We owe it to our essential workers to make sure their employers do what is needed to protect them while they are working during prolonged emergency conditions.

SB0486 directly addresses this critical need in several important ways by

- Defining broad and inclusive categories of essential workers during an emergency.
- Requiring employers of essential workers to develop explicit health emergency preparedness
  plans for responding to a catastrophic health emergency, post the plans so workers know about
  them, review the plans annually, and submit any changes to the Director of the Maryland
  Emergency Management Agency.
- Requiring employers to provide adequate personal protective equipment.
- Allowing employees to refuse to work during an emergency unless they have adequate personal protective equipment and their work environment is safe.

- Ensuring that essential workers will have adequate health coverage by open a special enrollment period in Maryland's Affordable Care Act insurance exchange for essential workers not for insured under a group health benefit plan 33 sponsored by the employer.
- Prohibiting retaliation by employers for employees who report unsafe working conditions.

However, there are several areas in which SB0486 could be improved.

First, the definition of "EMERGENCY" on Page 3 in 3–1601. (B) (1)

THE IMMINENT THREAT OR OCCURRENCE OF SEVERE OR WIDESPREAD LOSS OF LIFE, INJURY, OR OTHER HEALTH IMPACTS, PROPERTY DAMAGE OR DESTRUCTION, SOCIAL OR ECONOMIC DISRUPTION, OR ENVIRONMENTAL DEGRADATION FROM NATURAL, TECHNOLOGICAL, OR HUMAN-MADE CAUSES

Is overly broad. As written, this could apply to common short-lived occurrences, such as a hurricane forecast, a snow emergency, a wildfire, or a high heat day. The definitions under (B) (2) and (3) are more appropriate for the intent and requirements of SB0486.

In addition, the sections 3-1604 referring to "safe workplace conditions" – like reducing physical harm and maintaining hygienic practices -- and 3-1605 referring to "unsafe working conditions" – like unsanitary conditions, broken equipment, dangerous hazards, and worksites with physical threats -- seem to address commonsense issues that should be covered under normal OSHA rules. They should apply to <u>all</u> worksites and employers all the time, not just during an "emergency". Broken equipment should always be repaired. Workers should always be notified if a co-worker is diagnosed with a reportable infectious disease like TB or hepatitis or the coronavirus and the workplace should be sanitized, whether or not there is a declared emergency. Workers should always be able to refuse a physically dangerous assignment without proper protective gear, whether it's working on a roof without a harness or operating heavy construction equipment without proper training.

If SB0486 is intended to address conditions generated by a pandemic, these sections would benefit from more tailored language that doesn't make it seem like these provisions are only enforceable during an "emergency".

Therefore, DTMG strongly supports SB0486 and urges a **FAVORABLE report with amendments** to clarify the definition of "emergency" and safe and unsafe working conditions that specifically apply to declared emergencies like pandemics vs those that apply to all workplaces all the time.

Respectfully submitted,

Olivia Bartlett Co-lead, DoTheMostGood Maryland Team oliviabartlett@verizon.net 240-751-5599

#### **SB 486 - MD Essential Workers' Protection Act.docx**

Uploaded by: Beach, Jacqueline

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 41. I am testifying in **support of Senate Bill 486.** 



Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. Without policies like these, more people die.

It is for these reasons that I am encouraging you to **support Senate Bill 486**.

Thank you for your time, service, and consideration.

Sincerely,
Jacqueline Beach
2366 Sundew Terrace
Baltimore, MD 21209
Showing Up for Racial Justice Baltimore

# **SB 486 Labor and Employment.pdf** Uploaded by: Bresnahan, Tammy



200 St. Paul Place, #2510 | Baltimore, MD 21202 1-866-542-8163 | Fax: 410-895-0269 | TTY: 1-877-434-7598 aarp.org/md | mdaarp@aarp.org | twitter: @aarpmaryland facebook.com/aarpmd

SB 486 Labor and Employment - Employment Standards During an Emergency (Maryland
Essential Workers' Protection Act)
Senate Finance Committee
Favorable
February 11, 2021

Good Morning Chairwoman Kelley and members of the Senate Finance Committee. I am Tammy Bresnahan, Director of Advocacy for AARP Maryland. As you know, AARP Maryland is one of the largest membership-based organizations in Maryland, encompassing almost 850,000 members. AARP MD overwhelmingly supports **SB 486 Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act).** We thank Senator Augustine for sponsoring SB 486.

AARP is a nonpartisan, nonprofit, nationwide organization that helps people turn their goals and dreams into real possibilities, strengthens communities and fights for the issues that matter most to families such as healthcare, employment and income security, retirement planning, affordable utilities and protection from financial abuse.

SB 486 the Maryland Essential Workers Protections Act will provide much-needed standards and procedures that aim to protect the health and safety of essential workers during pandemics. If passed, when a State of Emergency is called, the following protections will be afforded to essential workers including: safe & hygienic working conditions, hazard pay & healthcare assistance, emergency action plans, universal health & bereavement leave, right to refuse dangerous work, and free testing and reporting of positive test results

According to AARP Public Policy Institute, among all workers ages 50 and older, nearly a third (30.1 percent) are designated as essential, equivalent to younger age groups. Twenty-nine percent of all workers age 65+ and 27 percent of workers age 75+ are designated as essential. Around 27 percent of all male workers have been designated as essential, compared to about 34 percent of all female workers; there are over 2 million more women than men in the essential workforce. Among workers ages 50 and older, there are over 750,000 more women in the essential workforce than men.

Black/African American workers are the group most likely to be designated as essential. In the 50+ age group, White male workers are the least likely to be designated as essential and Black/African American female workers (42.3 percent) are most likely. Workers ages 50 and older are an important demographic within almost all the essential worker industries and occupations. In the health care sector, for example, 37 percent of workers are ages 50 and older and 15 percent are 60 and older. Workers 50+ also make up one third or more of the workers in transit, critical retail, postal, social services, and agriculture. The share of the essential workforce 50 and older varies across the country.

Real Possibilities

#### Page 2

It ranges from 35 percent in the West to 40 percent in the Northeast, suggesting some regions rely more heavily on older workers within their essential workforce.<sup>ii</sup>

In addition, twenty nine percent of low-wage workers have been designated essential, and they are most likely to be Black/African American workers. Among low wage workers age 50 and up: 28 percent are White; 28 percent are Hispanic; 30 percent are Asian; 30 percent are American Indian, Alaskan Native, Hawaiian/Other Pacific Islander; 37 percent are Black/African American. Despite their central importance to the health and well-being of the nation, many of the low-wage essential jobs lack sufficient benefits and protections.<sup>iii</sup>

Workers ages 50 and older are an important part of the US essential workforce. But many of these workers, particularly those ages 60+, may face higher risks on the job because the health impacts of COVID-19 are generally more severe for older adults.

AARP MD believes that policy makers and employers must provide adequate sick leave as well as the personal protective equipment necessary to protect this essential workforce; they must also ensure that health and safety guidelines are enforced. For these reasons we respectfully ask the Committee for a favorable report on SB 486. If you have questions, please contact Tammy Bresnahan at <a href="mailto:tbresnahan@aarp.org">tbresnahan@aarp.org</a> or by calling 410-302-8451.

<sup>&</sup>lt;sup>i</sup> The US Essential Workforce Ages 50 and Over

<sup>&</sup>lt;sup>ii</sup> Ibid

iii Ibid

# **Essential Workers Protection Act Testimony.pdf** Uploaded by: Burdett, Jake

**TO:** Members of the Senate Finance Committee; Maryland State Senate

FROM: Jake Burdett, <u>jakeburdett11@gmail.com</u>, 443-833-5051

5824 Timberview Drive Elkridge, MD 21075

**RE:** Senate Bill 486: Labor and Employment - Employment Standards During an Emergency

(Maryland Essential Workers' Protection Act)

#### **POSITION: In Favor**

My name is Jake Burdett, and while I am the President of the Columbia Democratic Club in Howard County, as well as a member of the Indivisible Howard County Economic Equity Team, both of which support this bill, I'm submitting testimony today more from my perspective as a **non-unionized Amazon warehouse worker**, and ask that members of the Committee vote in favor of HB0581 - the Maryland Essential Workers' Protection Act.

When most people hear the phrase "essential frontline workers", they tend to picture medical professionals, grocery store workers, trade jobs, and other unionized fields. While all of those jobs are vital to keeping society functioning during a pandemic, people often forget about warehouse workers, who serve just as important of a role in keeping the economy and society running, and are also put in grave danger simply by showing up for work. Sadly at Amazon, unlike all of those other industries mentioned, we do not have a union, meaning we have no one to collectively bargain on our behalf and fight for better working conditions and pay. This means we have to rely on our state legislators to step in and protect us, which is one of the fundamental responsibilities of government. Amazon is concerned with maximizing profit moreso than they are about making sure their employees receive adequate payment during a crisis, so they will not voluntarily pay hazard pay - they must be mandated to do it by state legislation.

At my Amazon warehouse in Baltimore, I work most shifts with 230 other frontline essential workers, all crammed together in one single building - it's no wonder then why we get a notification about once a week of a new co-worker getting COVID. None of us *want* to be in an area with hundreds of other people during a deadly viral outbreak - we have to be, because our job requires us to be.

While much of the economy is struggling during COVID, and many businesses have been forced to close down, it's actually been quite the opposite for Amazon: business has been BOOMING! With more people afraid to shop in person now because of COVID, online shopping on Amazon is higher than ever! Despite massive profits in large part due to the circumstances COVID has created, Amazon has *still* opted NOT to pay their employees hazard pay! Amazon did pay their employees hazard pay at the beginning of the crisis in March and April of 2020, but the pandemic has only gotten MUCH worse since then, yet Amazon has opted not to continue paying their employees hazard pay. **This is in large part because we have no union to** 

negotiate on our behalf, and recent efforts to unionize in other Amazon factories across the country have been met with massive resistance from Amazon.

Although Jeff Bezos recently left his role as Amazon CEO, he is still Executive Chairman, and in the 3 minutes I have to give this testimony, Jeff Bezos will make over \$450,000, so Amazon can definitely afford the hazard pay. Without warehouse workers, Amazon's business model would fail. Without Amazon warehouse workers, people wouldn't be able to receive their medicine, groceries, holiday gifts, etc.

While I'm speaking from my personal experience as an Amazon warehouse worker, this is just as true for ALL essential workers - union and non-union alike. If essential workers truly are essential, we need to start paying them hazard pay like they are, and the only way for non-unionized essential workers to receive this is through strong state legislation. Please support HB0581 with mandatory \$3/hour hazard pay included.

# **SB486\_LatinoCaucus\_FAV.pdf**Uploaded by: Caucus, MD Latino



#### MARYLAND LEGISLATIVE LATINO CAUCUS

Lowe House Office Building, 6 Bladen Street, Room 200 · Annapolis, Maryland 21401 Phone 410-841-3374 | 301-858-3374 · 800-492-7122 Ext. 3374 · Fax 410-841-3342 | 301-858-3342 latino.caucus@house.state.md.us · www.mdlatinocaucus.org

TO: Senator Delores G. Kelley, Chair

Senator Brian J. Feldman, Vice Chair

Finance Committee Members

FROM: Maryland Legislative Latino Caucus (MLLC)

DATE: February 11, 2021

RE: SB486 Labor and Employment – Employment Standards During

an Emergency (Maryland Essential Workers' Protection Act)

#### The MLLC supports SB486 Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act).

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB486.

The COVID-19 pandemic has greatly impacted our society in every imaginable aspect. Its massive economic disruption has raised many challenges for Maryland's labor force. While some workers can avoid the virus by working from home, this is not a privilege that frontline workers can take advantage of. Since this crisis began, many have been exposed to unsafe work conditions, with the number of safety complaints skyrocketing in recent months.

A 2020 Brookings study on COVID-19 impacts on essential workers, reported that low-income workers, nonwhite workers, workers with less educational attainment, and workers in service occupations are all less likely to be able to work from home than their peers. In May 2020, only 16% of employees at big-box superstores had access to a mask and for some superstores fewer than 10% had access. Between April 2020 – August 2020, COVID-19 related workplace safety complaints rose over 350%. We want to believe that every Maryland employer will provide the necessary protections for their employees during this emergency and a future one. However, this is can be guaranteed by establishing much-needed requirements. Our essential workers deserve protection and safe working conditions.

SB486 establishes benefits and protections for Maryland's essential workers during an emergency. This includes employers providing safe and hygienic workspaces, hazard pay, and free personal protective equipment. During these hard times, every essential worker should be valued and accommodated to their basic needs, and the state should take immediate action.

The MLLC supports this bill and urges a favorable report on SB486.

david fraser-hidalgo, chair Joseline a. peña-melnyk, vice-chair

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VAUGHN STEWART

WANIKA FISHER

WILL SMITH

# **SEIU Testimony In Favor of SB486 Essential Workers** Uploaded by: Cavanagh, Terry



#### SEIU MARYLAND & DC STATE COUNCIL

1410 Bush Street, Suite F, Baltimore, Maryland 21230

# Testimony in **SUPPORT of Senate Bill 486**Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act) Senate Finance Committee February 11 2021 1:00 PM

Presented to: Delores G. Kelley, Chairman By: Terry Cavanagh, Executive Director

SEIU Maryland & DC State Council urges a <u>Favorable Report to SB 486.</u> We thank Senator Augustine for sponsoring this much needed legislation.

SEIU is the largest union in North America. We unite workers in health care, public service, including public education, and property services to improve lives and the services we provide. We represent over 50,000 workers in the Maryland/DC/Virginia region. Many of our members are poorly paid, but essential.

The past 300 plus days of the COVID-19 Pandemic has shown how woefully prepared we were, and continue to be, to win the war against this foe, which has now slain over 7,000 of our fellow Marylanders.

Many of us have been able to protect ourselves by having little contact, other than the endless number of zoom calls, with people outside our protective pods. Though it may present challenges, we have been able to alter our workplaces and work styles to protect ourselves, our family members and lessen the number of hosts needed for this enemy to thrive.

Essential workers are not able to protect themselves in the same way. They also may face another foe. Unscrupulous, ignorant, careless or naïve employers. We don't have to look too far back to review evidence. Supermarket checkout workers told to NOT WEAR MASKS, because it wasn't a GOOD LOOK. Packing house workers being forced to work in close proximity to one another which resulted in thousands becoming infected and scores dying, in order to keep production up. Nurses told to report to work, EVEN IF THEY TESTED POSITIVE, if

they weren't symptomatic, because health care facilities were at the breaking point. Hospital workers told early on NOT TO WEAR MASKS, in they were not working directly with patients, because it may scare people. Perhaps the most dangerous job in America in the last year has been NURSING HOME WORKER. They were the most exposed, most likely to become infected, most likely to have patients die, and late to receive PPE.

There's not too much we can do about the past, although some would like to apply blanket immunity to employers – retroactively. That would be a mistake.

We can, however, pass SB 486. During an emergency such as we have now, this bill would:

- Create an enrollment period Maryland Health Benefit Exchange for essential workers
- Require employers to grant Hazard Pay to essential workers
- Force employers to adopt measures to keep essential workers safe
- Provide proper and timely testing to essential workers
- Allow essential workers to take paid bereavement and health leave

All of these measures would help in defeating our common enemy – this deadly virus – and the next deadly virus. By doing so, it helps all of us, because as bad as things have been over the last year, without these HEROES, things would have been a lot worse – for all of us.

We urge a Favorable Report on SB 486. Thank you.

# SB 486 - MD Essential Workers' Protection Act.pdf Uploaded by: Chan, Sam

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 45. I am testifying in **support of Senate Bill 486.** 



Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to **support Senate Bill 486**.

Thank you for your time, service, and consideration.

Sincerely,
Sam Chan
207 E. Preston St. Apt 3A
Baltimore MD 21202
Showing Up for Racial Justice Baltimore

# **SB486\_FAV\_AlzheimersAssociation.pdf**Uploaded by: Colchamiro, Eric



Testimony of the Alzheimer's Association Greater Maryland and National Capital Area Chapters SB 486 - Labor and Employment - Employment Standards During an Emergency

**Position: Favorable** 

Timonium, MD 21093

#### Chairwoman Kelley and Vice Chair Feldman

My name is Eric Colchamiro, and I am the Director of Government Affairs for the Alzheimer's Association in Maryland. Thank you for the opportunity to provide testimony on SB 486, legislation which establishes numerous benefits and protections for essential workers, as defined by the bill, during an emergency, and related responsibilities for each employer of an essential worker

The Alzheimer's Association is tremendously concerned with the state of our direct care workforce. For our patient population, individuals living with dementia—95 percent of them have at least one other chronic condition—care is complicated. Along with the importance of being adequately trained in dementia, we are concerned about the high turnover, low pay, and few opportunities for advancement which make filing direct care positions difficult. By 2030, 3.4 million more direct care workers will be needed — a 48 percent increase from 2015.

This bill has many important provisions; we particularly appreciate the requirements that:

- An essential worker who earns less than \$100,000 per year shall earn hazard pay for each pay period the essential worker works during an emergency;
- An employer must provide an essential worker with at least 3 days of paid bereavement leave and at least 14 days of paid health leave for use during an emergency, as specified; and

For individuals with dementia and their families, and the essential workforce that serves them, this bill is critical. This workforce—for home care providers, for long-term care providers, and more—gains not only a small per-hour salary bump and other modest additional protections, they gain an added level of respect for the extraordinary work they do.

The status quo, particularly during a global pandemic—where many direct care workers rely on public assistance to survive—results in workers leaving these positions because, while essential, they cannot afford to remain in these jobs. The modest added protections this bill affords this workforce could lead to increased job satisfaction and retention, but can also increase the quality of care for those with dementia.

The Alzheimer's Association thanks SEIU for their leadership on this issue, and thank Senator Augustine—a member of the Maryland State Alzheimer's Council—for his sponsorship of such an important issue. We urge a favorable report.

# **SB486 Ess Worker SUPP Finance Comm.pdf** Uploaded by: Demchuk, Pete

#### INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL UNION No. 24

AFFILIATED WITH:

Baltimore-D.C. Metro Building Trades Council — AFL-CIO

Baltimore Port Council

Baltimore Metro Council — AFL-CIO
Central MD Labor Council — AFL-CIO
Del-Mar-Va Labor Council — AFL-CIO
Maryland State - D.C. — AFL-CIO
National Safety Council





JOHN L. RANKIN, President
DAVID W. SPRINGHAM, JR., Recording Secretary
MICHAEL J. McHALE, Financial Secretary
PETER P. DEMCHUK, Business Manager

OFFICE: 2701 W. PATAPSCO AVE SUITE 200

Phone: 410-247-5511 FAX: 410-536-4338

Written Testimony of

Peter Demchuk, Business Manager, IBEW LOCAL 24

Before the

Senate Finance Committee On

SB 486 - Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

#### STRONGLY SUPPORT

February 9, 2021

Dear Madame Chair Kelly and Committee Members,

Thank you for the opportunity to submit my written testimony supporting Senate Bill 486.

For the record, my name is Peter Demchuk. I am a 41 year member, and the Business Manager, of the International Brotherhood of Electrical Workers, Local 24 located in Baltimore. I represent approximately 2,000 hardworking, Maryland tax paying electricians. I am a lifelong resident of Maryland and reside in District 7 of Baltimore County.

None of us could have seen a global emergency like Covid-19 coming. However, we could have and should have seen the lack of protection in place for our essential workers. Often times the media has described essential workers as nurses and doctors on the frontlines of fighting this pandemic. While this is true, it doesn't address the tens of thousands of other Marylanders who were considered essential during this emergency. From grocery and fast food employees to retail and transportation workers. The men and women that kept our State going

were typically some of the lowest paid, and least protected. They worked countless hours in unsafe conditions while many white collar and higher salaried employees worked from home or collected unemployment.

This is unacceptable and this is why we strongly support SB 486 and ask you to give it a favorable report.

Thank you,

Peter P. Demchuk

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PPD:clr AFL-CIO OPEIU # 2

# **SB486\_ Maryland Essential Workers' Protection Act.** Uploaded by: Dews, Christopher



#### Advocating better skills, jobs, and incomes

#### **TESTIMONY IN SUPPORT OF SENATE BILL 486:**

Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

**TO:** Hon. Delores G. Kelley, and Members of the Senate Finance Committee

FROM: Christopher Dews, Policy Advocate

**DATE:** February 11, 2021

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates for policies and programs to increase the skills, job opportunities, and incomes of low-wage workers and job seekers in Maryland. JOTF supports Senate Bill 486 as a means to ensure worker protections during public health emergencies.

According to the U.S. Department of Homeland Security, essential workers are those who conduct a range of operations and services that are typically essential to continue critical infrastructure operations. This includes, but is not limited to, firefighters, police officers, doctors, nurses, bus drivers, grocers, sanitation workers, mechanics, and more. All are required to maintain Maryland's economy during the pandemic and all have to put their health and safety at risk every day they go to work.

Nearly 300,000 Marylanders lack health insurance and the majority of these are low-wage essential workers. Worse, current Maryland law only allows for up to (5) five days of paid sick or safe leave annually and that benefit only applies to businesses with more than 15 employees (14 or fewer employees receive up to five days of *unpaid* leave.) Combining these two points, it is clear that the vast majority of essential workers in Maryland are *not* adequately equipped to handle the international COVID-19 Pandemic, which has slain 7,148 Maryland residents- a disproportionate amount being low-wage essential workers of color. There is not enough time in statute for a 14-day quarantine and no financial coverage for medical treatment.

Additionally, many companies that provide essential services have no set procedures in place for public health emergencies or proper personal protective equipment to protect the health and safety of workers. 50% of the COVID-19 deaths in Maryland are caused by the lack of personal protective equipment at places of employment. The CDC also reported last Fall that the virus is primarily contracted in the workplace- yet, outside of the Governor's temporary executive orders, there is *no* statute designed to protect workers in this crisis.

Senate Bill 486- known as the "Essential Workers Protection Act" moves to resolve the vast



#### Advocating better skills, jobs, and incomes

majority of these legislative oversights and sets the standard for how essential workers should be treated and compensated during public health emergencies. The bill ensures that during public health emergencies, essential workers: (1) are allowed to work in safe and hygienic working conditions; (2) receive hazard pay; (3) are privy to their employer's emergency action plan; (4) have access to 14 days of paid sick leave and three days of paid bereavement leave; (5) are given the right to refuse dangerous work conditions; (6) and access to free testing and reporting of positive test results during a viral pandemic.

Essential workers are the heroes that keep our state running; they deserve to be protected and compensated for their work in these dangerous times. For these reasons, we urge a favorable report on Senate Bill 486.

# **SB0486 Chanai Williams Favorable testimony.pdf** Uploaded by: DUMAIS, BRIG



# SB0486 -- Maryland Essential Workers Protection Act Official Testimony Position: **FAVORABLE**

Chair Kelley & Members of the Senate Finance Committee,

My name is Chanai Williams. I am a single mother of two kids and we live in Baltimore. I have worked for seven years at a major hospital in the city, where I am a Unit Associate, meaning I support doctors, nurses and other team members to provide high-quality care for our patients.

Working during the Covid pandemic has added pressure to all of our lives.

As an essential worker, I have had to continue working even though my kids are doing "virtual" school from home. My work schedule has changed, making it complicated to juggle work and home life. But I am committed to the mission of the hospital and I come to work every day focused on helping people get healthier.

While I have worked around Covid patients I am fortunate to have avoided the virus. Many of my fellow workers were not as fortunate. About 10 employees on our floor have been infected with Covid and forced to quarantine for at least two weeks.

It's been frustrating trying to get the personal protective equipment we need to stay safe. At one point last year, the hospital discouraged us from using new gowns, masks and gloves, even though that is the safest way to work with patients who may have the virus. We've also had to live with an inflexible system that penalizes support staff for being even a few minutes late – during a time when all of us are trying to manage the new reality brought on by the pandemic. And I have not received any hazard pay these past ten months.

My message to you is that essential and frontline workers have been going through a lot, putting up with risks and stress to take care of patients. I urge you to show these workers the respect they deserve and pass the Maryland Essential Workers Protection Act. Thank you.

Sincerely,

Chanai Williams Member, 1199SEIU United Healthcare Workers East

# **SB0486 Cyntira Gilchrist Favorable Testimony.pdf** Uploaded by: DUMAIS, BRIG



# SB0486 -- Maryland Essential Workers Protection Act Official Testimony Position: FAVORABLE

To Chair Kelley & Members of the Senate Finance Committee,

My name is Cyntira Gilchrist. I am a Certified Nursing Assistant and Geriatric Nursing Assistant at a Long-Term Care facility in Baltimore County, where I have worked for five years. I'm also a union member with 1199SEIU. I love what I do. I care for my patients, feed them, bathe them, dress them, groom them, and keep them company. The Maryland Essential Workers Protection Act will help keep me, my co-workers, and my patients as safe as possible during COVID19.

Every day working during this pandemic has been very stressful. I'm tired. I'm overworked. And I don't feel appreciated at all by the management at my facility. Everyone says healthcare workers are heroes, but they are not treating us that way. This has caused a lot of my coworkers to quit their jobs or be scared to come to work, so now my department is understaffed. That means I am not able to spend quality time with my patients. Not having enough time for patient care is heartbreaking because their families cannot visit them due to COVID, so I become their family because I am the only person around to comfort them and hold their hand. But I can't do that for my patients when I have more patients to see than I can possibly care for properly in one shift. Many of these patients are people to whom I have provided care for years. It makes me sad to see them suffer because of COVID itself, and the social isolation the pandemic has caused them.

At work, there is never enough PPE provided to us. I had to use my mask for one whole month before they would replace it for me. That means the mask I am wearing is not working as well as it could because masks are not supposed to be reused for that long. We don't get hazard pay for the extra work and the risk we are taking on. They also don't give us pandemic sick days, which means people have to use vacation days or take unpaid days off and even some are forced to file Workers Compensation. The Maryland Essential Workers Protection Act would address all of these problems which will make us safer in the short term, and will help retain our staff in the long term. Please vote yes on this bill so healthcare workers and all essential workers can truly be treated like the heroes we really are! Thank you.

Sincerely,

Cyntira Gilchrist Baltimore County Resident 1199SEIU United Healthcare Workers East, Member

# **SB0486 Janice Quintana Favorable Testimony.pdf** Uploaded by: DUMAIS, BRIG



# SB0486 -- Maryland Essential Workers Protection Act Official Testimony Position: FAVORABLE

To Chair Kelley & Members of the Senate Finance Committee,

My name is Janice Quintana. I am a Laundry Aide in a Long-Term Care Facility, where I have worked for 35 years because I love my patients and I love helping people. I'm also a union member with 1199SEIU United Healthcare Workers East. We need the MD Essential Workers Protection Act to keep me and my co-workers safe at our jobs.

Working during the COVID19 pandemic has been very challenging. I do whatever I can to help my patients who are sick, and it is hard to see them suffering. I'm sad when a patient I have been working with for years passes away to COVID19 before their time. It's upsetting that my workplace is not doing enough to protect me and my patients from this very contagious virus.

My job does not do a good enough job on reporting when employees and patients get COVID. There was an outbreak in my department and some people from different departments were blaming us for that. It is unfair to blame us for getting sick because we are not provided the quality PPE that the nurses and doctors get, even though we work closely with the patients too. Even when we do get PPE, it isn't enough. I had to re-wear my gown so much that it got so many holes in it. I went to my manager wearing my shredded gown and asked for a new one, all he said to me was "hmmmmm..." and I was not issued another gown. I work hard every day, and all I got was a "hmmmmmm." That's not right. Another problem with the PPE is most of the time they only have it in one size. I've seen some of my co-workers walking around looking like the Incredible Hulk because their gowns were so small on them.

Another problem we have in my facility is our boss has been calling my co-workers who were out sick with COVID telling them they had to come back to work when they were still sick. One girl came back to work sick and was too sick to work so she got sent to the doctor, and the doctor said she should never been back in the first place! This made me angry because our boss making her come back to work put all of us at risk. It's shameful! Please pass the Maryland Essential Workers Protection Act this session because what I have been experiencing as an essential worker is unacceptable, and this bill would fix a lot of those problems. Thank you.

Sincerely,

Janice Quintana
Member of 1199SEIU United Healthcare Workers East

# **SB486 Kimberly E. Jones Favorable Testimony .pdf** Uploaded by: DUMAIS, BRIG



#### SB0486 -- Maryland Essential Workers Protection Act Official Testimony

Position: **FAVORABLE** 

To Chair Kelley & Members of the Senate Finance Committee,

My name is Kimberly E. Jones. I work at a hospital in Baltimore as a Cafeteria Associate. I have worked there for 33 years, and I'm a union member with 1199SEIU. I've done this job for as long as I have because my union coworkers are like my second family away from home, and I love advocating for my colleagues and my patients. Working during COVID19 has been challenging, to say the least. We all pray together and we are survivors, but we need help! The Maryland Essential Workers Protection Act is the help we need.

At the beginning of the pandemic, me and my coworkers in Dietary were not even allowed to wear masks. I know that sounds unbelievable, and that is why I took photos of us without our masks, contrasted to people who are working in management who were given masks even though they mostly work in offices. Now, we are allowed to wear masks, but high-quality PPE is still not provided to us regularly. We are expected to bring our own cloth masks, which do not work as well as medical grade masks like N95s. It's ridiculous that my department hasn't been getting the PPE we need. We're the ones that prepare and serve food that everyone eats, so it is important that we are protected.

My coworkers and I are not receiving hazard pay. It feels like a slap in the face to take on so much extra risk at work and not have my pay reflect the sacrifices I'm making. I live from paycheck to paycheck, and I financially support my son and my granddaughter. Hazard pay would help me keep up with my mortgage payments, phone bills, and other expenses. Working during COVID19 is stressful enough without having to worry about if I am going to be able to make it to my next paycheck. Hazard pay is justice for essential workers! It will help relieve our stress, and we deserve it.

We also need paid COVID leave. One of my coworkers received the vaccine and he had some pretty bad side effects that meant he could not work. They fired him because he couldn't work! So now, a lot of my coworkers are scarred to get the vaccine, not necessarily because of the side effects themselves, but because they know they can't afford to miss a day of work if they do get side effects.

Something else management at my job is doing is moving out the union workers to other facilities and bringing in non-union temp workers as replacements. The non-union workers have even lower wages, no sick leave at all, and aren't getting good PPE either. Thankfully I am a union member and my union fights for me to get good wages and to have enough PPE, but if *all* workers in the facility don't have PPE, it is still putting the staff and patients at risk. That is why we need to make the Maryland Essential Workers Protection Act the law of the land! I believe my job is bringing in temp workers as a way to oust the union, and to not spend as much on pay, PPE, and benefits for workers. That's not ok. This tactic by management is a high-tech erosion of union workers that put *all* workers, union and non-union, at risk. Please pass the Maryland Essential Workers Protection Act this session. Thank you.

Sincerely,

Kimberly E. Jones Member, 1199SEIU United Healthcare Workers East

## **SB486 Rhonda Davis Favorable Testimony.pdf** Uploaded by: DUMAIS, BRIG



#### Testimony of Rhonda Davis in Support of SB0486, the Maryland Essential Workers Protection Act

To Chair Kelley & Members of the Senate Finance Committee,

My name is Rhonda Davis. I've worked for 13 years as a Dietary Cook at a Long-Term Care facility in Baltimore. I cook evening meals for our patients and make sure to meet their special dietary needs. I support the Maryland Essential Workers Protection Act because I care about my patients and all the members of my union.

My employer has done mostly a good job responding to the COVID19 pandemic. They acted quickly to make sure we had good PPE and gave us hazard pay. At first, we didn't have to use our sick or vacation days if we contracted COVID19 and they ensured we had safe rides to and from work. I and most of my coworkers have already been fully vaccinated or received at least one dose of the vaccine. We were able to avoid a big COVID19 outbreak in our facility because we had a good emergency action plan in place, are tested regularly, and were issued quality PPE.

Unfortunately, my story is **NOT** the norm. When I talk to my union brothers and sisters who work in other facilities, I am shocked by the horror stories they are still experiencing. Many of them did not receive PPE at all, and when they did, it had to be reused to the point that it was no longer protective. They do not get hazard pay, and they were rarely tested if at all. And they have to use vacation days or take unpaid time off if they get COVID. Unfortunately, my job has now switched policies and we have to use vacation days or unpaid time off if we get COVID too, and I don't think that is fair.

The Maryland Essential Workers Protection Act will require facilities to have a pandemic Emergency Action Plan in place. My experience has shown how much safer it is to work in a place that had a good plan compared to the facilities that doesn't. It's time to protect people who are working on the frontlines during COVID-19. Essential workers deserve PPE, hazard pay, and a concrete pandemic response action plan no matter where they work. Please pass this bill. Thank you.

Rhonda Davis Member, 1199SEIU United Healthcare Workers East

## **SB486 Tyrhonda Allen Favorable Testimony.doc.pdf** Uploaded by: DUMAIS, BRIG



#### SB0486 -- Maryland Essential Workers Protection Act Official Testimony

Position: **FAVORABLE** 

My name is Tyrhonda Allen. I live in Baltimore and have three sons, all under the age of 20. For the past three years I have worked in the environmental services department at a long-term care facility in Baltimore.

I'm offering this testimony so you will understand just how much the COVID pandemic has affected my life and the lives of so many essential workers.

COVID hit our facility hard. We lost some residents and one of our staff, a strong man in the prime of his life, died. It was heartbreaking and I thought about quitting.

But I stayed because I needed to support my kids. It was extremely scary to go to work every day, not knowing if you're going to bring the virus home with you. When I got home after each shift, I would take off my clothes outside to reduce the chance of bringing the virus in with me.

I didn't talk to my sons about the COVID cases at the facility; I didn't want to scare them, but I have lived with this anxiety every day the last 10 months.

At the beginning of the outbreak, our facility did not provide us with enough masks or gowns until our union, 1199SEIU, stepped in to demand better treatment.

Many of our staff have left, especially nurses, who couldn't handle the stress and conditions, which has put more of a burden on those of us who stayed on board. All of these factors have made my job so much harder to do.

Despite the added pressure and risk, I received hazard pay for only two weeks of work during the 10 months we've been dealing with COVID.

It's not fair to treat essential workers this way – demanding they come to work with COVID patients but not compensating them for the new pressure and danger.

I beg you to pass the Essential Workers Protection Act to require long-term care facilities and other health care facilities to mandate hazard pay, paid leave and mental health days for frontline workers. We also must require employers to do what needs to be done to protect workers, whether it's equipment or better safety procedures.

Please show your support for me and all essential workers in the state and pass this legislation. Thank you.

Sincerely, Tyrhonda Allen Member, 1199SEIU United Healthcare Workers East

## **Progressive Maryland Testimony Essential Worker Pr** Uploaded by: Dwyer, Jennifer



#### **PROGRESSIVE MARYLAND**

www.ProgressiveMaryland.org
Contact@ProgressiveMaryland.org
Facebook.com/ProgressiveMaryland
@Progressive\_MD

## Testimony on Maryland Senate Bill 486: Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

TO: Sen. Kelley, Chair, and members of the Senate Finance Committee FROM: Rashad Lloyd, Progressive Maryland Justice Task Force Leader

Prince George's County (D22).

DATE: February 9, 2021

POSITION: Support

Thank you for the opportunity to offer testimony on SB 486 Progressive Maryland is a grassroots, nonprofit organization with 9 chapters from Frederick to the Lower Shore and more than 100,000 members and supporters who live in nearly every legislative district in the state. In addition, there are dozens of affiliated community, faith, and labor organizations across the state that stand behind our work. Our mission is to improve the lives of working families in Maryland. Please note our strong support for this bill.

I just got my W-2 in the mail from 2020. For four months during the pandemic, I worked as an essential retail worker. I was hired at the MAX salary for my position at \$14/hr and at the time my place of employment offered workers \$2/hr extra as hazard pay. As the pandemic raged on and the company realized that this emergency was only going to escalate a decision was made to terminate the hazard pay program so that the company could remain profitable and sustainable into the future.

I worked for Total Wine and More, a company that Forbes in 2017 estimated was worth 3 billion dollars. A company worth that much decided it wasn't fiscally responsible to offer hazard pay to the workers who were risking their lives to generate those billions of dollars of profit. I'm here to say that in the four months I worked retail during this pandemic I made \$4,752.47 AFTER taxes, that comes out to less than \$400 per week. To my employer the total worth of both my labor and my life is less than \$400 per week and it is unacceptable, and the only way we stop this from happening to others is through the passage of this legislation.

We urge a favorable report on SB 486.

#### **SB 486 - MD Essential Workers' Protection Act.pdf** Uploaded by: Dwyer, Maura

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 40. I am testifying in **support of Senate Bill 486.** 



Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said." Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely,
Maura Dwyer
3908 Falls Rd
Baltimore MD 21211
Showing Up for Racial Justice Baltimore

**SB 486 - AFM.pdf**Uploaded by: Edwards, Donna
Position: FAV

#### Musicians' Association of Metropolitan Baltimore

1055 Taylor Avenue, Suite 218, Baltimore, MD 21286

Local 40-543

American Federation of Musicians

Visit our web site at:

http://www.musiciansunion.org

Michael Decker President

February 9, 2021



Phone 410-337-7277 FAX 410-337-7279 Email office@musiciansunion.org Office Hours Tues to Thurs 10 am to 4 pm

> Mary C. Plaine Secretary-Treasurer

#### TESTIMONY IN SUPPORT OF SB 486 Maryland Essential Workers' Protection Act February 11, 2021

TO: Senator Delores Kelley, Chair, and members of the Senate Finance Committee

FROM: Mary C. Plaine, Secretary-Treasurer, The Musicians' Association of Metropolitan Baltimore, Local 40-543

The Musicians' Association of Metropolitan Baltimore supports SB 486 and asks that the Senate Finance Committee votes to support this bill and send it on to the full chamber for passage.

It is unfathomable that Maryland Occupational Safety and Health has not already put in place standards and procedures to protect the health and safety of the state's essential workers during this pandemic. Employers must be required to provide personal protective equipment at no cost to their employees and to institute reasonable health and safety protocols regarding regular testing, vaccinations, and working environments that minimize the spread of disease. In addition, employees must have the right to refuse dangerous work without fear of retaliation. Employees should not be left to depend on the potential goodwill of their employers. There must be state-mandated protections for our essential workers.

Local 40-543 urges members of the Senate Finance Committee to vote FAVORABLY on Senate Bill 486.

Sincerely,

Mary C. Plaine

Secretary-Treasurer

P flaire

Support Live Music

# **SB 486 - CWA 2107.pdf**Uploaded by: Edwards, Donna Position: FAV

LOCAL 2107



#### Workers of America

1825 George Avenue, Suite 4 • Annapolis, Maryland 21401 Telephone: 410-268-2107 • Fax: 410-268-2150

Testimony in Support of SB 486 Maryland Essential Workers' Protection Act February 11, 2021

the Servits of To: Sen Delores Kelley, Chair, and members of the Senate Finance Committee From: Shannon Opfer, President CWA Local 2107, President CWA MD State Council

Chair Kelley and Members of the Senate Finance Committee,

As a Union, CWA represents telecommunications workers of all kinds. We represent Verizon employees who maintain and create the network of fiber optics that give people their phone lines and internet. We also represent AT&T employees in stores around the state selling cell phones and equipment that is necessary in today's society. When a State of Emergency is called in Maryland, we respond. We are there to clear phone lines off roads after snow tears them down. We are there to provide excellent service for your cell phones when you drop them in a puddle. We don't have the option to stay home because we are essential. We have a union to help protect us, but not all essential workers do.

SB 486 would provide safe and hygienic working conditions. It would give essential employees the right to refuse dangerous work. It would offer hazard pay and healthcare assistance to essential workers who are not given those things already. Emergency Action plans would be required of all employers.

In closing, SB 486 is important to keep the essential workers who have stepped up to serve our state during this pandemic some assurances to make their lives better. CWA is in SUPPORT of this bill.

Thank you,

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President CWA MD and DC State Council

President CWA Local 2107

# **SB 486 - Maryland Essential Workers' Protection Ac** Uploaded by: Edwards, Donna



#### MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

7 School Street • Annapolis, Maryland 21401-2096 Office. (410) 269-1940 • Fax (410) 280-2956

President

Donna S. Edwards

Secretary-Treasurer
Gerald W. Jackson

SB 486 – Labor and Employment – Employment Standards During an Emergency
(Maryland Essential Workers' Protection Act)
Senate Finance Committee
February 11, 2021

#### **SUPPORT**

Donna S. Edwards
President
Maryland State and DC AFL-CIO

Madam Chair and members of the Committee, thank you for the opportunity to submit testimony supporting SB 486 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act). My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of 340,000 union members, I offer the following comments.

For the past year, one group of people has kept our economy afloat. Every single day, in the face of personal threat to their own health and safety, and in direct defiance of the coronavirus, workers have shown up, done their jobs, and provided all of us with the food we eat, the buses and trains we ride, the government services we rely on, the health care needs that must be met, and nearly every other facet of our lives. Countless articles have been written, extolling the sacrifices of essential workers, and politicians across the political spectrum have given heart-rending speeches honoring them. The "Essential Worker" was a finalist for Time Magazine's "Person of the Year" for 2020, and even won the reader's poll<sup>1</sup>. Public sentiment is clearly behind those who make our economy run: The Workers.

Honoring essential workers for their grit and determination in the face of global pandemic is admirable and welcomed, but to truly express our appreciation, we need to change public policy in Maryland so that our deeds reflect our words.

SB 486 is the change in public policy that Maryland's Essential Workers need. The bill mandates safe and hygienic working conditions, with employer provided PPE and written safety and health protocols. It mandates hazard pay for low-income workers in tough jobs as well as financial assistance for health care costs and re-opening the Maryland Health Benefit Exchange Program



<sup>&</sup>lt;sup>1</sup> https://time.com/5917600/person-of-the-year-reader-poll-results-2020/

for enrollment during an emergency. These provisions, alone, would make SB 486 a great bill, but it goes further in setting solid policy to protect Essential Workers during an emergency with following changes to law:

- 14 days of paid health leave and 3 days of paid bereavement leave.
- The right to refuse dangerous work.
- Notification and reporting of positive test results on the jobsite.
- Employer paid testing costs.
- Whistleblower protections for workers
- Prohibition on misclassification of essential workers, to avoid following the rules.
- Expanded legal recourse for workers whose employers have violated these provisions.

It is not enough to praise Essential Workers, verbally or in print, while doing nothing to provide them with the support they need to continue their work. SB 486 provides tangible support for Maryland's Essential Workers in myriad ways.

For all the Essential Workers in Maryland who have gone above and beyond, who have put their health and indeed their lives at risk, during the COVID-19 pandemic, we ask for a favorable report on SB 486.

#### **SB 486 - MD Essential Workers' Protection Act Espo** Uploaded by: Esposito, Lindsay

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 45. I'm proud to have been a resident of Baltimore City



since 2008 and a homeowner and voter in the Greenmount West neighborhood for the last 8 years. I am testifying in **support of Senate Bill 486.** 

Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to **support Senate Bill 486**.

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Esposito
434 E Oliver
Baltimore, MD 21202
Showing Up for Racial Justice Baltimore

#### **SB 486 - MD Essential Workers' Protection Act.pdf** Uploaded by: Fertig, Benjamin

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 11. I am testifying in support of Senate Bill 486.



Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely, **Benjamin Fertig 2722 Quarry Heights Way, Baltimore, MD 21209**Showing Up for Racial Justice Baltimore

#### **SB486\_AFSCME3\_FAV.pdf**Uploaded by: Gilmore , Denise



# Testimony SB 486 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act) Support

AFSCME Council 3 represents 30,000 State and Higher Education employees in Maryland. We support SB 486. Throughout this pandemic, our members have been on the frontline providing services to Marylanders and ensuring that our state continues to run. Our members have been reporting daily to correctional facilities, state hospitals and juvenile facilities, to our courthouses, on college campuses, and in our communities investigating child abuse, monitoring violent offenders, and assisting motorists on our highways. Thousands of state employees have been contracted COVID-19, and sadly, nine of our members have lost their lives to this terrible virus.

Had the protections guaranteed in SB 486 been in place prior to 2020, many of these illnesses and deaths could have been prevented. Our members would have had the freedom to speak up about their concerns without a fear of retaliation and they would have been able to file complaints to Maryland's Occupational Safety and Health Agency; rather than just being told to call their local health departments which were already understaffed and focused elsewhere. We represent employees at over 1000 worksites in Maryland. With no central authority guiding the minimum protections employees should receive, the implementation and enforcement of safety protocols during this pandemic has been inconsistent at best, and non-existent at some of our worst worksites. For instance, early on in the pandemic, some managers in the Maryland Department of Health, the agency responsible for providing guidance to the rest of the state, prohibited their staff from wearing PPE right when the Department of Corrections began mandating masking for their staff. In MVA locations, managers weren't informing staff or the public of positive cases leading to several branch outbreaks. At Frostburg State University, shower curtains were being hung from the ceiling in offices as "barriers" for staff prior to the outbreak that occurred there. And today, in Courthouses across Maryland, social distancing is still not being enforced.

Every essential employee who has been showing up to a physical work location deserves hazard pay for themselves and their families who they risk exposing every time they return home from work. The hazard pay policy the Department of Budget and Management issued unilaterally excludes many employees who are reporting daily under these dangerous conditions. AFSCME Council 3 also believes that additional paid pandemic leave is a critical administrative control in preventing outbreaks as many of our members are now quarantining for the third and fourth time. They are now running out of their personal leave while trying to protect those around them from this virus. Safer workers equal safer communities.

For all of these reasons, we urge the committee provide a favorable report on SB 486. Thank you.

Every AFSCME Maryland State and University contract guarantees a right to union representation. An employee has the right to a union representative if requested by the employee. 800.492.1996

# **SB0486-Essential Workers LG.pdf** Uploaded by: Girdner, Linnie

Dear Senators Kelley, Feldman and Members of the Finance Committee,

I am a resident of MD District 21 and have lived in Maryland most of my 70 years. I am a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of **Senate Bill 0486**.

The Maryland Essential Workers Protection Act guarantees safe working conditions, hazard pay, and access to testing and paid sick leave. Your support of this bill shows essential workers that we value their service.

Immigrant families, especially underdocumented families, have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said." Baltimore Sun, Dec. 8, 2020, *Unions, advocates push for more protections in Maryland for essential workers*. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With 6,322 deaths related to COVID-19 in Maryland, it is a matter of life and death.

It is for these reasons that I am encouraging you to vote in **Support of Senate Bill 0486.** 

Thank you for your time, service, and consideration.

Sincerely, Linda K. Girdner, Ph.D. 941 Fall Ridge Way Gambrills. MD 21054

## **BDCBT SB 486 Labor and Employment –Employment Sta** Uploaded by: Guido, Jeffry



**Electrical Workers** 

United Association

Cement Masons

Insulators

Roofers

**Teamsters** 

Laborers

Bricklayers

Ironworkers

**Painters** 

Carpenters

Sheet Metal Workers

**Elevator Constructors** 

**Operating Engineers** 

Boilermakers

**Maryland Senate - Finance Committee** 

Chair: Delores G. Kelley Vice Chair: Brian J. Feldman

Senate Bill 486 – Labor and Employment – Employment Standards During an Emergency2 (Maryland Essential Workers' Protection Act)

**Position: Support** 

The Baltimore DC Metro Building Trades Council supports SB 486. The critical trades sector is composed of professionals trained in any number of key services that are critical to keeping Hospitals, nursing homes, government, offices, residences and other buildings operating. Just some of the professions that can be considered a part of this skilled trade sector include electricians, plumbers, HVAC technicians, carpenter, finishing trades and many others. Maryland considers workers in these trades "critical infrastructure workers," and recognizes the work they perform as "necessary to sustain and protect life." While many workers have been teleworking from home, critical trades people have been working to keep projects on time and on budget. While folks have transitioned to spending the majority of their time at home, tradespeople have continued to uphold safety and quality of life standards for all. We urge the Committee for a favorable report. Thank you.

Sincerely,

Jeffry Guido

(E) jguido@bdcbt.org (O) 301-909-1071 (C) 240-687-5195

5829 Allentown Rd Camp Spring MD 20746

Value on Display... Everyday.



## **Anthony Powell Testimony on SB486.pdf** Uploaded by: Hall, Djawa

#### Testimony of Anthony Powell in SUPPORT of SB486: Maryland Essential Workers' Protection Act

My name is Anthony Powell. I live in LaPlata and work as an Emergency Medical Technician at Prince George's Hospital Center in Cheverly.

It's important for you to understand what it's been like for those of us who have been working in hospitals during the COVID crisis.

In the emergency department where I work, we have seen a dramatic increase in patient loads, including a surge in cases of people testing positive for the coronavirus. This included many cases of people who were experiencing behavioral health episodes and were positive for the virus. I was often put in risky situation of having to restrain these combative Covid-positive patients.

As the first wave hit last spring, we did not have the protective gear we needed. Masks were hard to come by and we would have to use the same mask day after day – and these were disposable masks that are supposed to be used only once.

The stress of dealing with the much higher patient load and so many Covid cases has been enormous. It's been mentally and physical tragic to the staff as we saw firsthand the impact the virus is having on the older population and so many others.

More staffers are missing time from work due to the stress. Some don't feel safe and others have had to quarantine. There are often fewer of us working at a time when there are more patients to care for. And I have not received any kind of hazard pay to compensate for the added workload and risk.

I was a Marine and saw combat duty in the Middle East, so I pride myself on handling the extra stress I have experienced these past 10 months. But many of my coworkers are so scared. They worry about getting the virus or taking it home to their kids.

We are asking a lot of our frontline workers, so we must make sure that health care workers and all essential workers have safe jobs. And we should pay people for taking the extra risks to serve the community during an emergency.

I strongly urge you to back our essential workers, who have been on the frontlines of this battle every day. Please support the Essential Workers' Protection Act.

Thank you.

#### **SB 486 - MD Essential Workers' Protection Act BH.p** Uploaded by: Hauck, Barbara

Dear Members of the Senate Finance Committee.

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 43. I am also a longtime member of Baltimore's vibrant



theatre community, and the Artistic Director at the Fells Point Corner Theatre. I am testifying in **support** of Senate Bill 486.

Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to **support Senate Bill 486**.

Thank you for your time, service, and consideration.

Sincerely,
Barbara Hauck (she/her)
3420 Harford Road
Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

#### **SB0486 Written Testimony A Juberg.pdf** Uploaded by: Juberg, Arielle

Arielle Juberg Baltimore, Maryland District 8

Testimony in Support of Bill SB0486, Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

To: Chair Kelley and members of the Senate Finance Committee

From: Arielle Juberg

My name is Arielle Juberg. I am a resident of Baltimore County in District 8. I belong to Showing Up for Racial Justice in Baltimore and CASA de Maryland's Ally Network. I am a church member, volunteer, and patron of businesses in Baltimore City and Baltimore County.

I am testifying in support of SB0486, Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act). My family and I are safe and well today because of essential workers. When a family member became sick and fainted last year, our local EMT crew and emergency department staff came to our aid. We have been visiting grocery stores and drug stores each week for food, toiletries, and medicine. A senior care facility is cooking and cleaning for my elderly family member. I am sure that many of your families have also depended upon these types of services.

Essential workers have put their health and safety at risk to serve their communities. According to the United Food and Commercial Workers Union, across the country, at least 28,700 grocery store employees have been infected with or exposed to the virus and 134 have died from COVID-19. Unfortunately, this is happening in Maryland. In December, I visited a local grocery store where employees had made a small memorial to a colleague who passed away. This legislation guarantees safe working conditions, hazard pay, and access to testing and paid sick leave. As a community, we should absolutely thank essential workers for their services during this catastrophic time. However, saying "thank you" isn't enough. This bill is so important because too many essential workers did not and do not have access to safe working conditions.

SB0486 is the right thing for essential workers and their families. It is also the right thing for Maryland. This pandemic has shown us that we are *all* connected, and that any weakness in our system that touches one person will impact us all.

Maryland has taken important steps to protect essential workers, including prioritizing them for vaccination and requiring masks in stores. I am asking this committee to send a clear message that we will protect and honor essential workers. For all these reasons, I respectfully urge a favorable report for SB0486.

<sup>&</sup>lt;sup>1</sup> Maheshwari, Sapna and Corkery, Michael. "'We Are Forgotten': Grocery Workers Hope for Higher Pay and Vaccinations". The New York Times. February 8, 2021. <a href="https://www.nytimes.com/2021/02/08/business/grocery-workers-hero-pay-vaccines.html?smid=url-share">https://www.nytimes.com/2021/02/08/business/grocery-workers-hero-pay-vaccines.html?smid=url-share</a>

## **Testimony SB-486 Essential Workers Protection Act** Uploaded by: Kasecamp, Larry

LARRY KASECAMP Legislative Director

THOMAS CAHILL Assistant Director

JOHNNY WALKER Secretary



11505 Caboose Road, SW Frostburg, MD 21532 PH: 301-697-2695 utusldmd@gmail.com

ANNAPOLIS OFFICE 176 Conduit St., Suite 206 Annapolis, MD 21401-2597

February 11, 2021

#### REPRESENTATIVES

CUMBERLAND Local 430 VACANT

Local 600 JASON WEAVER

BRUNSWICK Local 631 TOM CAHILL

EDMONSTON Local 1470 KENZELL CRAWFORD

BALTIMORE Local 610 JOHNNY WALKER

Local 1949 ERIC BILSON The Honorable Delores Kelley, Chairman Members of the Senate Finance Committee

#### RE: SB486 - SUPPORT

As State Legislative Director for the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Worker's I am urging your committee to support SB486, "Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)."

We are the largest rail labor union in North America. Our members in Maryland are employees of CSX Transportation, Norfolk Southern Railway, Amtrak, Bombardier which operates our MARC Service, and the Canton Railroad. They work as conductors, engineers, switchmen, trainmen, utility persons and yardmasters. Our members operate freight and passenger trains that travel throughout the State. Overall, SMART represents over 216,000 members throughout the country.

This proposed legislation would place requirements on essential employers to provide certain benefits and safety and health protections to essential workers during emergency declarations by the Governor.

The U.S. Department of Homeland Security has denoted that transportation workers are part of the essential structure for critical response.

Our members perform and assist with various functions for shipping and transporting essential goods and materials, including food, pharmaceuticals, raw materials, fuels, chemicals, energy, products for wholesale, as well as the functions and services for transporting passengers via mass transit. This puts them in unavoidable interactions with the general public and places them at the highest risk among the essential workforces.



In the U.S Department of Homeland Security's "Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During Covid-19 Response" they identify our members as part of the essential critical infrastructure workforce responsible for ensuring community and national resilience in the COVID-19 response.

During this pandemic our members have continued to go to work each day to provide necessary functions to keep our economy working while at the same time providing critical support in the response to the pandemic.

In doing so, many have contracted the COVID 19 virus, which resulted in some of them passing, some becoming very ill and jeopardizing their family's health. Others have had to quarantine for being exposed to other workers or the public who had the virus. Many have lost paychecks and benefits as a result. This legislation addresses many of the hardships these essential workers experienced.

We therefore urge your committee to give SB-486 a favorable report.

Sincerely,

Jany.

Lawrence E. Kasecamp

MD State Legislative Director

Transportation Division

## **SB 486 - MD Essential Workers' Protection Act.pdf** Uploaded by: Keipper, Lindsay

Dear Members of the Senate Finance Committee,

This testimony is being submitted by residents of District 46 who are also community leaders in Showing Up for Racial Justice Baltimore. SURJ is a group of community members supporting local groups working for greater racial justice in Baltimore and the State of Maryland. We are also working in collaboration with CASA de Maryland. We are testifying in **support of Senate Bill 486.** 



Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially, have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act. The folks who have kept our society functional during this crisis are the most at-risk, because their jobs can't be done from home, because they don't have access to all the resources they need to stay healthy, and because their employers sometimes compel them to risk unsafe conditions without protective equipment or give up their jobs. No one should have to choose between risking death from coronavirus and being unemployed.

No doubt we can all agree that our health care workers are real heroes, risking their lives to care for and save the lives of other Marylanders who have fallen sick; we need to make sure that we are respecting their sacrifices by going to the distance to give them the support they need right now. We should also recognize that a lot of essential workers, who have kept on the job throughout the pandemic, have played an equally important role and are in need of protection too. Unfortunately a lot of people are unable to afford to buy their own personal protective equipment, pay for coronavirus testing, or take unpaid time off to self-isolate or quarantine. In addition, there are workplaces that are not willing to follow basic pandemic safety measures or provide masks and hand hygiene supplies to their employees unless they are compelled to do so.

Frontline workers need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that we are encouraging you to **support Senate Bill 486**.

Thank you for your time, service, and consideration.

Sincerely,

SURJ District 46 Community Leaders
Sarah Goldman

Christina Pham Linhoff Ben Goldberg Liz Simon-Higgs Brian Seel Lilly Chappa Natalia Skolnik Lindsay Keipper

## **2021-02-11 SB 486 (Support).pdf** Uploaded by: Kemerer, Hannibal

BRIAN E. FROSH Attorney General



**ELIZABETH F. HARRIS**Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

### STATE OF MARYLAND OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

February 11, 2021

TO: The Honorable Delores G. Kelley

Chair, Finance Committee

FROM: Brian E. Frosh, Attorney General

RE: SB0486 – Labor and Employment – Employment Standards During an Emergency

(Maryland Essential Workers' Protection Act) – Support

I write to enthusiastically support Senate Bill 486 and to urge the Finance Committee to favorably report the same. If enacted, SB 486 would (1) create a special enrollment period for uninsured essential workers to enroll in a group health benefit plan sponsored by their employers; (2) require employers to provide employees notice of any hazard pay earned during a pay period; (3) codify an Essential Workers' Protection Act to protect such workers, including contractors and subcontractors, during an emergency; (4) require the Maryland Emergency Management Agency to issue guidance to essential employers about complying with worker protections during the emergency; (5) require essential employers to provide working conditions that reduce physical harm and mental distress, ensure physical health and safety, provide personal protective equipment to employees at no cost, create and maintain written protocols to enforce necessary hygienic practices or disease mitigation measures at worksites, and provide other measures or requirements to ensure the general health and safety of essential workers; and (6) prohibit essential employers from retaliating against essential workers for witnessing an unsafe work environment, notifying the essential employer or a governmental agency of the unsafe work environment, or filing a formal or informal complaint.

Senate Bill 486 also requires the Commissioner to promptly notify essential employers of the content of any written complaint and require, in its discretion, that the employer meet to effectively and immediately remedy the unsafe work environment. The Commissioner is further empowered to seek civil monetary penalties of not more than \$50 for each day that the condition causing the unsafe work environment is not remedied up to \$1,000 per occurrence. The bill also lays out essential employer requirements with respect to: emergency preparedness plans (Section 3-1606), employee leave in the event of exposure to an infectious disease at a worksite (Section 3-1607), employee bereavement in the event of a family member's death (Section 3-1608),

hazard pay during the emergency (Section 3-1609), misclassification (Section 3-1610), and essential worker complaint processing (Section 3-1611). Finally, although an emergency measure, the bill is to be construed to apply only prospectively and may not be applied or interpreted to require hazard pay for essential workers prior to passage of the Act.

The workers essential to our well-being have suffered disproportionately, with too little done to protect them. They bear personal risk caring for the elderly and sick, harvesting crops, collecting trash, carrying mail, checking out groceries, cleaning hospitals, and making deliveries to people's homes.

The Attorney General's COVID-19 Access to Justice Task Force ("Task Force") issued a Report with a series of findings and recommendations that include the following:

- Essential workers first responders and health care, food, transportation, and delivery workers who are lower-income and disproportionately people of color and women have been hit hardest by the virus. Many have been forced to continue working despite lacking personal protective equipment and other recommended safeguards. These workers have also struggled to get critical legal information and advice about their rights, worker safety and protections, and retaliatory terminations. <sup>1</sup>
- Neither the Federal nor State government has instituted standards adequate to ensure that front-line workers are protected from workplace hazards. The Task Force found also that the pandemic put vulnerable people at greater risk of abuse and brought to light weaknesses in the State's policies designed to protect them. The State has also failed generally to incorporate increased needs for civil legal aid in its response planning for pandemics and other public health emergencies.<sup>2</sup>

These findings led to recommendations that are immediately pertinent to SB 486 and that support its prompt passage and implementation:

Protect workers and their families more effectively from COVID-19 and other infectious diseases.

### **Priority actions include:**

 Require the Commissioner to develop and adopt regulations under the Maryland Occupational Safety and Health Act related to Aerosol Transmissible Diseases (ATD) to provide a range of protections to workers. This includes establishing ATD standards for the health care industry and emergency response employers that protect workers in these industries from the increased risk of contracting known airborne

<sup>&</sup>lt;sup>1</sup> See Md. Att'y Gen. Brian E. Frosh's COVID-19 Access to Just. Task Force, Confronting the COVID-19 Access to Justice Crisis 7 (Jan. 2021),

https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG\_Covid\_A2J\_TF\_Report.pdf.

 $<sup>\</sup>frac{1}{2}$  See id. at 13.

pathogens and other diseases and requiring employers to provide paid leave to workers who must self-quarantine due to workplace exposure to an ATD.

• Amend Maryland's Healthy Working Families Act to: (1) remove the exemptions from required paid sick leave for underage workers, agricultural workers, and temporary or part-time staffing workers; and (2) add eligibility to use paid sick leave during a declared public health emergency.<sup>3</sup>

Senate Bill 486 is a thoughtful and comprehensive measure to protect essential workers during a public health emergency. It codifies essential worker protections in a thoughtful and targeted manner.

For all the foregoing reasons, I urge a favorable report on SB 486.

cc: Committee Members

3

<sup>&</sup>lt;sup>3</sup> See id.

# **SB 486 from AAUW MD.pdf**Uploaded by: King, Roxann Position: FAV



### Testimony of American Association of University Women of Maryland

to the

### Maryland General Assembly Senate Finance Committee

in support of

Senate Bill 486: Maryland Essential Workers' Protection Act

February 11, 2021

Submitted by Roxann King, Vice President, Public Policy

The American Association of University Women of Maryland supports the passage of SB 486, the Maryland Essential Workers Protection Act. Founded in 1881, AAUW's approximately 170,000 members and 1,000 branches nationwide are leaders in gender equity research, advocacy, and philanthropy. In Maryland, we have over 4,000 members and supporters and 13 college and university partners.

This bill addresses the challenges that essential workers are experiencing during the COVID-19 pandemic: physical harm, loss of pay, health hazards and unjust work orders. The majority of essential workers in Maryland are women and the majority are people of color. The health and economic security of both women and communities of color have been disproportionately impacted by the pandemic.

This bill would provide essential workers with better standards for safe working conditions during pandemics. It will provide for pandemic pay and the availability of health insurance during pandemics. The bill mandates a plan to be in place so that workers can understand their responsibilities during any pandemic. It guarantees that workers can refuse dangerous work without fear of retaliation from employers. Finally, the bill guarantees that workers be given leave to deal with family crises caused by the pandemic.

The American Association of University Women of Maryland urges passage of SB 486 to provide our essential workers with much needed protections in the workplace to ensure health, safety and security during pandemics.

## **SURJ Essential Workers Protection.pdf** Uploaded by: Kleinman, Jan

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 43. I am testifying in **support of Senate Bill 486.** 



Senate Bill 486, known as the Maryland Essential Workers' Protection Act, guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" (Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers.) Further, a May 2020 complaint filed with Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely,
Jan Kleinman
2700 Remington Avenue, Apt 504
Baltimore, MD 21211
Showing Up for Racial Justice Baltimore

## MANA\_FAV\_SB486.pdf Uploaded by: Kress, William

### Maryland Association of Nurse Anesthetists

February 9, 2021

### SB 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Before the Senate Finance Committee

**Position: Favorable** 

Dear Chair Kelley

The Maryland Association of Nurse Anesthetists (MANA) strongly supports SB 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act).

This legislation provides vital protections to Maryland workers that risk illness and financial degradation so that our society continues to normally function.

We fully support the requirement that all workers have the necessary personal protective equipment during this unprecedented pandemic and healthcare crisis. Finally, the bill's requirement to provide bereavement leave and reimbursement for out-of-pocket healthcare expenses is fair and equitable. Maryland healthcare providers struggle every day with employment related stress stemming from COVID 19, they should not have to also worry about the personal financial stresses brought about by solely from COVID 19.

We respectfully request a favorable report on SB 486.

Respectfully submitted,

Diane Dy

MANA President

## **Testimony SB486 Employment Standards.pdf** Uploaded by: LeGrande, David



## Testimony for SB 486 Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

**Bill Sponsor: Senator Augustine** 

**Committee: Finance** 

Organization Submitting: Our Revolution, Howard County, Maryland Person Submitting: David LeGrande, Vice Chair and Paul Baicich, Chair

**Position: Favorable** 

We are presenting this testimony on behalf of Our Revolution Howard County (ORHoCo), the county chapter of an organization inspired by the political and social messages of Senator Bernie Sanders (I-VT). We fight for values and policies covering climate-change, health care, and economic and racial justice that focus on the needs of our neighbors, co-workers, and working families, particularly in this time of COVID.

For many years, Maryland essential workers have not been provided certain protections and benefits through their employment. This issue has become more severe during the COVID-19 crisis negatively impacting thousands of Maryland essential workers. SB 486, Employment Standards During an Emergency (Maryland Essential Workers' Act) comprehensively addresses these concerns. For example,

- During an emergency, all essential employers shall provide working conditions that reduce physical harms and mental distress and detriment and ensure physical health and safety; Provide essential workers necessary and required personal protective equipment at no cost; and Create and maintain written protocols to enforce necessary workplace hygienic practices or disease mitigation measures.
- Define an Unsafe Work Environment as one which includes unsanitary working conditions; an employer's failure to provide personal protective equipment; lack of employer adherence to federal and state health and safety standards related to the emergency; an essential employer's failure to develop and enforce required health and safety protocols; an essential employer's failure to notify workers of illnesses, improperly functioning equipment, or other dangerous or hazardous working conditions.
- Further, SB 486 authorizes essential workers to refuse to perform unsafe work during an emergency with protection from employer retaliation including discharge and disciplinary action and establishes adjudication procedures for worker complaints and employer illegal actions.
- Requires essential employers to prepare a written health emergency preparedness plan for responding to a catastrophic health emergency and make this plan available to essential workers.
- Requires essential employers to develop and enact procedures to control the risk of transmission and
  contraction of infectious diseases including informing workers of potential exposure, evacuating the
  workplace until it has been properly sanitized, and providing payment directly or through health
  insurance coverage for the cost of required illness/disease testing.
- Requires essential employers to provide essential workers with hazard pay during an emergency as well
  with financial assistance for unreimbursed health care costs for those workers who have developed an
  emergency-related illness or injury.

For the above reasons, Our Revolution Howard County encourages support for SB486.

Thank you.

David LeGrande, ORHoCo Vice Chair Paul Baicich, ORHoCo Chair

## WDC Testimony SB0486 Essential Workers 2.11.21.pd Uploaded by: Macomber, Virginia

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

## Senate Bill SB0486 - Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers Protection Act) Senate Finance Committee – February 11, 2021 SUPPORT

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club** (WDC) for the 2021 legislative session. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active women and men, including many elected officials.

WDC urges the passage of SB0486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers Protection Act). This bill will protect the health and safety of essential workers during a declared State of Emergency, such as the current COVID-19 pandemic. Essential workers are those who cannot work remotely during an emergency (including contractors and subcontractors) and work in specified industries and employment sectors. This bill will require the employer of an essential worker to establish an emergency action plan that provides for safe and hygienic working conditions, adequate personal protective equipment, free COVID testing, hazard pay, financial assistance for unreimbursed health care costs, and health and bereavement leave, among other requirements. It will also prohibit retaliation against workers who report unsafe working conditions.

Essential workers perform work that is often underpaid and unseen – yet critical to keeping our country running and to caring for our most vulnerable citizens, especially during the COVID-19 pandemic. Maryland cannot effectively control the spread of COVID-19 without taking actions to limit the number of essential workers who catch and transmit the virus. Maryland currently has no uniform health and safety standards to protect its essential workers. Therefore, they often lack adequate protective gear and must work outside the home in unsafe work environments. As a result, essential workers are disproportionally exposed to COVID-19. Furthermore, low-wage essential workers are often uninsured because they cannot afford the insurance premiums, and do not have paid family and medical leave. As a result, they are less likely to seek medical help or stay home when feeling ill.

This bill is of particular interest to WDC because one in three jobs held by women has been designated as essential, and many essential workers come from marginalized communities and are people of color.

We ask for your support for SB0486 and strongly urge a favorable Committee report.

Respectfully,

Diana Conway President

Die Ely

# **SB486 - MLAW Testimony.pdf**Uploaded by: Morgan, Jessica Position: FAV



Bill No: SB486

Title: Labor and Employment - Employment Standards During an Emergency (Maryland

Essential Workers' Protection Act)

Committee: Finance

Hearing: February 11, 2021

Position: SUPPORT

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW's purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **SB486 a priority on the 2021 MLAW Agenda and we urge your support**.

SB486 will provide essential workers with much needed protections in the workplace to ensure employee health and safety during pandemics.

Essential workers are experiencing during the COVID 19 pandemic, the majority of whom are women and people of color. To date, essential workers have experienced unsafe working conditions where they have been physically harmed, loss of pay and benefits, health hazards, and unjust work orders. From COVID-19's inception, thousands of essential workers have also contracted this virus, and this bill not only provides protection to decrease the contraction rate, but it also provides other safeguards that give workers the confidence and security of knowing that they are not infecting their colleagues, family or community.

If this bill is enacted, it will provide women with protections and procedures against unfair treatment by employers, including arbitrary retaliation. The protections in this bill will ensure better standards to have safe and healthy working conditions so women do not have to engage in unsafe work practices that put their lives in danger. It will allow women to receive pandemic pay and the opportunity to be covered by health insurance during pandemics. Workers need plans of action during pandemics and as such, this bill mandates that a fair plan be set in place so workers understand their responsibilities during this and any future pandemics.

For many women, pandemic and bereavement leave is also a big factor in order to care for their families and due to this, this bill ensures that workers are given leave to handle various severe circumstances. Last but certainly not least, this bill provides women the right to refuse dangerous work without retaliation if management encourages female essential workers to put their lives at risk. Conclusively, this bill provides workplace protections for essential workers to ensure that have safe working conditions during pandemics.

For these reasons, MLAW strongly urges the passage of SB486.

### MLAW's 2021 Agenda is supported by the following organizations:

AAUW Anne Arundel County

**AAUW Easton Branch** 

AAUW Kensington Rockville Branch

American Association of University Women (AAUW) Maryland

Anne Arundel County NOW

Baltimore NOW (National Organization for Women)

Bound for Better, Advocates for Domestic Violence Survivors

**Business and Professional Women Maryland** 

Calvert County Commission for Women

Cambridge Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

Charles County Commission for Women

Childway Early Learning Center

Church Women United

Delta Sigma Theta Sorority, Inc., Annapolis Alumnae Chapter

Delta Sigma Theta Sorority, Inc., Kappa Phi Chapter

Delta Sigma Theta Sorority, Inc., Baltimore County Alumnae Chapter

Delta Sigma Theta Sorority, Inc., Baltimore Metropolitan Alumnae Chapter

Delta Sigma Theta Sorority, Inc., Fort Washington Alumnae Chapter

Delta Sigma Theta Inc., Frederick County Alumnae Chapter

Delta Sigma Theta Sorority, Inc., Harford County Alumnae Chapter

Delta Sigma Theta Sorority, Inc., Kappa Psi Chapter

Delta Sigma Theta Sorority, Inc., Montgomery County MD Alumnae Chapter

Delta Sigma Theta Sorority, Inc., North Arundel County Alumnae Chapter

Delta Sigma Theta Sorority, Inc., Potomac Valley Alumnae Chapter Delta Sigma Theta Sorority, Inc., Prince George's County Alumnae Chapter

For All Seasons, Inc.

Hug Don't Shoot

Human Trafficking Prevention Project, University of Baltimore School of Law League of Women Voters of Prince George's County (LWVPGC)

Lee Law, LLC

Maryland Coalition Against Sexual Assault

Maryland Family Network

Maryland Justice Project

Maryland Network Against Domestic Violence

Maryland NOW

Maryland Women's Heritage Center

Mission 50

MoCoWoMen

Montgomery County Commission for Women

Montgomery County NOW (National Organization for Women)

Montgomery County Women's Democratic Club

**Montgomery County Young Democrats** 

NARAL Pro-Choice Maryland

National Coalition of 100 Black Women., Inc. Anne Arundel County Chapter

National Coalition of 100 Black Women, Prince George's County Chapter

Planned Parenthood of Maryland

Planned Parenthood of Metropolitan Washington DC

Prince George's County Drug Policy Coalition, Inc.

Reproductive Justice Inside

Stella's Girls Inc.

The Rest Of A Life (TROAL)

Top Ladies of Distinction

Top Ladies of Distinction, Inc., Patuxent River Chapter

Top Ladies of Distinction, Prince George's County Chapter

UAW Local 1183

WISE

Women's Equality Day 2020 Celebration Coalition

Women's Law Center of Maryland

## **Elliott Morton MDEWPA testimony.pdf** Uploaded by: Morton, Elliott

#### To Whom It May Concern:

I don't trust Baltimore County Public Schools. As a BCPS student for the past twelve years, I have seen the school system mess up one thing after another – buying millions of dollars' worth of laptops from a company the Superintendent secretly consulted for; allowing my high school to approach 500 students over its state-rated capacity; leaving such obtuse vulnerabilities in their data systems that they were devastated by a cyberattack this fall. Each mishap was initiated by their own incompetence. My father is a first-grade teacher at a County school. When BCPS claims they will keep him safe, I don't trust any of it.

First grade is not something you can teach online. While many of us struggle with the technical difficulties of online meetings, imagine what it's like to teach six-year-olds to fix their own technical issues without being able to see their screens. Online school is functional, but it's just not cutting it. Going back to school in person gives elementary-age students the opportunity to actually do first grade – through number cubes, play-doh, and other hands-on aspects critical to development at that age, they can now begin to make up the massive learning gaps that have grown since last March. A return to in-person learning is a massive opportunity to catch up on what we've lost.

With Baltimore County's past logistical failures, I don't trust them one bit to keep my dad safe as he returns to work in the classroom. They may claim to, but regardless of their claims the state must step in to make sure Counties protect their teachers. The Maryland Essential Workers' Protection Act will ensure that he, and millions of other essential workers, are kept safe from the dangers of a deadly pandemic. I want my dad to be guaranteed a safe and hygienic workplace so he can continue educating at such a critical stage in children's development. If (or when) BCPS fails to protect him, he deserves to protect himself by refusing dangerous work. Right now, BCPS teachers do not have the option to teach fully virtually during the pandemic – an unacceptable condition, especially for teachers with underlying health conditions.

As teachers go back in the classroom, it's more important than ever that they – and all essential workers – are protected by state law. For months we have been praising essential workers – making signs, saying thank you, and giving Super Bowl tickets to those who have put their lives on the line so Maryland can stay open. All of these thank-yous mean absolutely nothing unless they are backed up by action. The MDEWPA is an essential to showing our essential workers that we don't just claim to care about them. We must pass this Act to keep Maryland open for business, and to keep millions of essential workers safe and healthy.

Sincerely, Elliott Morton Constituent, District 42A

### SB 486 - MD Essential Workers' Protection Act.docx

Uploaded by: Murray, Kerriann

Dear Members of the Senate Finance Committee.

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 10. I am testifying in **support of Senate Bill 486.** 



Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to **support Senate Bill 486**.

Thank you for your time, service, and consideration.

Sincerely,
Tamara Todd
221 Northway Rd, Reisterstown, MD 21136
Showing Up for Racial Justice Baltimore

# **SB 486 testimony.pdf**Uploaded by: Novak, Natalie Position: FAV

Dear Members of the Senate Finance Committee.

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 41. I am testifying in support of Senate Bill 486.



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It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely,
Natalie Novak
1206 W. Northern Parkway, Baltimore, MD 21209

## **SB486\_FAVORABLE\_Marylanders for Patient Rights.pdf**Uploaded by: Palmisano, Anna

### **Marylanders for Patient Rights**

### Marylanders for Patient Rights - FAVORABLE SB 486

Chair Delores Kelley Senate Finance Committee Miller Senate Office Building, 3 East Wing 11 Bladen St., Annapolis, MD 21401

Dear Chair Kelley,

On behalf of Marylanders for Patient Rights, I am writing in strong <u>SUPPORT OF SB 486</u>, the Maryland Essential Workers Protections Act. The vital and fundamental protections provided by this bill will help to preserve the health, safety, and livelihoods of essential workers and their family members.

During the current pandemic, essential workers were all too often left without personal protective equipment (PPE), adequate testing, or hazardous duty pay while they risked their lives to protect others. We as a society owe these workers not only a huge debt of gratitude, but also the means by which they and their families can remain healthy and maintain their source of income.

As a patient advocate and microbiologist, I was extremely alarmed by the neglect of workers at long term care facilities, where the pandemic took so many lives. Reports of workers provided with garbage bags and hairnets in lieu of adequate PPE were horrifying. The delay of testing for caregivers for many months resulted in a rapid and deadly spread of COVID-19 through vulnerable elderly communities.

Moreover, it is of vital importance that essential workers be provided with hazard pay and sick and bereavement leave. I'd like to provide a personal example. We had a wonderful caregiver at a local assisted living facility who cared for a family friend with advanced dementia. When the caregiver lost her husband last July, she was only able to afford two days of leave: the day her husband died and the following day to notify her family and to plan a funeral. This is a travesty. In addition, my family friend, like many who suffer from dementia, refused to wear a mask. This put her caregiver at additional risk in a congregate living situation. This is why hazard pay and bereavement leave are so important.

The standards and procedures outlined in SB 486 are commonsense and reasonable. I strongly urge the Senate Finance Committee to provide a <u>FAVORABLE</u> report for SB 486 to help keep all our essential workers safe.

Thank you,

Anna Palmisano

Anna Palmisano, Ph.D.

Marylanders for Patient Rights
palmscience@verizon.net

## CASA\_FAV\_SB486.pdf Uploaded by: Paul, Cathryn



## Testimony in SUPPORT of SB 486 Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act) Senate Finance Committee

### Paulina Arnold, On Behalf of CASA

Honorable Chair Kelley, Vice-Chair Feldman, and Members of the Finance Committee:

CASA is pleased to provide testimony in support of Senate Bill 486. CASA is the largest membership-based immigrant rights organization in Maryland and the Mid-Atlantic region, with a membership of over 100,000 Black and Brown immigrants and working families. This legislation is critical to ensure that CASA members, and the larger community of essential workers, do not have to put their lives or livelihoods at risk in their workplaces to bring crucial services to Marylanders during an emergency like the COVID-19 pandemic.

A large majority of CASA members are low-wage immigrant workers, who have been the core of Maryland's essential workforce. Our office provides legal consultations to immigrants facing abusive or unsafe working conditions. Every week, we speak to and serve members working in the essential services covered by SB486. Unfortunately, almost every member that has come to our office has contracted COVID-19 at some point over the last year. CASA members work as janitors, landscapers, apartment superintendents, construction workers, and grocery store staff - and are unable to work remotely during the COVID-19 pandemic. They routinely put themselves and their families at risk by reporting to work to provide these essential services, without meaningful policies in place to protect them or their families.

As immigrant workers, CASA members are uniquely exposed, as they are less likely to be in unions, have access to sick leave, or have health insurance. Those without immigration status may not have access to public benefits or pandemic economic relief programs, and so their job often represents the only way to support their family during challenging economic times. Fear of losing their job or of being reported to Immigration and Customs Enforcement (ICE) discourages our members from advocating for safer working conditions or reporting workplace abuse.

SB486 would provide essential protections for our members during an emergency like the COVID-19 pandemic. Requiring employers to provide Personal Protective Equipment (PPE) and set clear safety protocols would help our members report to safe workplaces

and reduce their risk of contracting COVID-19 and bringing it back to their families. SB486's protection from retaliation would allow our members to report their unsafe workplaces without fear of losing their jobs.

SB486's provisions for hazard pay and health and bereavement leave are also essential to immigrant essential workers. They are less likely to have health insurance or sick leave, and so these provisions fill necessary gaps in services. With SB486's sick leave provision, our members will be able to take the time off from work necessary to recover and avoid infecting their coworkers. And SB486's hazard pay will help our uninsured members cover the cost of medical bills and provide for their families without access to the pandemic economic relief packages available to Marylanders with immigration status.

Two examples from our members illustrate the extraordinary impact SB486 could have. Neither of them received a stimulus payment or any federal aid from the federal government. Rosa,¹ a member from Prince George's County, works for a janitorial company cleaning office buildings. Her employer refused to provide her with more than one mask per month and she had to buy more masks out of pocket to keep herself safe at work. Nevertheless, she contracted COVID-19 in May 2020, she believes while at work as others of her co-workers also tested positive. Rosa's employer forced her to quarantine for two weeks without pay before she returned to her unsafe working environment. Rosa needed her job to support her family and was too scared to report the conditions or challenge her employer.

If SB486 had been in effect, Rosa's employer would have had to create a safety plan for its janitorial staff and provide them with adequate PPE to do their jobs. Rosa could have refused to work under such unsafe conditions without fear because SB486 would have protected her from retaliation. And SB486's hazard pay and paid quarantine leave could have given her the economic power to protect her and her family.

Juan, a member from Howard County, worked as a construction worker. When the COVID-19 pandemic started, his worksite did not provide masks, gloves, or any other form of PPE. Eventually it instituted social distancing, but one of the co-workers with whom he drove between worksites kept coughing and he complained to his supervisor. Juan's employer said if he felt unsafe he could go leave and go on unemployment. Unable to make his worksite safe, Juan applied for unemployment in April 2020. Although it was initially approved, his unemployment was later revoked and, unable to support his wife and two children or pay back his unemployment checks, Juan returned to work three weeks later. In September, he contracted COVID-19 and was hospitalized for almost a month without health insurance.

SB486 would have protected Juan and his family. Rather than going on unemployment, Juan would have had the right to refuse unsafe work and been protected from retaliation. Even if Juan had still contracted COVID-19, SB486 would have helped Juan have the resources for his hospital bills, both through affording him an opportunity to enroll in Maryland's Health Exchange and providing him sick leave. Hazard pay would have

<sup>&</sup>lt;sup>1</sup> Names changed to protect our members' identities.

provided Juan's family an economic cushion during the time in the hospital when he was unable to work.

We cannot entirely protect our essential workers from the risks of a global pandemic, but we can require their employers to provide as safe workplaces as possible. CASA members, as low-wage immigrant workers, are on the frontlines providing essential services to Marylanders. They are also the most vulnerable, having less access to other forms of relief and greater fear of retaliation. SB486 goes a long way to ensuring that these vulnerable essential workers are as safe as possible and are compensated for putting themselves at risk.

For all of these reasons, CASA supports SB486 and urges a favorable report from the committee.

Paulina Arnold

Employment Staff Attorney, CASA

## **SB 486 - MD Essential Workers' Protection Act.pdf** Uploaded by: Pereschuk, Alicia

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 43. I am testifying in support of Senate Bill 486.



Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely,
Alicia Pereschuk
404 W 29<sup>th</sup> St
Baltimore MD 21211
Showing Up for Racial Justice Baltimore

# **SB0486\_Essential\_Workers\_MLC\_FAV.pdf**Uploaded by: Plante, Cecilia



# TESTIMONY FOR SB0486 LABOR AND EMPLOYMENT – EMPLOYMENT STANDARDS DURING AN EMERGENCY (MARYLAND ESSENTIAL WORKERS' PROTECTION ACT)

**Bill Sponsor:** Senator Augustine

Committee: Finance

**Organization Submitting:** Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

**Position: FAVORABLE** 

I am submitting this testimony in favor of SB0486 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

We have all been through a lot this year. In Maryland, as in states and countries around the world, we all got to learn just how much we rely on front line workers – people who have to go to work even when it is dangerous to do so. They are our heroes. They put themselves in danger in order that we all can be safer.

How can we help make their lives, and the lives of their families, safer and let them know that we understand and appreciate their sacrifice? We can start by giving them some basic protections of their own –

- safe and hygienic working conditions
- 14 days of paid sick leave, so they can afford to guarantine if they are exposed to the virus
- free testing and information about others who are sick around them
- hazard pay when they are forced to come in and work around other sick people
- health and bereavement leave

Many of these things SHOULD have been provided to our front-line workers all along. But so many of them do not even have safe working conditions because employers don't want to spend the money. Many workers have become sick or even died, because of the lack of concern their employers had for their basic safety. It's time to change that and ensure that we work just as hard to keep them, and their families, safe. It is time to support our heroes.

We support this bill and recommend a **FAVORABLE** report in committee.

## **SB 486 - MD Essential Workers' Protection Act.pdf** Uploaded by: Powell, Holly

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 3. I am testifying in **support of Senate Bill 486.** 



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Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely,
Holly Powell
2308 Cambridge Street
Baltimore, Maryland 21224
Showing Up for Racial Justice Baltimore

## **SB 486 - MD Essential Workers' Protection Act.pdf** Uploaded by: Rehr, Nathan

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 45. I am an active member of my community association



and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. I am testifying in **support of Senate Bill 486.** 

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It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to **support Senate Bill 486**.

Thank you for your time, service, and consideration.

Sincerely,
Nathan Rehr
450 E. Federal Street Baltimore, MD 21202
Showing Up for Racial Justice Baltimore

# Written SB 486 The Maryland Workers Protection Act Uploaded by: Riley, Denise





Marietta English
PRESIDENT

Kenya Campbell SECRETARY-TREASURER

### Written Testimony Submitted to the Maryland Senate Finance Committee SB 486 - The Maryland Essential Workers Protection Act February 11, 2021

#### SUPPORT

Chair Kelley and members of the committee, on behalf of the American Federation of Teachers - Maryland (AFT-Maryland), which represents more than 20,000 state, county and municipal government workers across Maryland, we urge a favorable report on SB 486.

Maryland, unlike most states, did not set basic protocols and standards for safely in the workplace to fight the pandemic, which helped cause an inexcusable spread of Covid-19, exposed countless frontline workers, and sadly in several cases, their deaths.

During the pandemic, because of the lack of a plan and equipment from the state, AFT-Maryland was forced to protect our union members by forcing their employers, on a case-by-case basis, to develop safety protocols and standards at worksites. AFT-Maryland along with AFT national, paid for and delivered to our members, the personal protective equipment (PPE) they needed that was not provided by state or their employers.

We need the Maryland Essential Workers Protection Act to provide frontline workers safe and hygienic working conditions including safety protocols and standards.

It will require every employer to submit a workplace Emergency Action Plan to inform employees of worksite procedures, resources, and logistical measures that will transpire during pandemics. The plan must include PPE procedures, work hours and shifts, and teleworking capabilities. It will guarantee free testing for employees and will require employers to notify workers of any positive tests in the workplace.

These are some of the basics that are needed to fight a pandemic, protect the workers on the frontlines, and limit exposure to the public. Unfortunately, this may not be our last viral outbreak – therefore, we MUST be prepared in the future and pass the Maryland Essential Workers Protection Act – SB 486. We ask for a favorable report.

Marietta English President

# **SB0486\_PJC\_FAV.pdf**Uploaded by: Robinson, Tyra Position: FAV



Sally Dworak-Fisher, Attorney Public Justice Center 201 North Charles Street, Suite 1200 Baltimore, Maryland 21201 410-5815-9409, ext. 273 dworak-fishers@publicjustice.org

SB 486 - Labor and Employment – Essential Workers Protection Act Hearing before the Senate Finance Committee, February 11, 2021

**Position: SUPPORT** 

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 aims to ensure that our state's low-wage workers receive fair and full payment for their labor, as well as other basic protections on the job. The PJC **supports SB 486** and urges a **favorable** report.

SB 486 Will Keep Maryland Safe During Emergencies like COVID-19. Essential workers –including not only those in healthcare, but janitors, construction workers, and grocery store clerks–have worked throughout the pandemic to keep Maryland functioning. Yet too many of these workers have been denied adequate protective equipment, access to sick leave or health insurance, or the right to refuse to work in conditions that pose a risk to health and safety. Worse yet, when essential workers lack adequate protections, they are forced to work while contagious and spread the virus to their co-workers, families, and communities. Protecting Maryland's essential workers is critical to minimizing the spread and impact of emergencies and ensuring that such emergencies will be contained, minimized, and less costly. Because SB 486 will keep Maryland safe by protecting its essential workers, the PJC urges a favorable report.

### SB 486 Will Empower Essential Workers to Refuse Unhealthy Conditions and Promote Public Health.

Throughout the pandemic, the PJC has heard from workers who explained that they had been threatened with termination, pay cuts, and/or reduced hours after raising concerns about workplace safety, such as a lack of protective gear, or the failure to provide for adequate distancing among staff. Most felt forced to continue to work for fear of the consequences and despite the risks. SB 486 makes clear that essential workers cannot be forced to work in an unsafe work environment, and that employers are prohibited from retaliation against those who quickly raise such concerns. The right to refuse unsafe work is a critical public health measure, and robust protections from retaliation can make that right meaningful.

SB 486 Will Enable Essential Workers to Protect Themselves, Their Families, and Their Communities. SB 486 not only creates new protections for essential workers, but it also gives those workers what they need to make their rights a reality. Too many essential workers lack earned sick leave or lack enough of it to survive an emergency like COVID-19. Worse yet, they cannot afford time to grieve in the event they lose a family member in an emergency like COVID-19. Relieving essential workers of the Hobson's choice between their

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

much-needed paycheck and their health allows workers to stay safer at home, helps flatten the curve, and helps limit the spread of contagious illness.

Essential Workers' Pay Should Reflect the Additional Risks of Working During an Emergency. When essential workers are required to report to work during an emergency like COVID-19, they risk their lives and those of their family members. Even if and when they receive protective equipment, there is no way to completely eliminate risks essential workers face. Accordingly, they should be compensated for the additional risks associated with working in an emergency. Hazard pay of \$3 per hour worked will compensate essential workers for their precarious working conditions, as well as help them take care of their families during a financially uncertain time.

Maryland Workplaces Need Emergency Preparedness Plans and Disease Control Standards. Undoubtedly, the COVID-19 pandemic was an unprecedented and unforeseen catastrophe. Yet it did not need to be this bad. Emergency Preparedness Plans that detail sanitation procedures; testing, reporting, and inspection procedures; use of protective gear; policies related to telework or work hours; and retaliation protections would have reduced response time and mitigated the impact of the pandemic. Emergency action plans such as those required in SB 486, along with occupational safety and health standards for diseases like COVID-19 will ensure that employers are not left unprepared in the face of future emergencies.

For the reasons indicated above, the Public Justice Center **SUPPORTS** SB 486 and requests a **FAVORABLE** report.

# **SB 486 - MD Essential Workers' Protection Act.pdf** Uploaded by: Rosenthal, Anne

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 40. I am testifying in **support of Senate Bill 486.** 



Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus,' she said." (Baltimore Sun, Dec. 8, 2020, *Unions, advocates push for more protections in Maryland for essential workers*.) Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely,
Anne Rosenthal
810 Cathedral St, Baltimore, MD 21201
Showing Up for Racial Justice Baltimore

# **Testimony Maryland Essential Workers' Protection A** Uploaded by: Schablein, Jared

Maryland Essential Workers' Protection Act

**Bill Sponsor:** Delegate Davis

**Committee:** Economic Matters

**Organization Submitting:** Lower Shore Progressive Caucus

Person Submitting: Jared Schablein, LSPC Chair

**Position: FAVORABLE** 

I am submitting this testimony in favor of HB0581 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive movement on the Lower Fastern Shore

A large segment of the membership of the Lower Shore Progressive Caucus is essential workers. Our members work in healthcare, retail, food, poultry, and many of the industries most at risk due to Covid-19. Despite being called "heroes" by many, almost every single one of them has come to us with a horror story about unsafe conditions or subpar pay for their work, keeping everything going during the pandemic.

Since March 2020, there have been over 333,000 positive cases, nearly 6,700 deaths, and roughly 25,000 people hospitalized in Maryland. These stats are made even more concerning to us on the Eastern Shore with the release of the CDC study that found Rural Americans are at a higher risk of severe illness from COVID-19 because we are typically older than non-rural populations, have higher rates of underlying chronic disease even after adjusting for age, and often have a lower standard of care than Urban areas. These numbers are more than just numbers, it is drastically affecting our rural way of life and is causing many of our members and their families to face daily levels of extreme stress due to the risk of catching covid and dying from it

To make matters worse, many of our workers are forced to use their personal leave or go unpaid when they are quarantining or mourning a family member's loss. This reality is cruel and entirely preventable. No working person in Maryland from the Eastern Shore to Western Maryland and everywhere in between can afford to go without pay for weeks to be in quarantine or mourn family loss. This legislative body must require employers to provide 14 days of paid quarantine leave and three days of paid bereavement leave to help workers cope with their financial and health burdens.

Another issue that has arisen from this pandemic is that many of our frontline workers are struggling to make it financially. If calling our frontline workers "heroes" is more than just a performative gesture to make ourselves feel better, then we must ensure that employers pay their workers who are risking both their own and their family's lives fairly during this pandemic.

To ensure that frontline workers are paid fairly, the state must mandate hazard pay for workers on the frontlines during this health emergency. Hazard pay of \$3/hour will compensate workers for the harsh conditions they are working in and will help them take care of their families during the financial crisis we find ourselves in. In addition to regular pay, this hazard paid should also be given for shifts worked during the State of Emergency.

Finally, the state should allow employees to enroll in insurance through Maryland's Health Benefits Exchange to ensure they get the health care they need. Doing this will help workers and their families and slow the spread of the coronavirus by keeping workers healthy and on the job.

The Maryland Essential Workers Protection Act is a common-sense bill that would not only help our workers survive the finance and health crisis we face now but also help our state better prepare for the next crisis. For that reason, the Lower Shore Progressive Caucus urges legislators to stand with workers by supporting this bill and giving it a FAVORABLE report in committee.

### SB 486 - MD Essential Workers' Protection Act\_Mart

Uploaded by: Schmitz, Martha

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 42B. I am testifying in **support of Senate Bill 486.** 



Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service and their wellbeing.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety, as well as the health and safety of others in their families and communities. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. Without policies like these, more people will needlessly die preventable deaths.

It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely,
Martha Schmitz
14 Greentree Drive, Phoenix, MD 21131
Showing Up for Racial Justice Baltimore

## **SB 486 - MD Essential Workers' Protection Act.pdf** Uploaded by: Shillenn, Rebecca

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 43. I am testifying in **support of Senate Bill 486.** 



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It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely, Rebecca Shillenn 5401 Elsrode Avenue Baltimore 21214 Showing Up for Racial Justice Baltimore

### **SB 486 - MD Essential Workers' Protection Act.docx**

Uploaded by: Shock, Jack

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration 41. I am testifying in **support of Senate Bill 486.** 



Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

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It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely,
Jack Shock
4444 La Plata Ave.
Baltimore, MD 21211
Showing Up for Racial Justice Baltimore

### **SB 486 - MD Essential Workers' Protection Act.docx**

Uploaded by: Simmons, Christina

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 42A. I am fresh out of college, and many of my friends



are essential workers. That is why I am testifying in support of Senate Bill 486.

Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

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It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely,
Christina Simmons
304 Stevenson Lane, APT B8
Towson, MD 21204
Showing Up for Racial Justice Baltimore

# **Essential Workers Testimony SEIU Local 500 SUPPORT** Uploaded by: Simon, Travis

### Hearing Testimony February 11, 2021 Senate Finance Committee Service Employees International Union, Local 500, CtW, CLC

Senate Bill 486 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers Protection Act)

### **SUPPORT**

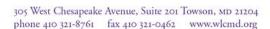
SEIU Local 500 is made up of over 20,000 working people in Maryland, Washington D.C., and Virginia. Our union represents the support staff of Montgomery County Public Schools, family child care providers, adjunct faculty at several Maryland colleges and universities, staff at non-profits, and many other working people across the region. Our members have been on the front lines since the beginning of the COVID-19 pandemic, which is why today we submit this testimony in favor of Senate Bill 486. As our state charts its post-COVID recovery, we must consider the pain and loss of essential workers have endured during this very difficult time.

The Maryland Essential Workers Protections Act will provide much-needed standards and procedures to protect the health and safety of essential workers during pandemics. If passed, this bill would require that when a State of Emergency is called, essential workers will be entitled to certain workplace protections, including the requirement that employers provide a safe and clean workspace, introduce safety protocols, and provide PPE at no cost. The essential workers in Maryland have risked their lives and the lives of their loved ones to help Maryland's economy stay afloat during this crisis. Maryland must plan to ensure their safety if we are ever in this situation again. The Maryland Essential Workers Protection Act would also give employees the right to refuse dangerous work. No Marylander should be forced to unjustly risk their lives because their employer has not implemented proper precautions to ensure their safety.

Under this law, essential workers would be granted hazard pay for the risk they take on by keeping Maryland open and our healthcare system operating. Workers risking their lives would receive an additional \$3 per hour in hazard pay, in addition to their base pay. Furthermore, during a pandemic similar to COVID-19, the enrollment would remain open for the Maryland Health Benefit Exchange coverage will be available to uninsured employees.

Senate Bill 486 offers a fair and just solution to protect and value the essential workers that have kept us safe and kept Maryland's economy going during this very difficult time. We therefore ask for your support for SB 486 and strongly urge a favorable committee report. Thank you each for your dedication to fairness and justice, and to the working people of our state – and thank you for considering our testimony.

# SB 486 - Labor and Employment - Employment Standar Uploaded by: Siri, Michelle





BILL NO: Senate Bill 486

TITLE: Labor and Employment - Employment Standards During an Emergency

(Maryland Essential Workers' Protection Act)

COMMITTEE: Finance

HEARING DATE: February 5, 2021 POSITION: SUPPORT

Senate Bill 486 seeks to address the ever increasing risks and inequities suffered by front line, essential workers, during the course of the current pandemic or in the event of a future state of emergency. The bill enumerates which industries and occupations are deemed essential during an emergency. It then ensures a special enrollment period for purposes of health insurance during an emergency; addresses the issue of hazard pay; requires employers to provide workers with safe and hygienic workspaces, personal protective equipment, and paid health leave; requires employers create emergency preparedness plans that include sanitation protocols and addresses shift-changing capabilities; and give employees the ability to refuse dangerous work without fear of retaliation. These are all actions necessary to protect the essential workers who are unable to telework or pause their workload during health emergencies and natural disasters.

One in three jobs held by women are deemed as essential, putting them at the center of the frontlines during the current pandemic. In fact, 52% of essential workers are women, despite women only making up 47% of the total workforce<sup>1</sup>. Women make up a disproportionate percentage of health care workers, grocery store and fast-food employees, and social workers. Many of these industries are also considered low-wage occupations, compounding the challenges these women face as they work to care for themselves and their families. The health risks of being an essential worker during the pandemic are real. Sadly, women make-up 73% of the health care workers who have been infected with the coronavirus, according to data from the Centers for Disease Control and Prevention<sup>2</sup>. These industries have failed their workers in many ways, while demanding more and more from them. As operators of one of the only statewide employment law hotlines, we have received frequent calls related to workers who have not been provided their own PPE, who have not been provided reasonable accommodations despite medical documentations that they are high risk, and who literally fear for their lives every time they go to work, but have no choice but to continue to do so in order to support their families. The convergence of all of these issues creates an urgency as the pandemic has hit critical mass for working women. This legislation would address these emergent matters, providing safety and security for the same people who have worked so hard throughout the pandemic to provide for us.

Because SB486 will help protect essential workers lives, health, and economic stability, the Women's Law Center of Maryland, Inc. SUPPORTS Senate Bill 486.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

<sup>1</sup> How Millions of Women Became The Most Essential Workers in America, The New York Times, April 18, 2020. <a href="https://www.nytimes.com/2020/04/18/us/coronavirus-women-essential-workers.html?action=click&module=Spotlight&pgtype=Homepage">https://www.nytimes.com/2020/04/18/us/coronavirus-women-essential-workers.html?action=click&module=Spotlight&pgtype=Homepage</a>

<sup>&</sup>lt;sup>2</sup> Characteristics of Health Care Personnel with COVID-19 0 United States, February 12 – April 9, 2020. https://www.cdc.gov/mmwr/volumes/69/wr/mm6915e6.htm?s\_cid=mm6915e6\_x

## **SB 486 - MD Essential Workers' Protection Act.pdf** Uploaded by: Smeton, Jonathan

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District



[XX]. [Optional – outline any personal details or

community connections you have]. I am testifying in support of Senate Bill 486.

Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

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Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to **support Senate Bill 486**.

Thank you for your time, service, and consideration.

Sincerely,
[Name]
[Address]

Showing Up for Racial Justice Baltimore

## **2021.02.11 testimony - SB486 - MEWPA.pdf** Uploaded by: Stephen, David



### Metropolitan Washington Council, AFL-CIO

815 16<sup>th</sup> Street, NW, • Washington, DC 20006 • (202) 974-8150 • Fax (202) 974-8152  $An\ AFL\text{-}CIO\ ``Union\ City"$ 

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#### Officers

Dyana Forester
President (UFCW 400)

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2nd Vice President (IBEW 1900)

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3rd Vice President (IBT/BLET)

Lisa Wilsonia Blackwell-Brown
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Eric Bunn
Treasurer (AFGE District 14)

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Greg Bowen (ATU 689) Dena Briscoe (APWU) Donna Brockington (DC CLUW) Robin Burns (DCNA) Chuck Clay (IATSE 22) Jaime Contreras (SEIU 32BJ) Elizabeth Davis (WTU 6) George Farenthold (OPEIU 277) Dan Fields (SEIU 722) Steven Frum (NNU) Don Havard (IUOE 99) Ann Hoffman (NOLSW, UAW 2320) Roxie Mejia (Painters DC 51) Wanda Shelton-Martin (NUHHCE 1199DC) Michael Spiller (OPEIU 2) Gina Walton (AFGE 1975)

#### **Trustees**

Djawa Hall (1199 SEIU) Robert Hollingsworth (AFSCME 2776) Dave Richardson (AFGE 12) SB486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act) Senate Finance Committee February 11, 2021

#### **SUPPORT**

TO: Chairman Kelley and Members of the Senate Finance Committee

On behalf of our 150,000 union members affiliated with the Council throughout Metropolitan Washington D.C. including Calvert, Charles, Montgomery, Prince George's, and St. Mary's counties, I would like to thank Chairman Davis and the Economic Matters Committee for allowing this hearing today on this essential matter of essential worker protection that we whole-heartedly support.

For the last year, we have heard the word "essential" more than we probably ever have, and we may have heard it so much that it has lost its value. Essential workers are real people. They are healthcare workers, transit operators, grocery store workers, and school personnel. People who literally put their lives on the line day in and day out for this state and for our communities to function while we battle a pandemic.

The provisions of this bill, including hazard pay, paid leave, PPE, safe working conditions, and free testing, or not over the top and expensive requests. Quite the opposite, this is the minimum that we can provide to the people allowing society in our state to continue to function.

The Metro Washington Council represents a cross-section of front-line workers in nearly every craft. But, as diverse as the crafts and people are that this bill will cover and protect, they all share one thing in common: protecting, respecting, and paying essential workers in the manner they deserve.

Here's the bottom line:

- Statewide standards and protocols that apply to every industry can stop people from dying.
- People who put their lives on the line ought to be compensated for the risk that they put themselves, their families, and our communities in day in and day out.
- Finally, we can't go another day, and lose another life in this state, knowing that we could have done more.

Bringing Labor Together Since 1896 www.dclabor.org

This legislation is our test to see if we truly value human life and value the work that residents of Maryland do to make our communities operate, and in many cases, thrive.

The Metro Washington Council and the 150,000 workers I represent as president are counting on you because too many of them can't count on their employers to do the right thing. Some employers choose not to do the right thing, others don't know how to. But you do, for these reasons we are asking for a favorable report on this bill. Thank you.

In Solidarity,

Dyana Forester

# **SB486\_MCRC\_FAV.pdf**Uploaded by: Stern, Isadora

### **Maryland Consumer Rights Coalition**



### Testimony to the Senate Finance Committee SB 486: Maryland Essential Workers' Protection Act Position: Favorable

February 11, 2021

The Honorable Delores Kelley, Chair Senate Finance Committee 3 East, Miller Senate Office Building Annapolis, Maryland 21401 cc: Members, Senate Finance Committee

Honorable Chair Kelley and Members of the Committee:

The Maryland Consumer Rights Coalition (MCRC) is a statewide coalition of individuals and organizations that advances financial inclusion and economic justice for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are writing today in strong support of SB 486.

SB 486 would provide much needed protections for essential workers on the frontlines during periods of state and local emergency. This bill is paramount in the time of the COVID-19 pandemic and would ensure that Maryland is prepared to respond to similar crises in the future.

COVID-19 exposed many stark realities of our state and country, foremost, the inability to protect workers crucial to the operation of our society. Since March of 2020, there have been over 350,500 positive cases of COVID-19, over 7,000 deaths, and roughly 25,000 people hospitalized in Maryland. Essential workers are at a higher risk of exposure to the virus while at work. The sectors with more hazardous working conditions do not uniformly guarantee standards such as hazard pay, proper sanitizing procedures or personal protective equipment (PPE), healthcare assistance, bereavement leave, or testing and reporting that provide necessary protections for these workers. This has led to the loss of lives. Roughly 56% of MD COVID-19 deaths have occurred in Long Term Care facilities due to a lack of PPE. Employers should be required to provide PPE and set clear safety protocols, procedures, and standards to ensure safe work environments for frontline workers.

Without these protections, essential workers are faced with the choice to essure either their physical health or their financial health. Workers risk losing their jobs and falling behind on bills if they act safely and stay home, take time off work to recover from an illness such as COVID-19, or take leave to care for a sick family member.

 $\frac{\text{https://www.ncsl.org/research/labor-and-employment/covid-19-workers-compensation.aspx\#:}\sim:\text{text=Work}}{\text{ers}\%20\text{deemed}\%20\text{essential}\%20\text{including}\%20\text{health,workers'}\%20\text{compensation}\%20\text{in}\%20\text{most}\%20\text{stat}}$ 

https://www.marylandmatters.org/2020/10/08/advocates-want-stability-for-nursing-homes-after-months-of-turmoil-from-covid-19/

¹ https://coronavirus.maryland.gov/

### **Maryland Consumer Rights Coalition**



A recent study conducted by researchers at Princeton found that among low-income households, financial strain and debt accrual worsened significantly in the onset of COVID-19. Sixty-seven percent reported skipping paying a bill at the beginning of the shutdown, and in each survey wave between the end of April and mid-June, 77% of households reported missing a bill or rent payment.<sup>4</sup> The protections outlined in the bill, including guaranteed hazard pay, healthcare assistant, and bereavement leave would reduce both the threat to workers' physical and financial health.

Providing protections for essential workers would also act to reduce the racial, economic, and health disparities that have come to light during the pandemic. Essential workers are predominately people of color; people of color make up 50% of essential workers in food and agriculture and 53% in industrial, commercial, residential facilities and services. The Center for Disease Control (CDC) has identified race and ethnicity as risk markers for other underlying conditions that affect health including socioeconomic status, access to health care, and exposure to the virus related to occupation like frontline, essential, and critical infrastructure workers. Black Americans are 1.5 times more likely to contract covid than white Americans, 3.7 times more likely to be hospitalized, and 2.8 times more likely to die. Furthermore, low-income Black households experienced greater job loss, more food and medicine insecurity, and higher indebtedness in the early months of the pandemic compared to white low-income households. Providing physical and financial protections for frontline workers would save lives and reduce the health and wealth gap between white Americans and Americans of color.

SB 486 provides a needed expansion of protections for frontline workers regarding their physical and financial wellbeing, particularly during this unprecedented health and wealth crisis and for crises of the future.

For all of these reasons, we support SB 486 and urge a favorable report.

Best,

Isadora Stern
Economic & Tenants' Rights Organizer
Maryland Consumer Rights Coalition

4

https://www.news-medical.net/news/20201130/Low-income-black-households-disproportionately-affected-by-Covid-19-shutdowns.aspx?fbclid=lwAR2Rfw5BNynhUu8Ra\_zRN36EI0BBxdDc8HZCy7as5xw78ydIHYu7uxz7Bdw

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https://www.epi.org/blog/who-are-essential-workers-a-comprehensive-look-at-their-wages-demographics-and-unionization-rates/#:~:text=People%20of%20color%20make%20up,not%20have%20a%20college%20degree.

https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html

https://www.news-medical.net/news/20201130/Low-income-black-households-disproportionately-affected-by-Covid-19-shutdowns.aspx?fbclid=lwAR2Rfw5BNynhUu8Ra\_zRN36EI0BBxdDc8HZCy7as5xw78ydIHYu7uxz7Bdw

## **Testimony-SB486-MD Essential Workers Protections A** Uploaded by: Stevenson, Christopher

Position: FAV



## Testimony on SB486 Maryland Essential Workers Protections Act Position: FAVORABLE

Dear Madam Chair and Members of the Finance Committee:

My name is Ricarra Jones, and I am the Political Director with 1199SEIU- the largest healthcare union in the nation, where we represent over 10,000 healthcare workers in Maryland and the District of Columbia. To date, Maryland has lost over 7,000 residents due to COVID-19, and over 350,000 Marylanders have contracted this deadly virus. According to the Maryland Department of Health, the worksite is a primary location for COVID-19 contraction. This virus has not only impacted healthcare workers across the state, but all essential workers that put their lives at-risk every day to serve the public. For this reason, state must pass the Maryland Essential Workers Protection Act.

The caregivers represented by 1199 are not only falling ill themselves – they are feeling the strain upon our healthcare delivery system as essential workers across industries are unnecessarily falling ill because they are reporting to unsafe workplaces. Every day essential workers are conducting their work at a worksite where their employers have failed to provide sanitary environments or PPE, resulting in workers contracting COVID-19.

We have all heard about the devastation of COVID in our nursing homes, and to date 28 staffer in those settings have died. Other industries have not been spared, and we believe that too many examples exist where workers' illnesses were preventable. For example, as reported by the Baltimore Sun, on the Eastern Shore of Maryland **262 poultry workers contracted COVID-19** due to the lack of safety measures where workers reported to work despite feeling ill, standing shoulder to shoulder, and crowding around in break rooms.<sup>1</sup>

From both a worker's and a public health perspective, we believe that it is critical to mandate that employers provide the safe working conditions that are outlined by the CDC and OSHA. Furthermore, we do not believe that requiring an employer to have an emergency action plan places an undue burden on that employer. Workers have the right to know how their employer plans to adhere to existing safety guidance in order to address

 $<sup>\</sup>frac{1}{https://www.baltimoresun.com/coronavirus/bs-md-salisbury-coronavirus-poultry-trump-stay-open-perdue-\\ \underline{20200429-n5q3ti466rg63idn5ir2xumylm-story.html}$ 

dangers on the job, whether that is in the provision of PPE, enhancement of sanitation procedures, or the enacting of barriers and social distancing measures.

The problem for workers, is that agency guidance's have not been enforceable, and our current regulatory tools – such as inspections – are proving to be inadequate. For example, in October it was reported that MOSH had only conducted 30 inspections out of 492 complaints received since March. Moreover, nearly 1/3 of those cases were referred to county health departments where they lack the resources to take appropriate action.<sup>2</sup>

Given the challenges presented with our existing regulatory infrastructure, the right to refuse dangerous work – as already defined by the CDC and OSHA -is key to keeping workers and communities safe. A Washington Post poll surveying over 8000 workers found that, 6 in 10 Americans working at an essential worksite feared that they may bring COVID-19 home.<sup>3</sup>

Workers must also have a right to not put their lives in danger. The right to refuse dangerous work without retaliation will allow workers to no longer fear risking their lives is an important component of halting the spread COVID-19 to their families and communities. As labor representatives, we know that retaliation is a measurable fear. Based on a survey conducted by the National Employment Law Project (NELP), **1** in **8** workers perceived possible retaliation by their employer is they spoke up about working conditions. Black workers were twice as likely report retaliation and twice as likely to report unresolved COVID-related concerns at work.<sup>4</sup> Another NELP study found only 2 % of retaliation complaints were resolved by OSHA.<sup>5</sup>

Lack of hazard pay for essential workers in Maryland exacerbates the challenges they face. Quite simply, the cost of being an essential worker during a pandemic is higher than ever. Food purchases and other quarantine-related expenses have risen as a result of children being home. Childcare costs have skyrocketed with school buildings shut down. Moreover, transportation costs have also increased for essential workers, many of who now depend on rideshare options such as Uber or Lyft to get to work. Essential workers are taking on additional shifts because of staff shortages across industries. In sum, it costs more today to be a frontline/ essential worker than it did before the pandemic and these expenses must be met with hazard pay.

Meanwhile, as workers struggle, many sectors of our economy are thriving.

<sup>&</sup>lt;sup>2</sup> https://www.baltimoresun.com/politics/bs-md-mosh-complaint-20201021-vhclwearf5ejhi3imohqbeoo6m-story.html

<sup>&</sup>lt;sup>3</sup> https://www.washingtonpost.com/national/a-majority-of-americans-going-to-work-fear-exposing-their-household-to-the-coronavirus/2020/05/15/d316f1e8-9578-11ea-9f5e-56d8239bf9ad\_story.html

<sup>&</sup>lt;sup>4</sup> https://www.nelp.org/publication/silenced-covid-19-workplace/

<sup>&</sup>lt;sup>5</sup> <a href="https://www.nelp.org/news-releases/osha-closed-half-worker-retaliation-complaints-pandemic-without-investigating/">https://www.nelp.org/news-releases/osha-closed-half-worker-retaliation-complaints-pandemic-without-investigating/</a>

Maryland's hospital systems received \$1.2 billion in CARES ACT funding while CARES Act grants to all healthcare providers totaled \$2 billion. Throughout this pandemic, Maryland companies also received 1.9 billion in loan relief through agencies such as the Federal Reserve, Small Business Association, and the Treasury Department.

Profits in the retail and grocery sector have skyrocketed. According to a report by the Brookings Institute, profits from large retail companies- **including Walmart, and Target-have all soared in an excess of 16.7 billion compared to last year**, while essential workers have seen little of this payout. Some of these retail companies offered "hero" pay to these workers early on during the pandemic – however all of this pay was phased out by the end of the summer.

Meanwhile, these same companies have since reported \$7 billion in stock buybacks, off the backs of their workers. While we cannot ever put a price tag on the life of any worker, but we can provide them with the hazard pay they need to survive.

Healthcare providers have the highest risk of exposure due to COVID-19 coupled alongside grocery store workers who are less likely to have paid sick leave, or the financial means to take time off if they feel ill. We support the quarantine leave provided by this bill for workers to use to mitigate the kind of community spread that is impacting our healthcare delivery system. At the start of the pandemic, the CDC recommended that an individual who has or experiences symptoms of COVID-19 quarantine for two weeks to avoid spreading COVID-19. This effort helped slow down the spread of COVID-19 but some workers also contracted COVID-19 multiple times and have exhausted their personal leave. This has left workers to either reporting to work while sick or forcing them to take unpaid sick leave.

We also can say with certainty that any bolstering of sick leave prevents community spread. One recent Cornell study found that the sick leave created under last years federal Families First Coronavirus Relief Act, for business with under 500 employees, reduced COVID-19 transmission by 400 confirmed cases per state per day.<sup>9</sup>

According to the Kaiser Family Foundation there are nearly 300,000 uninsured Marylanders, many are adults who work essential jobs. We support the necessary relief this bill provides by opening the Maryland healthcare exchange during an emergency pandemic.

One of the last major provisions in this bill is the notification of test results. We believe that this benefits both employers and employees. In practice, this measure would require employers to notify other workers of positive COVID cases, and this would assists in decreasing COVID-19 transmissions.. Furthermore, this measure also allows the Maryland Department of Health to collect this information to keep COVID-19 data by industry to monitor the overall spread of this or any other pandemic.

<sup>&</sup>lt;sup>6</sup> See: https://data.cdc.gov/Administrative/HHS-Provider-Relief-Fund/kh8y-3es6

<sup>&</sup>lt;sup>7</sup> See https://data.covidstimuluswatch.org/prog.php

<sup>&</sup>lt;sup>8</sup> https://www.brookings.edu/essay/windfall-profits-and-deadly-risks/

<sup>&</sup>lt;sup>9</sup> https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2020.00863

For these reasons, we believe that this Act will create the necessary protections that all essential workers need at a worksite to remain safe and healthy during the COVID-19 pandemic and any other future pandemics. We respectfully ask this Committee for a favorable report in supporting the Maryland Essential Workers Protections Act.

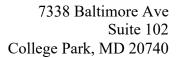
Respectfully,

Ricarra Jones Maryland/DC Political Director 1199SEIU United Healthcare Workers- East

Cell: <u>443-844-6513</u>

# **SB486 - Employment Standards During an Emergency (** Uploaded by: Tulkin, Josh

Position: FAV





**Committee:** Finance

Testimony on: SB486 – "Employment Standards During an Emergency (Maryland

**Essential Workers' Protection Act)**"

**Position:** Support

Hearing Date: February 11, 2021

The Maryland Sierra Club urges a favorable report on SB486. This bill would provide much needed protections for Maryland's essential workers as our state continues to struggle to address the ongoing COVID-19 pandemic, and the resulting damage to public health and the economy.

The Sierra Club's mission is to enjoy, explore, and protect the planet. In this regard, the Sierra Club is a strong proponent of environmental justice, and social and racial justice overall. We know that many people and communities cannot appreciate the outdoors and benefit from a healthful environment when they lack basic economic stability and safety.

In support of this legislation, we would like to explain its importance by offering a personal perspective from Clint Sobratti, Jr., a member of the Executive Committee of the Maryland Sierra Club's Montgomery County Group. Mr. Sobratti also is one of the Vice Presidents of UFCW Local 1994 MCGEO. Mr. Sobratti's testimony is as follows:

I am a resident of Legislative District 39 in Montgomery County, Maryland. I am a devoted father and husband, and a Montgomery County Transit Coordinator, who has been an essential worker for the Montgomery County Department of Transportation (Ride On) for the last ten years. As a Transit Coordinator, I am tasked with monitoring bus reliability, including mechanical malfunctions, ontime performance, and customer engagement.

As an essential worker, I can personally attest to risk factors our transit operators are facing. When the global pandemic first emerged., transit operators were not provided with adequate safety protections, such as masks, gloves, hand sanitizer, and partitions between drivers and passengers. Instead, transit employees were responsible for obtaining their own PPE. This placed drivers at risk for exposure to COVID-19.

There have been two fatalities in our transit family. On April 15, 2020, Mr. Michael Miller, a Prince George's County resident and a nine-year motor pool attendant, was Montgomery County's first essential employee who succumbed to COVID-19. Recently, Mr. Nelvin Ransome, a retired bus operator and former recorder who was a member of UFCW Local 1994, died as a result of COVID-19 complications.

Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

Although essential workers have been mandated to report to work during the state of emergency, there has not been hazard pay to compensate for that risk. Many of my colleagues have experienced significant psychological distress, including anxiety, frustration, and paranoia. Studies indicate that job satisfaction increases and frontline workers are more likely to report to work if there is a pay incentive, as well as other protocols in place to ensure their health and safety.

I am proud to be providing service to our community during this state of emergency. I only ask that transit employees and other essential workers be fairly compensated and be provided the health protections needed to do their work safely.

In sum, this legislation will improve wage and working conditions for essential employees. They will be eligible for hazard pay and bereavement leave, and will have the right to refuse to engage in work in an unsafe environment. The Maryland Sierra Club urges a favorable report to better protect frontline workers who risk their lives and their families' lives every day for the greater good of our state.

Clint Sobratti, Jr.
Member, Sierra Club Montgomery County
Group Executive Committee
Clint.Sobratti@gmail.com

Josh Tulkin Chapter Director Josh.Tulkin@MDSierra.org

## **SB4861\_StrongFutureMaryland\_FAV.pdf**Uploaded by: Wilkerson, Alice

Position: FAV



### Testimony in Support of Senate Bill 486 (Senator Augustine) **Maryland Essential Workers' Protection Act FAVORABLE**

February 11, 2021

Dear Chairwoman Kelley and Members of the Finance Committee:

On behalf of Strong Future Maryland, we write in strong support of Senate Bill 486. Strong Future Maryland works to advance bold, progressive policy changes to address systemic inequality and promote a sustainable, just, and prosperous economic future for all Marylanders.

Currently, in the state of Maryland, essential workers are in a crisis. The COVID-19 Pandemic has exposed the limitations of worker protections in many industries within Maryland, and the need to equip workers with more rights and protections in the workplace. Essential workers are the foundation of Maryland's COVID-19 response. As the state, we are responsible for ensuring that essential workers have the security they need, the protections they are entitled to, and the benefits they deserve. According to The Economic Policy Institute, there are roughly 55 million essential workers in the United States. In Maryland, 39.35% of the labor force works in essential industries, one of the largest sectors being food and agriculture. Within the food and agricultural industry, it is vital to ensure workers are protected from the threat of COVID-19 every day, as they interact with the public and other workers on an everyday basis. Food and agriculture are not the only industry needing to preserve their essential workers. We can refer to Maryland's Interpretation Guidance, which establishes essential sectors in the state for the ongoing COVID-19 Pandemic.

For nearly a year, essential workers have been jeopardizing their health and safety to ensure the population's needs are met during the COVID-19 Pandemic. With the Maryland Essential Workers' Protection Act, the state would provide the necessary guidelines and procedures to protect essential workers' health and safety. Essential workers are required to work outside of their homes, which increases their exposure to the virulence of COVID-19. Under this act, employers are required to provide a safe workplace; essential workers will receive an additional \$3/hour pay, free testing, paid leave, and proper PPE and sanitation procedures. Lastly, If work is to be found unsafe, employees have the right to refuse to participate in the unstable condition.

info@strongfuturemd.org PO Box 164 | Arnold MD 21012 240-643-0024 | strongfuturemd.org





Senate Bill 486 is necessary legislation that helps Maryland combat the strife caused by the COVID-19 Pandemic. The time of neglect towards essential workers is over, and Strong Future Maryland urges the committee to vote favorably on Senate Bill 486.

John B. King Jr. Alice Wilkerson Founder and Board Chair Executive Director

### **SB 486 - MD Essential Workers' Protection Act.docx**

Uploaded by: Wilkins, Katherine

Position: FAV

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 12. I am testifying in support of Senate Bill 486.



Senate Bill 486, known as the Maryland Essential Workers' Protection Act guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. Without policies like these, more people die.

It is for these reasons that I am encouraging you to **support Senate Bill 486**.

Thank you for your time, service, and consideration.

Sincerely, **Katherine Wilkins 10651 Gramercy Pl, Unit 257, Columbia, MD 21044**Showing Up for Racial Justice Baltimore

# **20210211Testimony in Support of SB486.pdf** Uploaded by: Wilson, Michael

Position: FAV



### United Food & Commercial Workers Union

A voice for working people in Maryland, Virginia, Washington, D.C., West Virginia, Ohio, Kentucky & Tennessee

# Testimony in Support of SB486 Labor and Employment - Employment Standards During and Emergency (Maryland Essential Workers' Protection Act) February 11, 2021

**To:** Hon. Delores Kelley, Chair, and members of the Senate Finance Committee

**From:** Michael Wilson, Executive Assistant to the President United Food and Commercial Workers Union. Local 400

Chair Kelley and members of the Senate Finance Committee, I appreciate the chance to share my testimony on behalf of our over 10,000 members in Maryland, working on the front lines of the ongoing pandemic in grocery, retail, food distribution, law enforcement, and health care.

We strongly support SB 486 and urge you to vote it favorably. At the beginning of this pandemic, our members were told they were heroes and essential. Many employers put in place additional safety measures and some even agreed to hazard or "hero" pay, both to show appreciation for the risks our members were taking by going to work, but also because many of them were seeing unprecedented increases in revenue and profits. Unfortunately, as time has gone on, employers have scaled back or eliminated additional pay and instead used the profits they are making, while our members and other continue to put themselves at risk, to buy back shares, reward executives, and invest in capital and technology. Many have also scaled back their safety policies and the enforcement of policies they still claim to have in place. It has become clear that many of them would rather make a sale then keep employees and customers safe by enforcing basic measures like social distancing and reasonable caps on the number of customers and employees in a store.

When employers will not do the right thing, we need to compel them to act. This bill puts in place some common-sense minimum standards to protect workers who have always been essential but did not sign up to be sacrificial. Among Local 400 membership alone, we have had 565 members in Maryland diagnosed with COVID-19 and three have passed away. This does not include illnesses and deaths at the many non-union employers in our jurisdiction, which includes Montgomery, Prince George's, Charles, Calvert, and St. Mary's Counties, as well as the Annapolis Police Department and Giant's Delivery warehouse in Anne Arundel County

Every aspect of this bill is key to keeping our members as well as their families and communities safe which, with COVID-19 still spreading uncontrolled, will save lives. We have been able to work with our represented employers on many of these issues, but we need a

level playing field, certainty that employers cannot remove protections, and clearly, non-union workers deserve these protections as well.

When you go to work it is the responsibility of your employer to provide a safe workplace. Unfortunately, with the lack of guidance and enforcement from both state and federal safety and health agencies, many workers have no recourse if their employer has chosen not to create protocols and provide appropriate Personal Protective Equipment (PPE) or other safety equipment. This bill would require real safety and emergency action programs that employees can see and make sure employers are providing the correct PPE and other equipment to keep people safe. If an employer is not keeping an employee safe, the employee would be able to refuse the assignment, without retaliation, which would spark an investigation from Maryland Occupational Safety and Health.

When the pandemic started many employers provided "hero" or hazard pay, both in recognition of the fact that employees were taking increased risk whenever they went to work, but also because their profits were increasing to levels never seen before. As time has passed, almost every employer has taken that pay away, despite the continued risk, and the continued profit. This bill would mandate that as long as the hazard continues, the hazard pay will continue, which is only fair to people who did not sign up to put their lives, and the lives of their families, at risk every time they go to work.

Maryland has a strong earned sick leave law that covers most employees in most circumstances, unfortunately if you are diagnosed with COVID-19 or required to quarantine, you will likely need to be out of work for 14 days, more than the law, and many employers, currently provide. Federal law changes only covered a small number of employers and employees. The only way to keep people safe, slow the spread, and end this pandemic, is to make sure people do not have to choose between staying home when they are sick and providing for themselves and their families. This bill will require employers to provide the sick time people need.

There has been no standardization on who is told when an employee tests positive at a work site. This has led to a situation where a worker may not know that a co-worker they were in contact with tested positive. Employers are supposed to do contact tracing, but when people do not know about a positive case, that is difficult. It is also nearly impossible for consumers to make informed decisions about safety when they go out if there are potentially unreported outbreaks. Mandatory reporting by employers when someone tests positive, along with free testing is necessary to keep Marylanders safe.

This pandemic has been impacting all of us for nearly a year now. It is time to take the lessons we have learned and correct the problems that have led this virus to continue to spread uncontrollably, and disproportionately impact those of us who cannot work from home. This bill cannot go into effect soon enough for our members and others who have suffered needlessly because some employers have not done the right thing, but it can keep people safe and save lives going forward.

To keep our members and all Marylanders safe, we urge you to vote favorably on SB 486 without any weakening amendments. Thank you.

## **SB 486 - MD Essential Workers' Protection Act.pdf** Uploaded by: Yoder, Daryl

Position: FAV

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 12. I am testifying in **support of Senate Bill 486.** 



Senate Bill 486, known as the Maryland Essential Workers' Protection Act, guarantees safe working conditions, hazard pay, the right to refuse dangerous work, access to testing, and paid sick/bereavement leave during a prolonged State of Emergency. Your support of this bill shows essential workers that we value their service.

It is clear that like many social ills, coronavirus is especially prevalent among BIPOC due to systemic racism built into our healthcare and workforce system. Immigrant families and undocumented families, especially have been disproportionately impacted by the pandemic. Despite working on the front lines in healthcare and other crucial service industries, they continue to be excluded from state unemployment, state healthcare, and the federal CARES Act.

The Maryland Essential Workers' Protection Act is critical to supporting the individuals who have kept our cities functioning during this crisis. According to the Baltimore Sun, "Jennifer Chase, a Metrobus operator, said she had just learned that she'd been exposed to someone at work who tested positive for the coronavirus. She needed to arrange for testing and then find and pay for a hotel room to stay in, out of concern she might expose an older relative at home. 'We put our life on the line day-in and day-out with exposure to this deadly virus," she said.'" Baltimore Sun, Dec. 8, 2020, Unions, advocates push for more protections in Maryland for essential workers. Further, a May 2020 complaint filed with the Maryland Occupational Health & Safety against a Maryland company by the Public Justice Center "described . . . management's insufficient efforts to reduce the spread of COVID-19 through mask use, hand hygiene, social distancing, and cleaning of the facility."

Frontline workers like Ms. Chase and those who filed the May 2020 complaint sounding the alarm at their place of work need critical workplace protections to ensure their health and safety. With over 7,000 deaths related to COVID-19 in Maryland, it is a matter of life and death. **Without policies like these, more people die.** 

It is for these reasons that I am encouraging you to support Senate Bill 486.

Thank you for your time, service, and consideration.

Sincerely, Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

# **HFAM Testimony SB 486 Final.pdf** Uploaded by: DeMattos, Joseph

Position: FWA



### TESTIMONY BEFORE THE SENATE FINANCE COMMITTEE

February 11, 2021

Senate Bill 486: Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Written Testimony Only

#### **POSITION: FAVORABLE WITH AMENDMENTS**

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support with amendments for Senate Bill 486. HFAM represents over 170 skilled nursing centers and assisted living communities in Maryland, as well as nearly 80 associate businesses that offer products and services to health care providers. Our members provide services and employ individuals in nearly every jurisdiction in the state.

Thousands of Marylanders across the state depend on the high-quality care and services that our members offer every day. HFAM skilled nursing and rehabilitation center members provide the majority of post-acute and long-term care to Marylanders in need: 6 million days of care across all payer sources annually, including more than 4 million Medicaid days of care and one million Medicare days of care.

We appreciate and support the intent of this legislation, and recognize the challenge to crafting it to have impact on a broad cross-section of enterprises, health care and non-health care, federally regulated and not, as well as for- and not-for-profit. It is indeed critical to protect essential workers who we rely on each and every day to provide health care, keep us connected, ensure we are safe, make sure we have access to food, and so many other services that are sometimes taken for granted. The COVID-19 pandemic has highlighted the importance of this work and the individuals who have often gone above and beyond to continue doing their jobs despite the challenges they face.

While these individuals certainly deserve recognition and protection, we have several concerns with this legislation as currently drafted with overly broad language, vague definitions, and certain other specific provisions. To be clear, we support this legislation <u>and</u> we offer these amendments to make it more focused and operationally effective.

**First,** the definition of "Essential Worker" in §3- 1601(D)(1) is overly broad. For example, there are employees who cannot work remotely during an emergency due to the nature of their job duties (*i.e.*, office persons working with Protected Health Information), but these individuals work primarily in private offices, or sections of a health care facility where they are not in frequent contact with other persons. Narrowing this definition would also address which employees are rightfully eligible for Hazard Pay and other benefits under the Proposed Act.

Proposed Amendment #1: The definition of "Essential Worker" under the Proposed Act should
be revised to read: "An individual who performs a duty or work responsibility during an
emergency that substantially increases the risk of harm arising from the Emergency to the
individual and cannot be performed remotely or is required to be completed at the worksite in
areas where there is a significant risk of harm."

HFAM Testimony - SB 486 February 11, 2021 Page 2

**Second**, in §3-1602(9)(VI), the reference to "Home Health Care Companies" is vague. Instead, this should refer specifically to licensed home health agencies. There are a myriad of companies providing home based services such as Residential Services Agencies.

• **Proposed Amendment #2:** Refer specifically to "Licensed Home Health Agencies" instead of "Home Health Care Companies."

**Third,** as currently written, §3-1604(2) requires Essential Employers to provide necessary amounts of personal protective equipment (PPE) at no cost to Essential Workers during an emergency. This language fails to consider the ongoing shortage of PPE.

 <u>Proposed Amendment #3:</u> This language should be revised to read: "Provide available Personal Protective Equipment at no cost to Essential Workers and/or establish proper protocols for prioritization, extended use, and re-use of PPE, in accordance with Maryland Department of Health requirements."

**Fourth,** section §3-1607(A)(2) would require a worksite to be evacuated during an emergency, if an Essential Worker has contracted an infectious disease at the worksite. Health care facilities, including nursing homes, assisted living facilities, hospitals, and other care settings cannot be evacuated.

• **Proposed Amendment #4**: This section should include: "provided, however, this requirement shall not apply to any setting in which health care services are provided."

**Fifth**, it is unreasonably burdensome to require employers to pay all costs associated with COVID-19 testing, when there are several facilities that offer free testing. Therefore, we request that section §3-1607(B) be revised.

• <u>Proposed Amendment #5</u>: Revise §3-1607(B) to read "If an Essential Worker's health insurance coverage or other benefits do not cover the cost of testing for a contagious illness or disease, during an emergency the Essential Employer shall assist with providing Essential Workers access to testing at no cost to the Essential Worker, or pay the costs associated with that testing."

**Sixth**, as written in the Proposed Act, all Essential Workers of hospitals and senior living facilities are entitled to Hazard Pay. Additionally, the Hazard Pay cutoff point of \$100,000 is very high, especially considering the average salary range for hospital, long-term care, and other health care facility employees.

• <u>Proposed Amendment #6:</u> In §3-1609(A)(1)(II), the \$100,000 cutoff point should be reduced to \$80,000.

**Seventh**, internally inconsistent language about the effective date for Hazard Pay should be removed. The proposed legislation as drafted already states clearly under Section 2: "That this Act shall be construed to apply only prospectively and may not be applied or interpreted to require the payment of hazard pay for work performed in an emergency before the effective date of this Act."

Proposed Amendment #7: In §3-1609(A)(2) should be revised to read "AN ESSENTIAL WORKER IS
ELIGIBLE FOR HAZARD PAY DURING AN EMERGENCY PROSPECTIVELY FROM THE EFFECTIVE DATE OF
THIS SECTION."

HFAM Testimony - SB 486 February 11, 2021 Page 3

**Eighth**, under §3-1611 (A)(1), the proposed legislation allows a person that alleges a violation to file a complaint within two years after the date the person knew or should have known of the alleged violation. This two-year reporting period is overly broad in its duration. Employees have thirty (30) days to make a report under Maryland's Occupational Safety and Health Act. It would logically make sense to provide the same time frame here.

• <u>Proposed Amendment #8:</u> §3-1611 (A)(1) of the Proposed Act should be revised to read: "A person that alleges a violation of this subtitle may file a complaint with the Commissioner up to thirty (30) days after the date the person knew or should have known of the alleged violation."

For these reasons and with these amendments, we request a favorable report from the Committee on Senate Bill 486.

Submitted by:

Joseph DeMattos, Jr. President and CEO (410) 290-5132

## HB581\_ Prince George's County Young Democrats' Ame Uploaded by: Elliott, Richard DeShay

Position: FWA



### **NEWS RELEASE**

FOR IMMEDIATE RELEASE 2021 LEGISLATIVE SESSION

Contact: Martin Mitchell
President
410-493-7966/president@pgcyd.com

### **Prince George's County Young Democrats**

**Prince George's County, MD** - The leadership of the Prince George's County Young Democrats Legislative Committee have provided the following amendments to:

- HB581- Labor and Employment Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)
- Sponsored by Economic Matters Chair, Delegate Dereck E. Davis (D25)
- Amendments for Consideration
  - This legislation will also designate employees in youth services & education, such as employees of local school districts, daycare providers, tutoring services/companies, youth service companies, private schools & universities, and the Maryland State Department of Education, as essential workers.
  - This legislation will set the fines applied to businesses that violate health protocols at no less than 120% of the value of employees' wages and benefits.
  - This legislation will advance the implementation of the \$15 minimum wage for businesses with more than 50 essential workers to the time of this bill's passage, and retroactive to the declaration of the State of Emergency, including for workers who are no longer with their former employer. This retroactive pay will not inhibit the ability of workers to qualify for state benefits.
  - This legislation will require that the rights and privileges extended to essential workers under this legislation will be included in hiring documentation that must be signed by both the hiring employer and said essential worker; in the worker training; and available on site in English and any other predominant language in the workplace with translation services available upon request.
  - 80% of the fine revenues generated by this legislation will be earmarked for the Maryland Emergency Medical Systems Operations Fund.

"The members of PGCYD remain committed to amplifying their voices on potential policy decisions that could impact their communities and daily life. We look forward to working with our elected leaders to ensure that Maryland's essential workforce receives the compensation and benefits they deserve for risking their lives to protect all of us, Chair Phylicia Henry said.

###

### Written By:

Phylicia Henry, Chair of Legislative Affairs as a Whole.
Janna Parker, Chair of County Affairs.
Hugo E. Cantu, Vice Chair of County Affairs.
Richard DeShay Elliott, Chair of State Affairs.

Interested members of the general public are encouraged to engage the Prince George's County Young Democrats, regardless of geographic location, as long as they meet two criteria: they are registered Democrats or Independents, and they are below the age of 40.

#### House Bill 0581 as amended by HB0581/373621/1 (02/01/21 at 3:57 p.m.)

MLIS "Instant Reprint" System (version 5.0) - NOTE: This is not an official copy of the bill

### **UNOFFICIAL COPY OF HOUSE BILL 581**

HOUSE BILL 581 EMERGENCY BILL

1lr1330

CF SB 486

By: Delegate D.E. Davis

K3, E4, C4

Introduced and read first time: January 20, 2021 Assigned to: Economic Matters and Appropriations

#### A BILL ENTITLED

### 1 AN ACT concerning

#### Labor and Employment - Employment Standards During an Emergency 3 (Maryland Essential Workers' Protection Act)

- 4 FOR the purpose of requiring the Maryland Health Benefit Exchange to provide for a
- special enrollment period for health insurance coverage for certain essential workers 5
- 6 during certain emergencies; requiring an essential employer to give a written
- 7 statement regarding certain hazard pay increased wages paid to certain essential workers at
- 8 intervals; requiring the Maryland Emergency Management Agency and a local
- 9 organization of emergency services to periodically evaluate and determine whether
- 10 an emergency is occurring or has occurred and make a certain announcements under
- 11 certain circumstances; requiring an essential employer to take certain actions
- 12 related to occupational safety and health during an emergency; authorizing an
- essential worker to refuse to fulfill a certain responsibility under certain 13
- 14 circumstances; prohibiting an essential employer from retaliating or taking other
- 15 adverse action against an essential worker or other worker for certain actions;
- 16 requiring an essential worker to notify the Commissioner of Labor of Industry of
- 17 certain information within a certain time period for a certain purpose; providing for
- 18 the enforcement of this Act; requiring an essential employer to comply with certain
- 19 standards, protocols, and procedures established by the Commissioner; requiring
- 20 essential employers to prepare a certain plan and take certain actions with regard
- 21 to the plan; requiring essential employers to take certain steps to minimize the risk
- 22 of transmission of an infectious disease under certain circumstances; requiring an
- 23 essential employer to pay costs associated with certain testing under certain
- 24 circumstances; requiring essential employees to report certain test results to the
- Maryland Department of Health in a certain manner; requiring essential employers 25
- 26 to provide essential workers with certain bereavement and health leave; requiring
- 27 essential employers to provide certain essential workers with certain hazard pay increased
- wages in
- 28 a certain manner; prohibiting an essential employer from lowering certain pay for a
- certain purpose; requiring essential employers to provide certain financial assistance 29
- 30 during an emergency under certain circumstances and in a certain manner:
- 31 prohibiting certain financial assistance from being counted towards an essential

#### **UNOFFICIAL COPY OF HOUSE BILL 581** 1 worker's eligibility for State means-tested benefit programs; prohibiting an essential employer from misclassifying an essential worker; specifying that money collected from certain fines be 2 distributed to certain funds; defining certain terms; providing for the application of this Act; making this Act an emergency measure, and generally 3 relating to employment standards during an emergency. 4 5 BY repealing and reenacting, with amendments, Article - Insurance 7 Section 31-108(b)(6) Annotated Code of Maryland 8 9 (2017 Replacement Volume and 2020 Supplement) 10 BY repealing and reenacting, with amendments, 11 Article - Labor and Employment Section 3-504 12 13 Annotated Code of Maryland (2016 Replacement Volume and 2020 Supplement) 14 15 BY adding to Article - Labor and Employment 16 Section 3-1601 through 3-1612 to be the new subtitle "Subtitle 16. Maryland 17 Essential Workers' Protection Act" 18 19 Annotated Code of Maryland 20 (2016 Replacement Volume and 2020 Supplement) 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 22 That the Laws of Maryland read as follows: 23 **Article - Insurance** 24 31-108. 25 In compliance with § 1311(d)(4) of the Affordable Care Act, the Exchange (b) 26 shall: 27 provide for initial, annual, and special enrollment periods, in 28 accordance with guidelines adopted by the Secretary under § 1311(c)(6) of the Affordable 29 Care Act, including a special enrollment period during an emergency, as

30 DEFINED UNDER § 3-1601 OF THE LABOR AND EMPLOYMENT ARTICLE, FOR AN 31 ESSENTIAL WORKER, AS DEFINED IN § 3-1601 OF THE LABOR AND EMPLOYMENT

32 ARTICLE, WHO IS NOT INSURED UNDER A GROUP HEALTH BENEFIT PLAN

**Article - Labor and Employment** 

An employer shall give to each employee:

33 SPONSORED BY THE EMPLOYER:

34

36

35 3-504.

(a)

3	UNOFFICIAL COPY OF HOUSE BILL 581	
1	(1) at the time of hiring, notice of:	
2	(i) the rate of pay of the employee;	
3	(ii) the regular paydays that the employer sets; and	
4	(iii) leave benefits;	
5	(2) for each pay period[,]:	
6 7 f	(I) a statement of the gross earnings of the employee and deductions in those gross earnings; and	
8 9 <b>F</b>	(ii) IF APPLICABLE, A WRITTEN STATEMENT OF HAZARD PAY INCREASED WAGERNED UNDER SUBTITLE ${f 16}$ OF THIS TITLE; AND	<u>s</u>
10 11	(3) at least 1 pay period in advance, notice of any change in a payday or age.	
12 13	(b) This section does not prohibit an employer from increasing a wage without lvance notice.	
14	Subtitle 16. Maryland Essential Workers' Protection Act.	
15	1601.	
16 17	(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS DICATED.	
18	(B) "EMERGENCY" MEANS:	
$\frac{21}{22}$	(1) THE IMMINENT THREAT OR OCCURRENCE OF SEVERE OR IDESPREAD LOSS OF LIFE, INJURY, OR OTHER HEALTH IMPACTS, PROPERTY AMAGE OR DESTRUCTION, SOCIAL OR ECONOMIC DISRUPTION, OR INVIRONMENTAL DEGRADATION FROM NATURAL, TECHNOLOGICAL, OR UMAN-MADE CAUSES; OR	
24 25	(2) AN INCIDENT, OCCURRENCE, OR OUTBREAK THAT IS THE SUBJECT	
26	(I) AN EXECUTIVE ORDER;	
27 28	(II) AN EXECUTIVE DECLARATION UNDER § 14-107 OF THE UBLIC SAFETY ARTICLE; OR	

### 4 UNOFFICIAL COPY OF HOUSE BILL 581

- 1 (III) AN EXECUTIVE PROCLAMATION UNDER § 14-3A-02 OF THE 2 PUBLIC SAFETY ARTICLE.
- 3 (c) (1) "Essential employer" means a person that employs an 4 essential worker.
- 5 (2) "Essential employer" includes a unit of State or local 6 government.
- 7 (d) (1) "Essential worker" means an individual who performs a
- 8 DUTY OR WORK RESPONSIBILITY DURING AN EMERGENCY THAT CANNOT BE
- 9 PERFORMED REMOTELY OR IS REQUIRED TO BE COMPLETED AT THE WORKSITE.
- 10 (2) "Essential worker" includes :
  - (I) A CONTRACTOR OR
- 11 SUBCONTRACTOR ; AND
  - (II) EDUCATION AND YOUTH SERVICES WORKERS AND DAYCARE PROVIDERS.
- 12 **3-1602.**
- 13 This subtitle applies only to essential employers in the following
- 14 INDUSTRIES AND SECTORS:
- 15 (1) THE CHEMICAL SECTOR, INCLUDING CHEMICAL
- 16 MANUFACTURERS, PHARMACEUTICAL MANUFACTURERS, AND DISTRIBUTORS OF
- 17 CHEMICALS AND PHARMACEUTICALS;
- 18 (2) THE COMMERCIAL SECTOR, INCLUDING:
- 19 (I) ARBORISTS;
- 20 (II) AUTOMOBILE SALES AND SERVICES;
- 21 (III) COMMERCIAL AND RESIDENTIAL CONSTRUCTION
- 22 COMPANIES;
- 23 (IV) COMPANIES THAT SELL SUPPLIES AND MATERIALS FOR THE
- 24 MAINTENANCE OF COMMERCIAL AND RESIDENTIAL BUSINESSES, INCLUDING HOME
- 25 IMPROVEMENT SUPPLY STORES;
- (v) ENVIRONMENTAL SERVICES COMPANIES;
- 27 (VI) EXTERMINATORS;

5 1	UNOFFICIAL COPY OF HOUSE BILL 581 (VII) JANITORIAL FIRMS;
2	
4	(VIII) LANDSCAPERS;
3 4	(IX) LAUNDROMATS, DRY CLEANERS, AND LAUNDRY SERVICE COMPANIES;
5 6	(X) LODGING, BUILDING, AND PROPERTY MAINTENANCE COMPANIES;
	(XI) PLUMBERS, ELECTRICIANS, AND HEATING, VENTILATION, AIR CONDITIONING, AND REFRIGERATION CONTRACTORS AND THE DISTRIBUTORS OF SUPPLIES THAT SUPPORT THOSE PROFESSIONS;
10	(XII) ROOFERS; AND
11	(XIII) SELF-STORAGE FACILITIES;
12	(3) THE COMMUNICATIONS SECTOR, INCLUDING:
13	(I) BROADCASTING COMPANIES AND STATIONS;
14	(II) CABLE TELEVISION COMPANIES;
15	(III) CELLULAR AND LANDLINE TELEPHONE COMPANIES; AND
16	(IV) INTERNET SERVICE PROVIDERS;
17	(4) THE CRITICAL MANUFACTURING SECTOR, INCLUDING:
18	(I) MANUFACTURERS OF:
19 20	1. CLEANING AND SANITATION EQUIPMENT AND SUPPLIES;
21 22	2. ENGINES, MOTORS, TURBINES, GENERATORS, AND POWER TRANSMISSION EQUIPMENT;
23 24	3. LAND, AIR, AND WATER VEHICLES AND RELATED PARTS;

4. MEDICAL EQUIPMENT;

25

6 1 2	UNOFFICIAL COPY OF HOUSE BILL 581 5. PARTS FOR WATER, ELECTRIC, AND TELECOMMUNICATIONS UTILITY INFRASTRUCTURE;
3	
	_
4	7. STEEL, IRON, AND ALUMINUM PRODUCTS;
5 6	(II) COMPANIES THAT RESEARCH, DEVELOP, MANUFACTURE, OR INTEGRATE WEAPONS, DEFENSE, OR INTELLIGENCE SYSTEMS OR ASSETS;
7	(III) THE DEFENSE INDUSTRIAL BASE SECTOR; AND
8 9	(IV) PRIVATE CONTRACTORS THAT SUPPORT DEFENSE AND INTELLIGENCE AGENCIES;
10	(5) The education sector, including:
	(I) DAYCARE PROVIDERS;
	(II) LOCAL PUBLIC SCHOOL DISTRICTS;
	(III) THE MARYLAND STATE DEPARTMENT OF EDUCATION;
	(IV) PRIVATE SCHOOLS AND UNIVERSITIES;
	(v) TUTORING SERVICES OR COMPANIES; AND
	(VI) YOUTH SERVICES COMPANIES;
	(6) THE EMERGENCY SERVICES SECTOR, INCLUDING:
11	(I) CORRECTIONAL INSTITUTIONS;
12	(II) EMERGENCY MANAGEMENT;
13	(III) EMERGENCY MEDICAL SERVICES;
14	(IV) FIRE AND RESCUE SERVICES;
15	(V) LAW ENFORCEMENT; AND
16	(VI) PRIVATE AMBULANCE COMPANIES;
17	(6) (7) THE ENERGY SECTOR, INCLUDING:
	(I) COMPANIES ENGAGED IN THE GENERATION OF ELECTRICITY, EXCLUDING HYDROELECTRIC ENERGY COMPANIES AND NUCLEAR ENERGY COMPANIES;
	(II) COMPANIES ENGAGED IN THE PRODUCTION, REFINING, STORAGE, TRANSPORTATION, DISTRIBUTION, OR SALE OF OIL, GAS, AND PROPANE PRODUCTS, INCLUDING GAS STATIONS AND TRUCK STOPS; AND
24 25	(III) COMPANIES THAT PROVIDE UTILITY MAINTENANCE SERVICES;
26	(7) (8) THE FOOD AND AGRICULTURE SECTOR, INCLUDING:

### 7 UNOFFICIAL COPY OF HOUSE BILL 581

- 1 (I) ALCOHOLIC BEVERAGES RETAILERS AND DISTRIBUTORS, 2 BREWERIES, DISTILLERIES, AND WINERIES;
- 3 (II) COMPANIES THAT MANUFACTURE OR SUPPORT THE
- 4 MANUFACTURE OF PAPER PRODUCTS;
- 5 (III) CONVENIENCE STORES;
- 6 (IV) FARMS;
- 7 (v) FARMER'S MARKETS;
- 8 (VI) GROCERY STORES;
- 9 (VII) INSTITUTIONAL FOOD SERVICE AND SUPPLY COMPANIES;
- 10 (VIII) FOOD MANUFACTURERS AND PROCESSORS;
- 11 (IX) PET SUPPLY STORES; AND
- 12 (x) VETERINARY HOSPITALS, CLINICS, AND KENNELS;
- 13 (8) (9) THE GOVERNMENT FACILITIES SECTOR, INCLUDING:
- 14 (I) BAIL BONDSMEN;
- 15 (II) COURT REPORTERS; AND
- 16 (III) LAWYERS AND LAW FIRMS;
- 17 (9) (10) THE HEALTH CARE AND PUBLIC HEALTH SECTOR, INCLUDING:
- 18 (I) BEHAVIORAL HEALTH FACILITIES AND PROFESSIONALS,
- 19 INCLUDING PSYCHOLOGISTS, MENTAL HEALTH COUNSELORS, AND SUBSTANCE
- 20 ABUSE COUNSELORS;
- 21 (II) DIAGNOSTIC FACILITIES, INCLUDING RADIOLOGY,
- 22 IMAGING, AND LABORATORY FACILITIES;
- 23 (III) FUNERAL HOMES AND CREMATORIUMS;
- 24 (IV) HEALTH CARE SYSTEMS AND CLINICS;

(II) COMPANIES THAT PROVIDE NETWORK ROUTING, ACCESS,

CARRIERS OF MARINE FREIGHT, INCLUDING OCEAN

COURIER, PACKAGE DELIVERY, MAIL SERVICE, AND MAIL

(11) (12) THE MOTOR CARRIER INDUSTRY, INCLUDING:

21 AND CONFIGURATION SERVICES;

24 CARRIERS AND INLAND CARRIERS;

**(**I**)** 

26 MANAGEMENT COMPANIES;

22

23

25

### **UNOFFICIAL COPY OF HOUSE BILL 581** 1 (III) MARINE, RAIL, TRUCK, AND INTERMODAL TERMINALS AND 2 OPERATORS; AND STEVEDORES, LONGSHOREMEN, BAGGAGE HANDLERS, AND 3 (IV) 4 OTHERS WHO HANDLE CARGO AT TRANSPORTATION HUBS; (12) (13) THE SERVICE SECTOR, INCLUDING CHILDCARE PROVIDERS AND 6 STAFF, ELDER CARE PROVIDERS AND STAFF, AND PERSONAL SERVICES PROVIDERS; 7 (13) (14) THE TRANSPORTATION SYSTEMS SECTOR, INCLUDING: AIRLINES AND OPERATORS OF MANNED AND UNMANNED 9 COMMERCIAL AIRCRAFT, AIRPORTS, AIR STRIPS, HELIPORTS, AND SEAPLANE 10 BASES; AND 11 (II) RAILROADS; 12 (14) (15) THE WAREHOUSING AND DISTRIBUTION SECTOR, INCLUDING: 13 COMPANIES THAT SUPPLY PARTS OR PROVIDE 14 MAINTENANCE AND REPAIR SERVICES FOR TRANSPORTATION ASSETS AND 15 INFRASTRUCTURE, INCLUDING AIRCRAFT, MARINE VESSELS, LOCOMOTIVES, RAIL 16 CARS, TRUCKS, BUSES, CARS, HEAVY EQUIPMENT, ROADS, BRIDGES, AND TUNNELS; (II) LESSORS OF TRANSPORTATION ASSETS, INCLUDING 17 18 RAILCARS AND TRUCK TRAILERS; AND 19 (III) PIPELINE OWNERS, OPERATORS, AND MAINTENANCE 20 COMPANIES; AND (16) PERSONNEL OF ANY OTHER INSTITUTION OR INDUSTRY ORDERED 22 TO REMAIN OPEN DURING THE EMERGENCY. 23 **3-1603.**

(1) A LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT, AS

THE MARYLAND EMERGENCY MANAGEMENT AGENCY.

In this section, "agency" means:

26 DEFINED IN § 14-101.1 OF THE PUBLIC SAFETY ARTICLE; OR

24

25

27

(A)

	Bill Page 10 of 20
10 1 2	UNOFFICIAL COPY OF HOUSE BILL 581 (B) EACH AGENCY SHALL PERIODICALLY EVALUATE AND DETERMINE WHETHER AN EMERGENCY IS OCCURRING OR HAS OCCURRED.
5 6	(c) (1) If an agency determines that an emergency is occurring or has occurred, the agency shall announce publicly in writing that the emergency is occurring or has occurred and that essential employers are required to comply with §§ 3-1605, 3-1608, and 3-1609 of this subtitle.
10	(2) Once the emergency has subsided, the agency that made the announcement under paragraph (1) of this subsection shall announce publicly in writing that essential employers no longer need to:
12 13	(i) allow an essential worker to refuse to fulfill work responsibilities under $\S$ 3-1605 of this subtitle;
14 15	(II) PROVIDE HEALTH LEAVE OR BEREAVEMENT LEAVE UNDER § 3-1608 OF THIS SUBTITLE; OR
16 17	(III) PROVIDE ASSISTANCE WITH HEALTH INSURANCE COSTS UNDER § 3-1609 OF THIS SUBTITLE.
18	3-1604.
19	During an emergency, each essential employer shall:
20	(1) PROVIDE WORKING CONDITIONS THAT:
21 22	(I) REDUCE PHYSICAL HARM AND MENTAL DISTRESS AND DETRIMENT; AND
23	(II) ENSURE PHYSICAL HEALTH AND SAFETY;
24 25	(2) PROVIDE NECESSARY AMOUNTS OF PERSONAL PROTECTIVE EQUIPMENT AT NO COST TO ESSENTIAL WORKERS;

(3) CREATE AND MAINTAIN WRITTEN PROTOCOLS TO ENFORCE ANY

27 NECESSARY HYGIENIC PRACTICES OR DISEASE MITIGATION MEASURES AT A

26

28 WORKSITE; AND

- 1 (4) PROVIDE OR IMPLEMENT ANY OTHER MEASURES OR
- 2 REQUIREMENTS TO ENSURE THE GENERAL HEALTH AND SAFETY OF ESSENTIAL
- 3 WORKERS.
- 4 3-1605.
- 5 (A) (1) In this section, "unsafe work environment" means any
- 6 CIRCUMSTANCE PRESENT AT A WORKSITE THAT RENDERS AN ESSENTIAL WORKER
- 7 UNABLE TO PERFORM REQUIRED DAILY DUTIES BECAUSE THE PHYSICAL CONDITION
- 8 OF THE WORKSITE REPRESENTS A REASONABLE THREAT TO A WORKER'S HEALTH
- 9 OR SAFETY.
- 10 (2) "Unsafe work environment" includes:
- 11 (I) UNSANITARY CONDITIONS IN THE WORKPLACE;
- 12 (II) AN ESSENTIAL EMPLOYER'S FAILURE TO PROVIDE
- 13 PERSONAL PROTECTIVE EQUIPMENT;
- 14 (III) LACK OF EMPLOYER ADHERENCE TO FEDERAL AND STATE
- 15 HEALTH AND SAFETY STANDARDS RELATED TO THE EMERGENCY;
- 16 (IV) AN ESSENTIAL EMPLOYER'S FAILURE TO DEVELOP AND
- 17 ENFORCE HEALTH AND SAFETY PROTOCOLS RELATED TO THE EMERGENCY; AND
- 18 (v) AN ESSENTIAL EMPLOYER'S FAILURE TO NOTIFY WORKERS
- 19 of illnesses, broken or improperly functioning equipment, or any other
- 20 dangerous or hazardous conditions which represent a reasonable
- 21 THREAT TO THE ESSENTIAL WORKER'S HEALTH OR SAFETY.
- 22 (B) Subject to the requirements set forth in subsection (d) of
- 23 THIS SECTION, IF AN ESSENTIAL WORKER FEARS FOR THE ESSENTIAL WORKER'S
- $24\,$  life or health during an emergency due to the nature of the work being
- 25 PERFORMED, AN ESSENTIAL WORKER MAY REFUSE TO FULFILL A RESPONSIBILITY
- 26 THAT:
- 27 (1) IS REQUIRED OR ENCOURAGED BY AN ESSENTIAL EMPLOYER; AND
- 28 (2) RELATES TO AN UNSAFE WORK ENVIRONMENT.
- 29 (c) An essential employer may not retaliate against an essential
- 30 WORKER OR ANY OTHER WORKER IN THE FORM OF DISCHARGE, DISCIPLINARY
- 31 ACTION, OR OTHER ADVERSE ACTION FOR:

- 1 (1) WITNESSING A CONDITION CAUSING AN UNSAFE WORK 2 ENVIRONMENT;
- 3 (2) NOTIFYING THE ESSENTIAL EMPLOYER OR A GOVERNMENTAL
- 4 ENTITY OF THE UNSAFE WORK ENVIRONMENT; OR
- 5 (3) FILING A FORMAL OR INFORMAL COMPLAINT.
- 6 (d) In order to be protected under subsection (c) of this
- 7 SECTION, AN ESSENTIAL WORKER SHALL PROMPTLY NOTIFY THE COMMISSIONER IN
- 8 WRITING WITHIN 3 DAYS AFTER THE DATE ON WHICH THE ESSENTIAL WORKER
- 9 BECAME AWARE OF THE CONDITION CAUSING AN UNSAFE WORK ENVIRONMENT.
- 10 **(2)** The Commissioner shall:
- 11 (I) PROMPTLY NOTIFY THE ESSENTIAL EMPLOYER OF THE
- 12 CONTENT OF THE WRITTEN COMPLAINT; AND
- 13 (II) IN ITS DISCRETION, SET FORTH REQUIREMENTS THAT THE
- 14 ESSENTIAL EMPLOYER SHALL MEET TO EFFECTIVELY AND IMMEDIATELY REMEDY
- 15 THE UNSAFE WORK ENVIRONMENT.
- 16 (3) (I) If an essential employer does not remedy the
- 17 CONDITION CAUSING THE UNSAFE WORK ENVIRONMENT, THE COMMISSIONER
- $18\,$  shall assess a civil penalty of not more than \$ 50 for each day that the
- 19 CONDITION CAUSING THE UNSAFE WORK ENVIRONMENT IS NOT REMEDIED.
- 20 (II) The amount of a penalty assessed under
- 21 SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED \$1,000 PER
- 22 OCCURRENCE.
- 23 (III) If the Commissioner determines that an employer
- 24 HAS VIOLATED THE PROVISIONS OF THIS SECTION, THE COMMISSIONER:
- 25 1. Shall issue an order compelling compliance;
- 26 AND
- 27 2. MAY, IN THE COMMISSIONER'S DISCRETION, ASSESS A
- 28 Penalty of up to \$1,000 for each applicant for employment for whom the
- 29 EMPLOYER WAS NOT IN COMPLIANCE.

13 1 2	UNOFFICIAL COPY OF HOUSE BILL 581 (IV) IN DETERMINING THE AMOUNT OF THE PENALTY, THE COMMISSIONER SHALL CONSIDER:
3	1. The gravity of the violation;
4	2. The size of the employer's business;
5	3. THE EMPLOYER'S GOOD FAITH; AND
6 7	4. THE EMPLOYER'S HISTORY OF VIOLATIONS UNDER THE SECTION.
10	(4) If the Commissioner assesses a penalty under paragraph (3)(ii) of this subsection, the penalty shall be subject to the notice and hearing requirements of Title 10, Subtitle 2 of the State Government Article.
12 13	(5) The Commissioner shall adopt regulations to carry out this subsection.
16 17	(E) In addition to the requirements of this subtitle, an essential employer shall comply with any standards, protocols, or procedures that the Commissioner requires, including any emergency or temporary standard.  3-1606.
19	
	(1) PREPARE A HEALTH EMERGENCY PREPAREDNESS PLAN FOR RESPONDING TO A CATASTROPHIC HEALTH EMERGENCY AS DEFINED UNDER § 14-3A-01 OF THE PUBLIC SAFETY ARTICLE; AND
	(2) ANNUALLY REVIEW THE HEALTH EMERGENCY PREPAREDNESS PLAN AND SUBMIT ANY CHANGES TO THE DIRECTOR OF THE MARYLAND EMERGENCY MANAGEMENT AGENCY.
26 27	(B) The health emergency preparedness plan required under subsection (a) of this section shall contain the following provisions:

(1) STEPS AN ESSENTIAL WORKER MAY TAKE IF AN ESSENTIAL 29 EMPLOYER ENGAGES IN RETALIATION OR OTHER UNLAWFUL EMPLOYMENT

28

30 PRACTICES;

- 1 (2) PROCEDURES THAT GOVERN THE USE AND MAINTENANCE OF 2 PERSONAL PROTECTIVE EQUIPMENT;
- 3 (3) WORK HOURS AND SHIFTS THAT WOULD TAKE EFFECT DURING
- 4 THE CATASTROPHIC HEALTH EMERGENCY;
- 5 (4) SANITATION PROCEDURES;
- 6 (5) TELEWORKING CAPABILITIES, IF APPLICABLE;
- 7 (6) ANY CHANGES IN PAY AND BENEFITS; AND
- 8 (7) MECHANISMS FOR NOTIFYING ESSENTIAL WORKERS OF POSITIVE
- 9 TEST RESULTS FOR ILLNESS.
- 10 (c) Each essential employer shall:
- 11 (1) INCLUDE A WRITTEN COPY OF THE MOST RECENT HEALTH EMERGENCY PREPAREDNESS PLAN IN EACH ESSENTIAL WORKER'S HIRING DOCUMENTATION;
  - (2) DISPLAY THE MOST RECENT HEALTH EMERGENCY
- 12 PREPAREDNESS PLAN IN A COMMON AREA WHERE IT IS:
  - (I) VISIBLE TO ALL ESSENTIAL
- 13 WORKERS; AND
  - (II) WRITTEN IN BOTH

ENGLISH AND A LANGUAGE THAT MOST ESSENTIAL WORKERS UNDERSTAND, WITH TRANSLATION SERVICES AVAILABLE ON AN ESSENTIAL EMPLOYEE'S REQUEST; AND

- 14 (2) (3) ON OR BEFORE DECEMBER 31 EACH YEAR, SUBMIT THE HEALTH
- 15 EMERGENCY PREPAREDNESS PLAN TO THE MARYLAND EMERGENCY MANAGEMENT
- 16 Agency and the emergency management director for each county in
- 17 WHICH THE ESSENTIAL EMPLOYER HAS AN OFFICE LOCATION.
- 18 **3-1607.**
- 19 (A) DURING AN EMERGENCY, IF AN ESSENTIAL WORKER OR ANY OTHER
- 20 WORKER HAS CONTRACTED AN INFECTIOUS DISEASE AT A WORKSITE, THE
- 21 ESSENTIAL EMPLOYER SHALL TAKE PROACTIVE STEPS TO MINIMIZE THE RISK OF
- 22 TRANSMISSION, INCLUDING:
- 23 (1) INFORMING ESSENTIAL WORKERS THAT THEY MAY HAVE BEEN
- 24 EXPOSED; AND
- 25 (2) EVACUATING THE WORKSITE UNTIL IT HAS BEEN PROPERLY
- 26 SANITIZED.
- 27 (B) If an essential worker's health insurance coverage or other
- 28 BENEFITS DO NOT COVER THE COST OF TESTING FOR A CONTAGIOUS ILLNESS OR

15	UNOFFICIAL COPY OF HOUSE BILL 581		
1	DISEASE, DURING AN EMERGENCY, THE ESSENTIAL EMPLOYER SHALL PAY ALL		
2	COSTS ASSOCIATED WITH THAT TESTING.		
3	(c) (1) Subject to paragraph (2) of this subsection, each		
4	ESSENTIAL EMPLOYER SHALL REPORT ALL POSITIVE TEST RESULTS TO THE		
5	MARYLAND DEPARTMENT OF HEALTH.		
6	(2) When reporting to the Maryland Department of		
7	HEALTH, THE ESSENTIAL EMPLOYER SHALL:		
8	(I) INCLUDE DEMOGRAPHIC INFORMATION ABOUT THE		
9	ESSENTIAL WORKER; AND		
10	(II) REDACT ANY PERSONAL IDENTIFYING INFORMATION TO		
11	PROTECT THE IDENTITY OF THE ESSENTIAL WORKER.		
12	(D) THE MARYLAND DEPARTMENT OF HEALTH SHALL COLLECT POSITIVE		
13	TEST RESULTS, CATEGORIZE THE RESULTS BY INDUSTRY, AND PUBLISH THE		
14	RESULTS IN A FORMAT THAT IS READILY ACCESSIBLE TO THE GENERAL PUBLIC.		
15	(E) THE COMMISSIONER SHALL ADOPT REGULATIONS AS NECESSARY TO		
16	CARRY OUT THIS SECTION.		
17	3-1608.		
18	(A) (1) In this section the following words have the meanings		
19	INDICATED.		
20	(2) "Bereavement leave" means paid leave that an essential		
21	EMPLOYER PROVIDES TO AN ESSENTIAL WORKER DURING AN EMERGENCY DUE TO		
22	THE DEATH OF A FAMILY MEMBER THAT RESULTED FROM THE EMERGENCY.		
23	(3) "Family member" means:		

(I) A BIOLOGICAL CHILD, AN ADOPTED CHILD, A FOSTER

(II) A CHILD FOR WHOM THE ESSENTIAL WORKER HAS LEGAL OR

(III) A CHILD FOR WHOM THE ESSENTIAL WORKER STANDS IN

25 CHILD, OR A STEPCHILD OF THE ESSENTIAL WORKER;

29 LOCO PARENTIS, REGARDLESS OF THE CHILD'S AGE;

27 PHYSICAL CUSTODY OR GUARDIANSHIP;

24

26

28

- 1 (IV) A BIOLOGICAL PARENT, AN ADOPTIVE PARENT, A FOSTER
- 2 parent, or a stepparent of the essential worker or of the essential
- 3 WORKER'S SPOUSE;
- 4 (V) THE LEGAL GUARDIAN OR WARD OF THE ESSENTIAL
- 5 Worker or of the essential worker's spouse;
- 6 (VI) AN INDIVIDUAL WHO ACTED AS A PARENT OR STOOD IN
- 7 LOCO PARENTIS TO THE ESSENTIAL WORKER OR THE ESSENTIAL WORKER'S SPOUSE
- 8 WHEN THE ESSENTIAL WORKER OR THE ESSENTIAL WORKER'S SPOUSE WAS A
- 9 MINOR;
- 10 (VII) THE SPOUSE OF THE ESSENTIAL WORKER;
- 11 (VIII) A BIOLOGICAL GRANDPARENT, AN ADOPTED
- 12 GRANDPARENT, A FOSTER GRANDPARENT, OR A STEPGRANDPARENT OF THE
- 13 ESSENTIAL WORKER;
- 14 (IX) A BIOLOGICAL GRANDCHILD, AN ADOPTED GRANDCHILD, A
- 15 FOSTER GRANDCHILD, OR A STEPGRANDCHILD OF THE ESSENTIAL WORKER; OR
- 16 (X) A BIOLOGICAL SIBLING, AN ADOPTED SIBLING, A FOSTER
- 17 SIBLING, OR A STEPSIBLING OF THE ESSENTIAL WORKER.
- 18 (4) "HEALTH LEAVE" MEANS PAID LEAVE THAT AN ESSENTIAL
- 19 EMPLOYER PROVIDES TO AN ESSENTIAL WORKER DURING AN EMERGENCY DUE TO
- 20 THE ESSENTIAL WORKER'S ILLNESS OR OTHER HEALTH NEEDS RELATED TO THE
- 21 EMERGENCY.
- 22 (B) EACH ESSENTIAL EMPLOYER SHALL PROVIDE AN ESSENTIAL WORKER
- 23 WITH AT LEAST:
- 24 (1) 3 days of Bereavement leave; and
- 25 (2) 14 DAYS OF HEALTH LEAVE.
- 26 (c) This section may not be construed to:
- 27 (1) REQUIRE AN ESSENTIAL EMPLOYER TO ALLOW AN ESSENTIAL
- 28 WORKER TO TAKE LEAVE UNDER SUBSECTION (B) OF THIS SECTION CONSECUTIVELY
- 29 with earned sick and safe leave under Subtitle 13 of this title; or

- 1 (2) PROHIBIT AN ESSENTIAL EMPLOYER FROM PROVIDING
- 2 ADDITIONAL BEREAVEMENT LEAVE, HEALTH LEAVE, OR ANY OTHER TYPE OF LEAVE.
- 3 **3-1609.**
- 4 (A) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
- 5 PARAGRAPH AND SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, DURING
- 6 AN EMERGENCY <u>LASTING AT LEAST 2 WEEKS</u>, EACH ESSENTIAL EMPLOYER SHALL PROVIDE AN ESSENTIAL.
- 7 WORKER WITH HAZARD PAY AN INCREASED WAGE FOR EACH PAY PERIOD THAT THE ESSENTIAL WORKER
- 8 WORKS, AT THE REGULAR INTERVAL IN WHICH THE ESSENTIAL WORKER IS PAID.
- 9 (II) AN ESSENTIAL EMPLOYER IS NOT REQUIRED TO PROVIDE
- 10 AN ESSENTIAL WORKER WITH HAZARD PAY INCREASE AN ESSENTIAL EMPLOYEE'S WAGE IF THE ESSENTIAL EMPLOYEE EMPLOYEE EARNS
- 11 **\$100,000** OR MORE PER YEAR.
- 12 (III) THE AMOUNT OF HAZARD PAY WAGE PROVIDED UNDER
- 13 Subparagraph (I) of this paragraph shall be in the amount of \$3.00 \$15.00 per
- 14 HOUR, UNLESS A COLLECTIVE BARGAINING AGREEMENT OR SIMILAR AGREEMENT
- 15 PROVIDES FOR A HIGHER AMOUNT.
- 16 **(2)** An essential worker is eligible for hazard pay an increased wage dating
- 17 BACK TO THE START OF THE EMERGENCY.
- 18 (3) An essential employer may not lower an essential
- 19 Worker's regular rate of pay to accommodate the hazard pay employee who has left the employ of an essential employer and worked during a pay period when increased wages were instituted due to an emergency in accordance with Subsection (a) shall be eligible to receive the difference amounting from the increased wage.
- 20 **(4)** Notwithstanding any other provision of law, <del>hazard pay</del> <u>an increased</u> <u>wage</u>
- 21 MAY NOT BE COUNTED TOWARDS AN ESSENTIAL WORKER'S ELIGIBILITY FOR ANY
- 22 STATE MEANS-TESTED BENEFIT PROGRAMS.
- 23 (B) (1) During an emergency, each essential employer shall
- 24 PROVIDE FINANCIAL ASSISTANCE FOR UNREIMBURSED HEALTH CARE COSTS TO
- 25 EACH ESSENTIAL WORKER WHO BECOMES SICK OR IS INJURED IF THE SICKNESS OR
- 26 INJURY IS RELATED TO THE EMERGENCY.
- 27 (2) (I) Subject to subparagraph (II) of this paragraph,
- 28 EACH ESSENTIAL EMPLOYER SHALL SATISFY THE REQUIREMENT UNDER
- 29 PARAGRAPH (1) OF THIS SUBSECTION FOR ESSENTIAL WORKERS WHO HAVE HEALTH
- 30 INSURANCE COVERAGE BY REIMBURSING OR PAYING ANY CO-PAYS, INSURANCE
- 31 PREMIUMS, OUT-OF-POCKET COSTS OF MEDICAL COVERAGE, OR OUT-OF-POCKET
- 32 TRANSPORTATION COSTS INCURRED OR PAID BY THE ESSENTIAL WORKER.

- 1 (II) IF AN ESSENTIAL WORKER IS RECEIVING MEDICAL
- 2 BENEFITS UNDER THE MARYLAND WORKERS' COMPENSATION ACT, THE ESSENTIAL
- 3 EMPLOYER SHALL BE CONSIDERED TO HAVE SATISFIED THE REQUIREMENT UNDER
- 4 PARAGRAPH (1) OF THIS SUBSECTION WITH REGARD TO THAT ESSENTIAL WORKER.
- 5 (3) Each essential employer shall satisfy the requirement
- 6 UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ESSENTIAL WORKERS WHO DO
- 7 NOT HAVE HEALTH INSURANCE COVERAGE BY ASSISTING THE ESSENTIAL WORKER
- 8 IN OBTAINING AND PAYING FOR HEALTH INSURANCE COVERAGE, SUCH AS THROUGH
- 9 COVERAGE OBTAINED THROUGH THE MARYLAND HEALTH BENEFIT EXCHANGE
- 10 during a special enrollment period initiated as a result of the
- 11 EMERGENCY.
- 12 (4) Notwithstanding any other provision of Law, financial
- 13 ASSISTANCE PROVIDED FOR HEALTH CARE COSTS MAY NOT BE COUNTED TOWARDS
- 14 AN ESSENTIAL WORKER'S ELIGIBILITY FOR ANY STATE MEANS-TESTED BENEFIT
- 15 PROGRAMS.
- 16 **3-1610.**
- AN ESSENTIAL EMPLOYER MAY NOT INTENTIONALLY OR UNINTENTIONALLY
- 18 MISCLASSIFY AN ESSENTIAL WORKER AS AN INDEPENDENT CONTRACTOR OR OTHER
- 19 CLASSIFICATION IN ORDER TO AVOID PAYING AN ESSENTIAL WORKER THE HAZARD
- 20 PAY INCREASED WAGE REQUIRED UNDER § 13-1609 OF THIS SUBTITLE OR ANY OTHER BENEFITS DUE
- 21 DURING AN EMERGENCY UNDER THIS SUBTITLE.
- 22 **3-1611.**
- 23 (A) (1) A PERSON THAT ALLEGES A VIOLATION OF THIS SUBTITLE MAY
- 24 FILE A COMPLAINT WITH THE COMMISSIONER WITHIN 2 YEARS AFTER THE DATE
- 25 THE PERSON KNEW OR SHOULD HAVE KNOWN OF THE ALLEGED VIOLATION.
- 26 (2) On receiving a complaint, the Commissioner shall
- 27 INVESTIGATE THE COMPLAINT.
- 28 (3) The Commissioner or the Commissioner's designee may
- 29 OPEN AN INVESTIGATION ON THE COMMISSIONER'S OWN INITIATIVE.
- 30 (4) An essential employer that is under investigation shall
- 31 COMPLY WITH ANY REQUESTS FROM THE COMMISSIONER TO PROVIDE EVIDENCE OR
- 32 INFORMATION AS A PART OF THE INVESTIGATION.

19 UNOFFICIAL COPY OF HOUSE BILL 581 1 (5) (1) THE COMMISSIONER SHALL KEEP THE IDENTITY OF A 2 COMPLAINANT CONFIDENTIAL UNLESS DISCLOSURE IS NECESSARY TO RESOLVE 3 THE INVESTIGATION OR IS OTHERWISE REQUIRED BY LAW.			
4 (II) TO THE EXTENT PRACTICABLE, BEFORE DISCLOSING A 5 COMPLAINANT'S IDENTITY, THE COMMISSIONER SHALL NOTIFY THE COMPLAINANT 6 OF THE NEED TO DISCLOSE.			
7 (B) If the Commissioner determines that an essential employer 8 has violated this subtitle, the Commissioner:			
9 (1) SHALL ISSUE AN ORDER COMPELLING COMPLIANCE; AND			
10 <b>(2)</b> MAY:			
11 (I) IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$1,000; AND			
12 (II) GRANT AN ESSENTIAL WORKER CURRENTLY OR FORMERLY 13 EMPLOYED BY THE ESSENTIAL EMPLOYER:			
14 1. COMPENSATORY DAMAGES AND ANY OTHER RELIEF 15 NECESSARY TO MAKE THE INDIVIDUAL WHOLE DAMAGES AMOUNTING TO A MINIMUM OF 120% OF THE INDIVIDUAL'S LOST WAGES, BENEFITS, AND COSTS;			
16 2. RESCISSION OF ANY DISCIPLINE ISSUED IN 17 VIOLATION OF THIS SUBTITLE;			
18 3. REINSTATEMENT OF AN ESSENTIAL WORKER 19 TERMINATED IN VIOLATION OF THIS SUBTITLE;			
20 4. PAYMENT OF BACK PAY FOR ANY LOSS OF PAY OR 21 BENEFITS RESULTING FROM RETALIATION OR OTHER ADVERSE ACTION; AND			
22 <b>5.</b> REASONABLE ATTORNEY'S FEES.			
23 (c) (1) For each violation, the relief authorized under this 24 section shall be imposed on a per-essential worker and per-instance 25 basis.			
26 <b>(2)</b> In determining the amount of a civil penalty, the 27 Commissioner shall consider:			
28 (I) THE GRAVITY OF THE VIOLATION;			

20	UNOFFICIAL COPY OF HOUSE BILL 581
1	(II) THE SIZE OF THE EMPLOYER'S BUSINESS;
2	(III) THE EMPLOYER'S GOOD FAITH; AND

- 3  $\,$  (iv) the employer's history of violations under the  $4\,$  section.
- 5 (3) If the Commissioner assesses a penalty under paragraph 6 (1) of this subsection, the penalty shall be subject to the notice and 7 hearing requirements of Title 10, Subtitle 2 of the State Government 8 Article.
  - (D) Money collected by the Commissioner as a result of a penalty assessed under this subtitle shall be distributed:
  - (1) 80% to the Maryland Emergency Medical System Operations Fund; and
    - (2) 20% to the General Fund.
- 9 3-1612.
- This subtitle may be cited as the Maryland Essential Workers' 11 Protection Act.
- 12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
- 13 apply only prospectively and may not be applied or interpreted to require the payment of
- 14 hazard pay for work performed in an emergency before the effective date of this Act.
- 15 SECTION 3 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
- $16\,$  measure, is necessary for the immediate preservation of the public health or safety, has
- 17 been passed by a yea and nay vote supported by three-fifths of all the members elected to
- 18 each of the two Houses of the General Assembly, and shall take effect from the date it is
- 19 enacted.

### **SB486\_FAV\_HealthProfessionals.pdf**Uploaded by: Schneider, Scott

Position: FWA

Testimony on SB486, the Maryland Essential Workers Protection Act (MEWPA)

Chairwoman Kelley, Vice Chair Feldman. Good afternoon. My name is Scott Schneider. I am a Certified Industrial Hygienist (CIH) and a Fellow Member of the American Industrial Hygiene Association. I have been working as an industrial hygienist for over 40 years and most of my career has been focused on construction safety and health. I retired a few years ago from the Laborers' Health and Safety Fund of North America where I was Director of Occupational Safety and Health for over 17 years. I have been a Maryland resident for over 35 years living in District 20. I am testifying today on behalf of about twenty health and safety professionals (names appended) living in Maryland many of whom have been active for decades in this field and the National Council for Occupational Safety and Health. I am testifying in support of this bill with amendments.

Essential workers in Maryland have put their lives on the line going to work without guarantees that their workplace is safe from SARS-CO-V2 exposure and related hazardous conditions. They have filed thousands of complaints with MOSH only to have those complaints referred to local health departments which do not have the enforcement powers of MOSH. MOSH is the State agency empowered to investigate workplace safety and health problems and force companies to ensure they are safe. Despite petitions from dozens of groups over the past 10 months, the Governor has refused our pleas to issue an emergency workplace COVID standard and thousands have died as a result.

This bill will help rectify this problem by requiring employers to provide personal protective equipment at no cost to employees, empowering workers to refuse unsafe work, requiring written protocols and emergency preparedness plans, assistance with health care costs, health and bereavement leave and hazard pay. It is a significant step towards justice and safety for these workers that we rely on. But we need to go further. Which is why we recommend that MOSH be required to immediately issue an emergency temporary standard (ETS) for aerosol transmissible diseases, followed by a permanent standard within 6 months. MOSH has the authority to do this. Virginia OSHA has already issued an emergency standard and on January 27th issued their permanent standard which could be used as a model. I recommend incorporating HB 124, which requires an ETS and permanent standard be issued, into this legislation to accomplish this.

Some have questioned the need for a permanent standard when, hopefully, the pandemic may have abated by Fall. The answer is first the pandemic may still have surges this Fall, depending on vaccine distribution and efficacy as well as new variants or due to lack of social distancing and mask wearing. Second, this may not be the last pandemic we experience. If, or when, a new pandemic arises, we will have the tools ready to meet the challenge.

Secondly, Federal OSHA is currently considering issuing an Emergency Temporary Standard (ETS). If they do, Maryland is required to adopt it, or a standard which is equally or more protective. You must require that MOSH adopt any Federal ETS immediately. In the past MOSH has dragged its heels and waited to adopt Federal rules until all litigation has been resolved. This is contrary to OSHA procedures and would gut the intent of an ETS, allowing workers in Maryland to continue to suffer without sufficient protections or enforcement.

This bill and the ETS are urgently needed. I urge a Favorable vote on the bill with the recommended amendments.

Darryl Alexander Former Head of Occupational Safety and Health American Federation of Teachers- Takoma Park, MD

James August Former Director of Occupational Safety and Health for AFSCME- Bethesda, MD Victoria L. Bor Attorney – Chevy Chase, MD

Bill Borwegan Principal-Prevention at Work, LLC, Former Director of Occupational Safety and Health for the Service Employees International Union- Annapolis, MD

Mark Catlin, Retired Director of Occupational Safety and Health for the Service Employees International Union- Columbia, MD

Earl Dotter Occupational and Environmental Health Photojournalist;

Visiting Scholar, Harvard School of Public Health- Silver Spring, MD

Bill Kojola Industrial Hygienist- Silver Spring, MD

Dr. Amy Liebman Director of Occupational and Environmental Health, Migrant Clinician's Network- Salisbury, MD

Dr. Bruce Lippy CIH, CSP, FAIHA, President, The Lippy Group, LLC

Jane Lipscomb PhD, Retired Professor, UMB- Annapolis, MD

Dr. David Michaels Professor, Department of Environmental and Occupational Health,

Milken Institute School of Public Health of George Washington University

Assistant Secretary of Labor for the Occupational Safety and Health Administration (2009-2017)- Bethesda, MD

Lyn Penniman Former Director of the OSHA Office of Physical Hazards, Directorate of Standards and Guidance- Bethesda, MD

Scott Schneider MPH, CIH, FAIHA Former Director of Occupational Safety and Health for the Laborers' Health and Safety Fund of North America- Silver Spring, MD

Peg Seminario Former Director Occupational Safety and Health for the AFL-CIO- Bethesda, MD

Dr. Darius Sivin, United Auto Workers International Union, Takoma Park, MD

Dr. Rosemary Sokas MD, MOH Professor, Department of Human Science;

Georgetown University School of Nursing and Health Studies, Professor, Department of Family Medicine, Georgetown University School of Medicine- Silver Spring, MD

Pete Stafford Former Executive Director of CPWR- The Center for Construction Research and Training- Gaithersburg, MD

Deborah Stern, Attorney, Silver Spring, MD

\* Affiliations for informational purposes only

For more information, Contact Scott Schneider (<u>Hardhatscott@gmail.com</u>) or Darryl Alexander (<u>Darrylalex@gmail.com</u>)

# **SB0486\_FWA\_MDforFoodandFarmworkerProtection.pdf** Uploaded by: Waterman, Chloe

Position: FWA



### FAVORABLE WITH AMENDMENTS Testimony for the Maryland Essential Workers' Protection Act – SB 486 (Senator Augustine)

Presented before the Senate Finance Committee

February 11, 2021

On behalf of Marylanders for Food and Farm Worker Protection, thank you for the opportunity to express our support for SB 486, the Maryland Essential Workers' Protection Act. This legislation would require employers to provide workers with safe and hygienic workspaces, personal protective equipment, emergency pandemic action plans that include sanitation protocol and changes in shift hours, paid health and bereavement leave, free COVID-19 testing, an additional \$3 an hour in hazard pay and the ability to refuse dangerous work without fear of retaliation. In line with achieving these goals we recommend an amendment that incorporates HB 124 to include an Emergency Temporary Standard (ETS) from Maryland Occupational Safety and Health (MOSH).

Marylanders for Food and Farm Worker Protection is a coalition that formed last summer to advocate for the health and wellbeing of workers in the agriculture, meatpacking, and seafood processing sectors during the COVID-19 pandemic. Food and farm workers have been intentionally excluded from basic labor and employment laws like the right to organize, minimum wage, and paid sick leave. COVID-19 has turned what was already a crisis into a mega-crisis. In Maryland, and throughout the country, we have witnessed meatpacking and other food production facilities become COVID-19 hotspots.

Workers have expressed fear of coming forward publicly with their concerns and complaints, with some reporting that they are facing pressure to sign Non-Disclosure Agreements (NDAs). Still, advocates and media have heard disturbing stories. Two anonymous workers employed by Amick Farms in Hurlock, MD, shared, "They are calling people and asking them to come back within maybe a couple of days [of testing positive for COVID-19." They also reported that their employer required them to pay for their own face masks¹. Two employee complaints with Amick Farms were filed with Maryland Occupational Hazard & Safety (MOSH), and they were closed without an on-site inspection or citation. At least three workers from the plant subsequently died. Perdue poultry workers reported that their employers urged them to consume ice cream and Tylenol in order to pass temperature checks prior to going into work. Right now, these workers have no recourse.

We urge the General Assembly to step up so that workers are immediately protected now and in any public health crisis in the future. Marylanders for Food and Farm Worker Protection supports SB 486 with a sponsor-supported amendment to incorporate an Emergency Temporary Standard from MOSH consistent with HB 124. Thank you for the opportunity to testify.

<sup>&</sup>lt;sup>1</sup> https://baltimore.cbslocal.com/2020/04/30/maryland-eastern-shore-poultry-plant-coronavirus-outbreak-latest/

Marylanders for Food and Farm Worker Protection includes the following organizations:

CATA – the Farmworkers Support Committee

Center for Progressive Reform

Centros de los Derechos Del Migrante

Chesapeake Physicians for Social Responsibility

Clean Water Action Maryland

Fair Farms

Farmworker Justice

Food & Water Action

Friends of the Earth

Maryland Pesticide Education Network

Migrant Clinicians Network

Public Justice Center

Smart on Pesticides Coalition representing 105 organizations, businesses and institutions

## **MMHA - SB486 - Fav W. Amendments.pdf** Uploaded by: Wiggins, Grason

Position: FWA



### Senate Bill 486

Committee: Finance

Date: February 11, 2021

**Position:** Favorable with Amendments

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 486 requires essential employers within certain industries and sectors, including property maintenance companies, to provide hazard pay, establish certain working conditions, develop a health emergency preparedness plan, and provide paid leave and health insurance among other requirements.

The unprecedented COVID-19 pandemic has created extensive challenges for Maryland's housing industry. Throughout the pandemic, MMHA's members have taken extraordinary steps to protect their workforce and ensure that all employees are operating in a sound and safe manner. Many of our employees live at the properties in which they work, receiving free or reduced rent as additional compensation. Due to the unique factors associated with work in our industry, MMHA is concerned that SB 486 will create unintended consequences for Maryland's housing industry. As one example, the bill requires worksites to be evacuated under certain circumstances, but our worksites are residential complexes. For this reason, MMHA offers the following options for amending the bill:

### AMENDMENT NO. 1

On page 5, line 5, strike "(x) BUILDING, AND PROPERTY MAINTENANCE COMPANIES."

OR

### AMENDMENT NO. 1

On page 4, line 11, insert "(3) IN THIS SUBTITLE, ESSENTIAL EMPLOYERS DO NOT INCLUDE ENTITIES AS DESCRIBED IN THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM SECTOR 53."

Further, MMHA is concerned about increased expenses associated with the bill being passed onto the housing industry through 3rd party contractors. MMHA looks forward to working with the sponsor on SB 486 to address concerns regarding increased expenses and any unintended consequences that may impact Maryland's housing industry or housing costs.

### **SB0486 Letter of Opposition.pdf** Uploaded by: Adams, Luqman

Harris Teeter is strongly opposed to SB0486 and urges Maryland's elected leaders to undertake a complete economic impact assessment to fully understand consequences of any proposed mandatory essential worker wage-increase bill before moving forward.

Our guiding principles throughout this pandemic have been safety, transparency and investment in our associates and stores.

Harris Teeter is committed to paying competitive wages and benefits to our nearly 35,000 valued associates – 2,700 in Maryland. Since the start of the COVID-19 pandemic, Harris Teeter has invested significantly in infrastructure and enhanced safety protocols – including, but not limited to providing PPE, protective shields at checkout, health screenings and temperature checks, enhanced sanitation measures – to protect our frontline essential workers and shoppers, as well as to provide thank you pay, bonuses, and additional health and emergency leave benefits. We often operate above and beyond requirements of local and state ordinances to ensure we were protecting our greatest asset – our people.

In addition to these physical and financial investments, Harris Teeter has provided education and additional resources to our valued associates specifically related to their mental well-being. Our leaders have also been provided education and resources for how to support associates' physical and mental well-being amid this time of great uncertainty.

The proposed SB0486 ignores these commitments and ongoing efforts and would have significant, negative impacts at the worst possible time.

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# SB0486 Harris Teeter Letter of Opposition (1).pdf Uploaded by: Adams, Scott

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## **SB0486- Employment Standards During an Emergency.p** Uploaded by: Balcombe, Marilyn



910 Clopper Road, Suite 205N, Gaithersburg, Maryland 20878 (301) 840-1400, Fax (301) 963-3918

### **SENATE BILL 486**

Labor and Employment-Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

### House Economic Matters Committee, February 5, 2021 UNFAVORABLE POSITION

Throughout the pandemic, the Gaithersburg-Germantown Chamber of Commerce has been working with our 430 business members to help them survive this crisis. Most of our members have had a significant financial impact that has forced them to take out loans, cut staff, and / or reduce their operations. Sadly, some of them have closed their doors. This is not hyperbole, this is reality. My members, like most businesses in Maryland, are small business with less than 50 employees, many less than 10. They are holding on by a thread and SB 486 is a direct punch in the gut.

Our primary concerns with the Bill as written are as follows:

- 1. Retroactive hazard pay of \$3/hour This could equate to an increase in payroll cost of up to 25% for some employees, depending on their payrate. Most of my members cannot afford additional payroll costs of this magnitude. In fact, many have had to reduce payroll cost. The only option for some will be to cut staff or shut their doors. The bill as written clearly states that hazard pay would be retroactive. There was some debate during the House Public Hearing about whether hazard pay was retroactive as it is clearly stated in the bill. This would be extremely detrimental. In this current emergency, retroactive pay would equal over \$5,000 per employee, not including additional payroll tax.
- 2. Coverage of unreimbursed health care costs and mandated employer-paid health insurance coverage This Bill requires employers to pay for unreimbursed health care costs regardless of where the illness or injury occurred. Employers have no control over employee behavior outside of their work space and should not be held responsible for the health care costs of their employees. The bill also mandates employer paid health insurance during an emergency (p. 18 lines 1-7) which would be a considerable cost. There has been great debate in this Country regarding mandatory employer paid health insurance. Attaching this requirement to an Emergency Bill without allowing for significant outreach to employers is unfair to those businesses required to comply.
- 3. **Right to refuse work** This is an extremely troublesome clause. We have learned througk the current crisis that everyone has a threshold for their own sense of safety. Some people are comfortable with a mask and social distancing, while others are anxious with any human interaction. Leaving the decision up to the individual employee as to their own sense of safety without any external verification leaves the door open for possible abuse. If employers are following established Federal and State health and safety standards, an employee should not have with right to refuse work responsibility without repercussion.

In addition to the specific issues listed about, the global concern of this bill is that the terms "Emergency" and "Essential Worker" are far too broad. It's also unclear as to which emergencies impact which essential workers.

Is the intent of the bill to cover ALL "essential workers" for ALL State and Locally defined emergencies? Or, do all essential workers get hazard pay for only the declared emergencies that pertain to their industry? If there is a stated emergency for a snow storm and a grocery store remains open, do all employees who come into work get \$3/hour hazard pay, even though the employee was able to get to the store and the actually work they do is not hazardous? Is the employer required to pay the unreimbursed health care costs for the injury caused by the snow? What if the employee slips and falls on their way home? Are essential employers now responsible to pay the health insurance premiums for all uninsured essential employees during all emergencies, regardless of the length of the emergency? There are considerable logistical issues in changing employee compensation. At what point in the emergency does the hazard pay kick in? There are far too many scenarios to consider. The point being, the primary definitions of "emergency" and "essential worker" are completely inadequate for the reality of businesses trying to comply with such a law.

The most direct way to provide financial support for essential workers, is to provide support directly to the employees through a stimulus package. Requiring employers to take on the financial burden of increased financial support will result in some of those same employees losing their jobs.

This is not an overstatement. This bill will create a financial burden for employers that many will not be able to bear. Please do not pass this bill. We ask for an unfavorable report on SB486.

#### CONTACT:

Marilyn Balcombe, Ph.D. mbalcombe@ggchamber.org 301-840-1400 x15

### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Barnhardt, Bryant

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**SB 0486.pdf**Uploaded by: Bartsch, Lane

Dear Senator Augustine,
I oppose this bill.
Sincerely,

Lane Bartsch

# Letter to MD Senate Finance Committee FINAL Signed Uploaded by: Bassett, Catherine



#### February 8, 2021

Dear Chairman Kelley and Members of the Senate Finance Committee:

I am writing today in **strong opposition to SB 486**, Employment Standards During an Emergency (Maryland Essential Worker Protection Act).

Mountaire Farms is a family-owned and operated poultry processing company, employing more than 5,000 people across Delmarva, resulting in 35,000 indirect jobs related to our industry. Founded in 1914, Mountaire sells chicken in more than 48 states around the country and almost 80 countries around the globe. We are a proud essential business that rallied throughout 2020 to ensure that America had food to eat.

The COVID-19 crisis has been one of the most challenging issues our industry has faced since we began more than 100 years ago. Protecting our workforce from this unseen enemy became our sole focus beginning last March when we gathered the best and the brightest minds together to learn what could be done to prevent the spread of this highly contagious virus.

Our team worked diligently to erect physical barriers between workers on the production lines, and in breakrooms and cafeterias. We've invested hundreds of thousands of dollars into hospital grade air filtration systems to remove 99.9 percent of microorganisms from the air we breathe. We've invested in thermal temperature scanners to ensure our employees were efficiently screened as they enter the building every day, and we've purchased PPE from around the globe to ensure our stockpiles of supplies that we distribute for free to our employees would last through this pandemic.

All the costs associated with the pandemic have been born by the company, all while the market for chicken took some unexpected and unprecedented turns throughout the last year.

We also stepped up to ensure that our community had access to affordable protein during such a tumultuous time. Over the past 11 months we've donated almost a million pounds of chicken to food banks, community groups, churches and others to make sure people who needed it the most were fed. That's on top of our normal giving to more than 40 food pantries every month here on Delmarva.

Our objections to the bill include onerous financial mandates on businesses that are suffering due to the pandemic. The requirements and associated costs could be crippling to so many small businesses that are barely surviving now. The broad scope of job titles affected include farms and farm workers, including our more than 250 poultry growers in Maryland. While our growers fared better than most, many growers in our industry suffered this year due to longer layouts between flocks or entire flocks that had to be culled because production lines were down.

Our company provides generous health benefits to our employees, including free on-site health and wellness centers for those who participate in our health insurance plans. Those facilities offer free

primary care services including lab work and some prescription drugs for the employee, and their family members. Under this legislation, we'd be responsible for the health care costs of those who choose not to use our insurance, even though it's been offered to them.

During the pandemic, our company provided a pay increase to our employees, because we knew it was the right thing to do. Mandating a \$3/hour across the board pay increase, however, with multiple poultry plants in Delaware and Maryland, could result in major inequities and a major shift in labor that could severely and negatively impact the industry. We would also forecast a reduction in jobs due to this bill, as expensive automation projects would become much cheaper by comparison.

And finally, while many will argue that these requirements are only in place during an "emergency", we must be careful to recognize that almost any event can be misconstrued as an emergency depending on who is making the determination. The fact that the hazard pay is made retroactive means most companies will have to lay off workers or delay hiring new workers in order to pay such a substantial back pay issue.

We invite the Chairman and the Committee to learn more about what our industry has done to protect our workforce during COVID 19. We are proud of our record, but even more proud of our employees, who are helping feed people around the globe. To further punish essential businesses under the guise of helping essential workers ends up hurting both.

Sincerely,

Phillip Plylar

President, Mountaire Farms

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# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Bouldin, Kevin

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# J Brainard - Opposition Written Testimony SB486.pd Uploaded by: Brainard, Jeffrey

TO: Maryland Senate Finance Committee

RE: SB 486 – Labor and Employment – Employment Standards During and Emergency

RE: Opposition Testimony to Legislation

FROM: Jeffrey Brainard, 4009 Red Stag. Ct., Ellicott City, MD 21043

Thank you for allowing my written testimony to be submitted with respect to my strong opposition to SB486 as being considered by the Senate Finance Committee and HB 581 being considered by the House Economic Matters Committee. With respect to my strong opposition to SB 486:

This bill in its current form, if passed, would create irreparable harm to thousands of Marylanders and countless businesses. Throughout the COVID-19 pandemic, Maryland has led through responsible restrictions, economic strength and with the recent passage of the Relief Act, the creation of hope that Maryland and the rest of the country will soon emerge from this nightmare. SB 486 would not only kill any hope provided by the Relief Act, it would double-down and punish businesses already struggling to survive.

In its intent to assist essential workers, the cost burdens on the businesses that have already extended themselves without adequate relief from the State or Federal government, would be permanently damaged. Retroactive pay during a time when revenues are at historic lows and cost increases from new operating methods, PPE, coverage costs and labor expense due to providing services despite high sick time usage, etc. would force hundreds of businesses to close. This loss of jobs would further set back the state from a loss of income from business, income sales and occupancy taxes and further burden an already underfunded and overstressed unemployment system. The personal loss from small, medium and even large business would be extraordinary.

The additional vacation requirement, paid with no accrual, offset, etc. would further harm businesses and the workers they support by continuing to force overtime pay on top of the burden of hazard pay while carrying excessive balance sheet obligations. Many small and medium size businesses would see any aid received from the State not only used up just from this bill, but if forced to go back more than 12-months, would see a 4-5x burden in expenses on top of any aid received. The State would literally give with one hand and take away that aid plus with the other.

I have worked in hospitality in the region and lived in Maryland for 20 years, soon to be 21. I have personally experienced significant swings in our business due to outside factors – 9-11, SARS, 2008-11 recession, etc. but nothing has come close to the impact of COVID-19. I have watched as hundreds of team members, friends and family members lost their jobs as restrictions prevented travel, gatherings or even eating indoors. Permanent closures of restaurants, hotels, catering halls, social organizations and more impacting thousands of hospitality workers alone have left families struggling and franchisers and small business owners alike having dreams crushed and financial futures destroyed.

Hospitality is an interesting business. Just because a building says Marriott or Hilton doesn't make it a multi-billion dollar entity. More than 75% of hotels are franchised, owned by individuals or small groups, some by REITs and all pay significant fees to the companies whose names are on the side of the buildings and to other companies that operate them. Margins in these businesses are not high and in restaurants are far lower. Six out of every 10 hospitality employee nationally is out of work with limited prospects in the next 90-days for business to return. If this bill passes, not only will these team members not have an opportunity to return in the next few months, thousands of others will join them as the sustainability of their supporting businesses will die.

As essential workers, those designated by the state as places of accommodation, food and transportation workers, first responders, etc., we all understand that without our efforts more people would suffer. We also understand that there are less of us than there were and we are all doing more individually but that is why we do what we do.

As leaders in business, we identify ways to take care of our team members. We WANT to have as many people working as possible so that less of those we love suffer a loss of income, an increase in stress, or the anxiety that comes with not knowing where rent or food money will come from. It isn't about hazard pay or time away, it is about bringing people back to work, restarting our businesses, welcoming guests and taking care of each other that is important. All of our businesses have adapted to take care of our team members, modify working conditions and focus on the mental health of our team.

If the State wants to reward workers, that is terrific, but do it in a way that isn't burdening struggling businesses. The best way to reward essential or any worker is to provide work. Safely reduce restrictions, speed the distribution of vaccines, encourage travel, support innovative ways to jump start our economy so that people see their families happy, their futures secured and hope restored.

Limiting benefits to a few at the cost of many is not the purpose of government and not the mission of business. Help us do what we love which is taking take care of our teams and our guests. It is essential that the Senate Finance Committee kill this legislation and look to the framework of the Relief Act to not just provide aid, but provide job, opportunity and hope.

As Iris Murdoch noted, "No good would come of all these fine intentions."

# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Bridges, Joshua

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# SB0486 Harris Teeter Letter of Opposition (002).pd Uploaded by: Brooks, Christine

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# **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Bunn, Roy

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# **GetFileAttachment.pdf**Uploaded by: Butts , Yisha Position: UNF

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# **SB486 - Maryland Motor Truck Association - Oppose.** Uploaded by: Campion, Louis



### **Maryland Motor Truck Association**

9256 Bendix Road, Suite 203, Columbia, MD 21045 Phone: 410-644-4600 Fax: 410-644-2537



**HEARING DATE**: February 11, 2021

BILL NO/TITLE: Senate Bill 486: Labor and Employment - Employment Standards During an

**Emergency (Maryland Essential Workers' Protection Act)** 

**COMMITTEE:** Senate Finance Committee

POSITION: Oppose

Maryland Motor Truck Association (MMTA) believes that there are many valid concerns about the negative impact SB486 will have on all businesses; however, the association offers the following specific concerns to the trucking industry.

#### Industry diversity will make it impossible for some segments to absorb the cost increases.

The trucking industry's operations are extremely diverse. Our 1,000+ members reflect that diversity. They include household goods movers, gas haulers, grocery store haulers, construction companies, package delivery, and more. Our members include single truck owner operators, small to mid-size fleets, and large international companies. The impact of the COVID-19 pandemic on the industry has been equally diverse. For some companies (e.g., those delivering to restaurants or retail stores), business has fallen off a cliff, while for others (e.g., those in e-commerce or servicing grocery stores) business has skyrocketed. Some segments may be able to absorb the mandatory pay increases for essential workers, but others will have no choice but to cut expenses (e.g., shut down or lay off workers) because they simply cannot afford the additional costs when there is such reduced demand for their services. This legislation automatically increases costs with no consideration as to how a business has been impacted financially, simply because it is deemed essential.

#### It applies to contractors and subcontractors.

Motor carriers commonly use independent contractors to meet varying levels of demand. It is estimated that at least 75% of the drivers serving the Port of Baltimore are independent contractors. For the use of such contractors, who own and operate their own equipment, the motor carrier does not incur the expense of a capital investment for equipment that may only be needed on a temporary basis. These drivers own their own trucks and are contracted to deliver a load for a set price. They can turn the load down if they so choose. It is impossible to understand how the mandatory pay increases would apply in this legislation.

#### The right of refusal for dangerous work will cause major supply chain disruptions.

The trucking industry is playing a vital role in the effort to end the pandemic. As witnessed at the onset of the pandemic, when supply chains are disrupted, supply shortages are quick to follow. This bill will disrupt and delay delivery of products by allowing drivers and other essential employees (dispatchers, safety personnel, etc.) to refuse work they perceive as dangerous. Trucks are the hub of Maryland's distribution wheel, playing a vital role in support of the state's manufacturing, agricultural, grocery and retail industries. Without the trucking industry's heroes, there is no food on the grocery shelves, there are no medical supplies in hospitals, and there are no vaccines in pharmacies. Now more than ever, the resilience and integrity of our supply chain needs to be protected.

For the reasons noted above, Maryland Motor Truck Association urges the Committee for an unfavorable report.

<u>About Maryland Motor Truck Association:</u> Maryland Motor Truck Association is a not-for-profit trade association representing the trucking industry since 1935. In service to its 1,000+ members, MMTA is committed to supporting and advocating for a safe, efficient, and profitable trucking industry across all sectors and industry types, regardless of size, domicile, or type of operation.

For further information, contact: Louis Campion, (c) 443-623-4223, louis@mdtrucking.org

# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Canzoneri, Kaela

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### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Capozziello, Lindsay

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### **SB0486 Harris Teeter Letter of Opposition- Feb 9th** Uploaded by: Caveny, John

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# **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Cecil, Mike

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### **SB\_486\_League\_Oppose\_2021.pdf**Uploaded by: Celentano, Matthew



15 School Street, Suite 200 Annapolis, Maryland 21401 410-269-1554

For information, contact:
Matthew Celentano, Executive Director

### Testimony for the Senate Finance Committee In **OPPOSITION** to

Senate Bill 486 – Labor and Employment – Employment Standards During an Emergency – Maryland Essential Workers' Protection Act

#### February 11, 2021

The League of Life and Health Insurers of Maryland Inc. respectfully **opposes** Senate Bill 486 and urges the committee to give the bill an unfavorable report.

At a high level, we find the bill to be quite broad in its application. For the bill's substantive provisions to make sense, we recommend that the sponsor narrow the scope of the bill to address only those issues germane to pandemic situations such as COVID-19. The bill seeks to address certain concerns raised during the COVID-19 pandemic with specificity; however, the definition of emergency is expansive, triggering the bill's provisions for an incredible number of scenarios beyond the scope of a true public health and infectious disease emergency. Many of the provisions (i.e., infectious disease control) would not be necessary for other conceivable emergencies. We also believe the extraordinary requirements that are arguably reasonable for a pandemic are excessive for other emergencies.

Below are our concerns with specific provisions of the bill in the order that they appear in the legislation.

#### **Special Enrollment Period:**

Every Marylander deserves affordable coverage and high-quality care. We have made real progress in our State to ensure more people are covered, and the care they receive gets them well when they are sick and keeps them well when they are healthy. But more needs to be done, especially when it comes to costs. What we do not need is an additional special enrollment period (SEP).

The Maryland Health Benefit Exchange already has the authority to provide special enrollment periods in accordance with the Affordable Care Act, and there has been a continuous COVID-related SEP in effect since March 2020. In general, we prefer that individuals apply for health insurance during open

enrollment because that helps insurers to price the products appropriately. We think the law should not require a special enrollment period during an emergency, as long as the Exchange retains its current authority. Further, the expansive definition of emergency would mandate a special enrollment period for declarations that are not health related and do not implicate access to health coverage. The Exchange continues to be in the best position to determine whether an SEP is necessary on a case-by-case basis, and to execute this process through existing state regulatory channels. We believe the changes to 31-108 of the Insurance Article should be removed.

#### **Definitions:**

The definition of emergency is overly broad and unclear in the context of this bill. As noted above, consistent with its apparent policy goal of addressing perceived gaps in COVID response, the bill should be narrowed to apply only to public health emergencies. Perhaps the definition of "emergency" should be amended to be consistent with the Governor's Health Emergency Powers at Public Safety § 14-3A-02—an "emergency" should be triggered when the Governor issues a proclamation that a catastrophic health emergency exists. "Catastrophic health emergency" means a situation in which extensive loss of life or serious disability is threatened imminently because of exposure to a deadly agent (Public Safety § 14-3A-01(b)). As currently written, every emergency of any type would seemingly trigger the provisions of the bill.

We are also concerned that the definition of "essential worker" includes a contractor or subcontractor. Health carriers contract with thousands of health care facilities and providers to provide health care services to our members. Under this legislation, health care providers who are employed by those provider groups and facilities would likely be both essential workers of their primary employer and the health carrier. The legislation is does not address the issue of which employer is responsible for the worker protections and hazard pay provided by this legislation.

#### **Industries Impacted:**

We note that many of the industries subject to this bill are already subject to regulation by State agencies, often with enhanced authority during emergencies. For example, the Maryland Insurance Administration may adopt emergency regulations germane to the health insurance industry that may be applied when: (1) the Governor has declared a state of emergency for the State or an area within the State under § 14-107 of the Public Safety Article; or (2) the President of the United States has issued a major disaster or emergency declaration for the State or an area within the State under the federal Stafford Act. (Md. INSURANCE Code Ann. § 2-115(a))

Additionally, it's not clear if this legislation applies to a managed care organization as defined in section 15-101 of the Health – General Article. If so, there may be a fiscal impact to the Medicaid program as it would require the State pay higher rates to the managed care organizations operating in Maryland, in order to account for increased expenses incurred through this legislation.

We urge the sponsor to consider whether many of the policy issues raised in this bill would be more appropriately addressed by state regulators on an as needed, industry-specific basis.

#### **Emergency:**

We recommend striking section 3-1603 of the bill in its entirety. Subsection (b) requires an "agency" to determine whether an emergency is occurring or has occurred, both of which trigger compliance with

other sections of the bill. Subsection (c) requires the agency to announce when an emergency has subsided, and thus compliance is no longer required. These subsections appear to be in conflict as applied to circumstances when an emergency has passed. Furthermore, it is inappropriate for an "agency" to determine when an "emergency" exists. Today, only the principal executive officer of a political subdivision may declare a local state of emergency, and only the Governor can declare a state of emergency. This power is rightfully narrowly tailored.

#### **Working Conditions:**

The definition of "unsafe work environment" includes "an essential employer's failure to notify workers of illnesses, broken or improperly functioning equipment, or any other dangerous or hazardous conditions which represent a reasonable threat to the essential worker's health or safety." League members would need further clarification or guidance to ensure we're in compliance with the law.

Subsection (b) allows an essential worker to refuse to fulfill a work responsibility that is required or encouraged by the employer and relates to the unsafe work environment. All League members are committed to providing a safe work environment, but in the unfortunate event of an emergency we would need our employees to be working to meet the needs of the crisis. That being said, we suggest reworking this section altogether with industry input. The current language is overly broad. Objective, measurable guidance on regulatory expectations is needed to ensure compliance.

We believe that section 3-1604 paragraph (2) requires an employer to provide essential workers with PPE at no cost; however, as we experienced during the pandemic, an employer may have trouble getting an adequate supply of PPE due to supply chain issues. Additionally, the bill does not define personal protective equipment (PPE) —what level of PPE is required? An N95 mask? A cloth mask? Also, "disease mitigation measures" would be unnecessary in many of the emergencies pondered in the current bill definition. If the scope is not narrowed to public health emergencies, it should be made clear that this requirement is only triggered in emergencies where applicable.

#### **Emergency Health Preparedness Plans:**

Section 3-1606 requires an employer to create an emergency health preparedness plan and submit it to MEMA and the emergency manager for the applicable counties annually. To ease the administrative and unnecessary burdens on employers, the annual submission should be limited to situations where companies have updated or changed the plan. There is no need to refile if nothing has changed. Some members operate multiple facilities in multiple counties, we believe it would be more efficient for employers with facilities in multiple counties to only submit their plan to MEMA.

#### **Disease Prevention:**

Subsection (a) of section 3-1607 requires an employer to take proactive steps to minimize the risk of transmission if any worker has contracted an infection disease at a worksite, including informing essential workers that they may have been exposed, and evacuating the worksite until it has been properly sanitized. Health care providers and facilities already have protocols that address disease transmission; those employers should be able to follow those current protocols, which may not include evacuating the facility. This section applies to any emergency (broadly defined) and does not make sense in non-health related situations. Infectious disease is not defined—these requirements could be triggered by any contagious disease at all (i.e., a cold) as drafted. We are also left with no clear direction on what is meant by "properly sanitized"— another example where companies will need objective criteria. How would one

determine whether the infectious disease was contracted at the worksite, triggering this section? How would one determine whether an employee contracted COVID at work versus at the grocery store or in his/her home?

Subsection (b) provides that "if an essential worker's health insurance coverage or other benefits do not cover the cost of testing for a contagious illness or disease, during an emergency, the essential employer shall pay all costs associated with that testing." This language does not contemplate a scenario where an essential employer does not provide health insurance for a contractor, but that contractor has a different primary employer. This is an important questions for carriers who, as noted above, have hundreds of providers who are contractors but are primarily employed by health care facilities and medical practice groups.

#### Leave:

In this section, it's not clear if the new leave requirements are in addition to existing leave/disability benefits or if an employer that already provides for the specified amount of health leave and bereavement leave for any purpose is compliant. We would request clarity for the section.

#### **Hazard Pay and Health Care Reimbursement:**

Subsection (a) would require an employer to pay hazard pay under certain circumstances. This would be very expensive for a large employers like League member companies that employs a lot of essential workers.

The bill does not address a scenario where an essential worker is required to work onsite part-time and can telework part-time. We would like clarification as to what our obligations are to provide hazard pay in that scenario. "Hazard pay" should not be required for the hours in a pay period when employee is not on a worksite exposed to worksite risks. This section should not apply to worksites in which any "hazard" is successfully mitigated. For example, in an office building setting where CDC guidelines for safety have been fully implemented, or in a single-person office setting. There should be a process for essential employer worksites to be deemed non-hazardous.

Subsection (b) requires an employer to provide financial assistance to defray health care costs. The financial assistance provided under this subsection may be taxable, which may not be the sponsor's intent. Also this section would apply regardless of whether the sickness or injury was contracted at work. What about an employee who contracts an illness from behavior outside of the workplace? Further, how would we ascertain where the illness was contracted?

#### **Classification of Workers:**

This section provides that "an essential employer may not intentionally or unintentionally misclassify an essential worker as an independent contractor or other classification in order to avoid paying an essential worker the hazard pay required under § 13–1609 of this subtitle or any other benefits due during an emergency under this subtitle." The definition of "essential worker" already includes contractors and subcontractors, so we don't believe this language provides an additional layer of protection.

#### **Emergency Bill:**

League members do not believe that it would be plausible to comply with this bill without a delayed effective date.

Although the League certainly agrees with the intent of the merits of the introduced legislation, we believe there are far more questions about the direction than answers at the current time. For the above reasons, we urge the committee to give Senate Bill 486 an unfavorable report.

Respectfully submitted,

Matthew Celentano

The League of Life and Health Insurers of Maryland

# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Chace, Jeffrey

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In addition to these physical and financial investments, Harris Teeter has provided education and additional resources to our valued associates specifically related to their mental well-being. Our leaders have also been provided education and resources for how to support associates' physical and mental well-being amid this time of great uncertainty.

The proposed SB0486 ignores these commitments and ongoing efforts and would have significant, negative impacts at the worst possible time.

The proposed increases in pay would substantially increase the cost of food and groceries for Maryland's residents and families. Higher grocery costs would hurt Maryland families at a time they are already struggling to put food on the table – and would be especially harmful to low-income and disadvantaged communities.

Grocery workers across our country became essential personnel overnight – touted as Heroes – and we have answered the call to support our communities by providing open, clean and stocked stores. Hazard pay mandates could harm the Heroes they are intended to help. Higher costs could force organizations to reduce the number of workers, available hours and even locations.

In addition, hazard pay mandates could make it more difficult for many grocers, specifically, to stay afloat, especially independent grocers, small markets, ethnic grocers and grocery stores in disadvantage communities already struggling to keep their doors open. Harris Teeter – like most grocers operates with thin margins, even during the pandemic.

This bill is rushed and not adequately researched. We urge our elected leaders to pause the vote on any extra pay initiative until you complete a full analysis of the costs, impacts on local families and our community, and input from businesses.

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## GCCC Testimony SB486 Essential Worker Act 2-11-21. Uploaded by: Christian, Nicole



### Testimony offered on behalf of: THE GARRETT COUNTY CHAMBER OF COMMERCE

**UNFAVORABLE:** 

SB 486 – Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Finance Committee February 11, 2021

On behalf of the Garrett County Chamber of Commerce, representing 600 member organizations in Western Maryland, I write to express our opposition to <u>SB 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)</u>.

Senate Bill 486 would implement additional regulations on employers in cases of emergency or when under Executive Order. It defines essential workers, requires an employer to provide a supplementary \$3.00 per hour in hazard pay for essential workers, requires more occupational safety and health procedures during an emergency, allows an essential worker to refuse to fulfill a certain responsibility, prohibits an employer from retaliating or taking other adverse action against an essential worker for refusing to fulfill his/her responsibility, requires employers to provide financial assistance for unreimbursed health care costs, and creates a new mandated paid bereavement and sick leave program.

These regulations would be excessive and onerous. The definition of "emergency" as contained within the bill is overly broad, ambiguous, and extends far beyond the scope of the pandemic and public health emergency that we are presently navigating as a result of COVID-19. Based on this definition, a snowstorm, a day of high winds, a ransomware attack, or even a stock market crash could be interpreted as an "emergency," unduly subjecting all employers defined as essential to the rest of the provisions contained within the bill. Such a definition is subjective and can be interpreted many different ways, something that the General Assembly has always avoided in drafting state statutes.

We believe that the definition of "emergency" needs to be narrowed, refined, and made more objective.

The definition of essential worker is too broad and encompasses most employers in Maryland, including a large portion of small businesses. The bill goes well beyond the scope of the public health emergency we are currently navigating as a result of COVID-19. Nearly every type of employer in Maryland is included in the scope of the legislation, regardless of risk-profile. In fact, 15 industry sectors that contain





a combined total of 76 categories are defined as essential employers in the legislation. The hazard pay alone will irreparably damage these businesses, and making that pay retroactive will completely decimate most employers that worked hard to stay in business during the pandemic.

All employers want to provide a safe environment for their workers and this legislation is unwarranted. Most have made good faith efforts following CDC and Maryland guidance to implement safety protocols during the pandemic. Employers should not bear the burden of paying for unreimbursed health care costs related to the emergency, especially when the employee is not even required to provide proof that they contracted the illness in their place of work. This is an appalling notion and undue expenses like these are egregious.

The section of the bill that refers to Unsafe Work Environment includes more undefined terms and concepts that cause confusion and inconsistency. For example, what is meant by "unsanitary conditions"? What constitutes a "reasonable threat"? The examples provided are inconsistent with the definition. Unsanitary conditions do not render an employee unable to work, for example.

Moreover, the definition of "unsafe" is unclear in this context. We believe that "unsafe" should be clearly defined to be directly related to the declared emergency, not just a general code or other violation, which are already governed by existing state/federal laws and regulations.

The section of the bill that deals with Working Conditions introduces undefined terms that are either difficult to define, subject to differing interpretation, or exist on a spectrum. For example, it is unclear what is meant by "physical harm," "mental distress," and "physical health and safety."

It is unreasonable to hold an employer accountable for the "mental distress" of an employee, as "mental distress" exists on a spectrum and highly subjective. Further, there is no mechanism for proving or verifying that the "mental distress" occurred at the workplace and/or is related to the emergency.

There is also no definition provided for "physical health and safety," and no acknowledgement that there is some risk to physical health and safety at all times for all people. Further, there are certain sectors where the potential for physical harm is greater and is accepted as part of the job (police and firefighters, for example), which is not currently addressed in the bill. Once again, there is no mechanism for proving that the threat to "physical health and safety" is related to the emergency.

The bill states that if a worker "fears for their life or health" due to the nature of the work being performed they can refuse to work. An employer has no recourse for this refusal due to an employee's fears. "Fear" is not a reasonable term.





Allowing employees to refuse to go to work is ludicrous, especially when precautions are being taken to protect the employees. The bill is without mechanism for addressing abuse or verification by the employer.

We already have a huge workforce shortage due to the disincentives provided by the additional federal Pandemic Unemployment Compensation. Many people would rather sit at home and collect unemployment while thousands of jobs go unfilled and businesses reduce hours, products and services because they are too short-staffed to meet the needs of their customers. This is an additional strain on the Unemployment Insurance fund that is already overloaded. And to reduce that strain, this bill would put the onus back on an employer for someone refusing to report to work to fulfill their responsibility. If an individual determines that the line of work, they have chosen is too dangerous, then they are free to choose another line of work.

Creating a new program just for a health emergency is superfluous. Maryland already has a mandated paid sick and safe leave law. The legislation creates a new leave program whereby employers will be required to provide at least 3 days of bereavement leave and 14 days of health leave. Health leave is defined as paid leave during an emergency due to the worker's illness or other health needs related to the emergency. Again, it does not require the employee to prove that they contracted said illness at the workplace.

Furthermore, employers are frantically struggling to keep their doors open. Thousands of businesses have and will close their doors permanently due to the pandemic. The State should be looking for ways to save these businesses instead hampering them with unnecessary regulations and opening them up to potential frivolous litigation. More regulations equals more liability. Businesses need help and protections not overburdensome and costly regulations.

The Chamber respectfully requests an **UNFAVORABLE committee report on SB 486**.

Sincerely,

Micole Christian, SOM, CCE
President & CEO
Garrett County Chamber of Commerce, Inc. (301) 387-8745 office
(301) 616-0396 mobile
<a href="https://www.visitdeepcreek.com">www.visitdeepcreek.com</a>
<a href="mailto:nicole@garrettchamber.com">nicole@garrettchamber.com</a>



### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Clark, David

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### MTBMA MAA\_SB 486\_UNF.pdf Uploaded by: Clark, Rachel





Senator Delores G. Kelley, Chair Finance Committee 3 East, Miller Senate Office Building Annapolis, MD 21401 **UNFAVORABLE** 

February 11, 2021

RE: SB 486 – <u>UNFAVORABLE</u> – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Dear Chair Kelley and Members of the Senate Finance Committee:

The Maryland Transportation Builders and Materials Association ("MTBMA") and the Maryland Asphalt Association ("MAA") collectively represent tens of thousands of Marylanders who operate in the areas of transportation construction, production and engineering. Together, for nearly 100 years these organizations have served as the voice of the transportation construction industry. The mission of both MTBMA and MAA is to encourage, develop, and protect the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials. We proactively work with regulatory agencies and governing bodies to represent the interests of the transportation industry, and also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

As an industry we are supportive of any efforts to ensure the safety of our workers, especially during an emergency, such as the COVID-19 pandemic. However, we are primarily concerned about codifying these laws as they are redundant with our current industry standards. The Maryland Occupational Safety and Health Administration already has requirements regarding hazard pay and health insurance coverage during health emergencies. We also uphold the strictest of safety protocols for our employees, such as providing employees with all of the proper personal protective equipment, enforcing hygienic practices, and creating conditions that will reduce the risk of injury or disease. We will continue to enforce these regulations, and for these reasons we ask you for an <u>unfavorable</u> report on Senate Bill 486.

We thank you for your time and consideration.

Sincerely,

Michael Sakata

President & CEO, MTBMA

Marshall Klinefelter

President, MAA

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### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Clark, Troy

Harris Teeter is strongly opposed to HB0581 and urges Maryland's elected leaders to undertake a complete economic impact assessment to fully understand consequences of any proposed mandatory essential worker wage-increase bill before moving forward.

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Clements, Andrew

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### **SB 486 - Maryland Essential Workers' Protection -** Uploaded by: Connelly, Valerie



P.O. BOX 430, Denton, MD 21629 Toll-Free: 1-877-892-0001 Z\_info@choptankelectric.coop www.choptankelectric.coop

February 9, 2021

### OPPOSE – SB 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Dear Chairman Davis and Members of the Committee:

Choptank Electric Cooperative **respectfully opposes SB 486** because of the employer mandates it creates during an "emergency" that are already covered or are completely unworkable for this trusted community partner delivering electricity to 54,000 rural homes and businesses.

The new mandates in SB 486 include:

- 1) A \$3.00 per hour additional "hazard pay" requirement for all workers deemed "essential," regardless of existing compensation considerations.
- 2) Reimbursement of all healthcare expenses during an emergency, regardless of existing employer-provided healthcare programs and regardless of the reason for the expense.
- 3) New leave mandates for bereavement and health needs, regardless of existing sick, vacation or PTO policies.
- 4) A right to refuse work for "essential" employees during an emergency.
- 5) New workplace safety standards using subjective criteria; and
- 6) New emergency preparedness planning with regulatory oversight, regardless of current planning programs.

Choptank Electric Cooperative (CEC) would be covered as an essential employer under the definitions in the bill on page 6, line 24, as a "company that provides utility maintenance services."

During the current COVID pandemic State of Emergency that began in March of 2020 and continues today, CEC has taken significant steps to protect employees and their families while ensuring the continued distribution of electricity to members on the Eastern Shore. CEC allows most employees to work from home or travel to utility maintenance sites directly from home with bucket trucks and other equipment to avoid gathering at office locations. Customer service staff in our Member Service Center and in the Accounting Department who are unable to work from home, have at times instead worked every other day on staggered schedules while being paid full salaries. We have avoided layoffs and have been flexible to accommodate the needs of our staff and their families.



To protect workers who may come in contact with electricity, CEC has always paid for and provided access to industry approved **Personal Protection Equipment** (PPE). With the onset of the COVID emergency, CEC procured and provided to all 160 employees hand sanitizer and facemasks. CEC issued company directives for employees to follow all CDC guidelines for mask use, hand washing, gathering and travel. Since March, an upgraded sanitizing and cleaning schedule has been maintained at all facilities for essential workers.

Our existing Collective Bargaining Agreement covers 100 employees. Salaries for employees who are expected to work during emergencies such as hurricanes, blizzards or outages on Christmas Eve or other holidays are formulated based on that aspect of response. The wage scale recognizes the hazards of the work and/or the inconvenience of responding to outages at night and during inclement conditions.

If enacted as drafted, the **hazard pay** portion of the bill would impact 75% of our workforce. The cost would be just over \$1 million for a state of emergency lasting 12 months. These are costs that would be paid by the electric consumer members who own the cooperative, many of whom have been unemployed and unable to pay their electric bills.

Under SB 486, essential workers have a **right to refuse** to work during an emergency. For an electric cooperative, that could mean extended and dangerous electric outages for members. Snowstorms, hurricanes and other weather events are often classified as emergencies, sometimes before they arrive, to facilitate state and federal emergency assistance. Keeping the lights and heat on for members will become significantly more challenging under this provision of the bill.

CEC has long been recognized as a good employer on the Eastern Shore, one that appreciates its workforce and provides for a strong work/life balance that benefits families. The provisions of SB 486 are unnecessary for our business and will make **electric service to our member families more expensive and less reliable**. We urge an unfavorable report.

Sincerely,

VALERIE T. CONNELLY Vice President of Government Affairs & PR Choptank Electric Cooperative valeriec@choptankelectric.coop.

## SB0486 Harris Teeter Letter of Opposition.pdf Uploaded by: Cooke, Michael

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# **GetFileAttachment.pdf**Uploaded by: Corbett, Bradley Position: UNF

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### HoCo CofC\_ OPPOSE\_SB 486 - Labor and Employment-Em Uploaded by: Costello, Christopher





6240 Old Dobbin Lane Suite 110 Columbia, MD 21045

#### February 9, 2021

The Honorable Delores G. Kelley Chair, Senate Finance Committee 3 East Miller Senate Office Building Street Annapolis, MD 21401

RE: UNFAVORABLE – Senate Bill 486 - Labor and Employment-Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Dear Senator Kelley:

The Howard County Chamber (Chamber) is an organization dedicated to the advancement of a vibrant and thriving business community with a positive economic climate. To help achieve these goals, we look for public policies that attract new businesses and talent to our communities.

Undoubtedly, the Coronavirus pandemic has significantly impacted our communities, residents, businesses, and institutions. Many employers who thought they were on solid financial footing based upon years of longevity and profitability are now fighting for mere survival having been relegated to reduced hours and layoffs.

The Chamber is most concerned about this legislation based upon the following sections:

- 1. Definition of essential worker
- 2. Safe & Hygienic Working Conditions
- 3. Hazard Pay & Healthcare Assistance
- 4. Emergency Action Plans
- 5. Universal Health & Bereavement Leave
- 6. Right to Refuse Dangerous Work
- 7. Free Testing and Reporting of Positive Test Results

The Chamber is quite troubled by many of the definitions contained herein. The definitions of "emergency," "essential employer," and "essential employee" are extremely broad and unclear. "Essential employee" not only includes the employees but also any contractors and subcontractors. "Emergency" includes any executive order or proclamation but also includes "the imminent threat or occurrence of severe or widespread loss of life, injury, or other health impacts, property damage or destruction, social or economic disruption, or environmental degradation from natural, technological, or human—made causes," which every employer could interpret differently.

Such definitions move the needle well beyond the scope of the public health emergency we are currently grappling with. There are 15 industry sectors containing a combined total of 76 categories of businesses that are defined as essential which ultimately encompasses nearly every type of employer in Maryland.







6240 Old Dobbin Lane Suite 110 Columbia, MD 21045

SB 486 Unfavorable February 9, 2021 p. 2

Other components of the legislation introduce undefined terms that are either difficult to define, subject to differing interpretation, or exist on a spectrum. For example, it is unclear what is meant by "physical harm," "mental distress," and "physical health and safety." In addition, this section also introduces terms and concepts that cause confusion and inconsistency. For example, what is meant by "unsanitary conditions"? What constitutes a "reasonable threat"? The examples provided are inconsistent with the definition. While not desirable, unsanitary conditions do not render an employee unable to work.

Other areas of confusion exist regarding how these provisions are to be applied. The bill is intended to apply prospectively yet there is a provision in this section that states that an essential worker is eligible for hazard pay dating back to the start of the emergency. Such a provision is wholly unworkable, especially for small businesses, who have no notice, and limited or no resources or the capacity, to pay such back wages.

There are a host of other concerns related to the implementation and administering of these mandates. Over 70% of Howard County employers have less than 25 employees with many 10 or less. There is no feasible way that many of them could adequately budget to have additional funds for hazard pay should an emergency take place. Moreover, many of them do not have the external support by way of legal counsel and other consultative measurers to carry out many of these mandates.

We know this pandemic has brought to light many issues surrounding that of opportunity and equity. It is understandable that policy makers would want to remedy that. However, introducing legislation such as this will do irreparable harm to an employer community that is reeling and has yet to recover financially from the economic hardships of the past year. Let us not forget that many employers have yet to return workers to the workplace due to the financial hardships experienced due to the pandemic. For the reasons outlined above, **we request an "Unfavorable "vote**.

Respectfully, Leonardo McClarty, CCE President/CEO, Howard County Chamber

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Leonardo McClarty, CCE

President/CEO, Howard County Chamber

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CC: Howard County General Assembly Delegation

### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Costenoble, Keith

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### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Crews, Everett

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# SB0486 Harris Teeter Letter of Opposition[216].pdf Uploaded by: Dean, Wiley

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# **HB581 Harris Teeter Letter of Opposition.pdf** Uploaded by: DeMello, Rhonda

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## **Opposition To SB 486 - Employment Standards Final.** Uploaded by: Doherty, Daniel



# The Maryland State Dental Association Opposes SB 486 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Respectfully submitted by Daniel T. Doherty, Jr. on behalf of the Maryland State Dental Association

Obviously, everyone, every business and profession have suffered physically, mentally and financially during the COVID Pandemic. Dentistry has been adversely affected in many ways since March 5, 2020. Except for emergency care, dental offices were closed for 52 days under the Governor's Executive Order. During that time many dentists donated their supplies of PPE to other health facilities and providers who were on the front lines treating COVID-19 patients. Dentists returned to their offices only to learn that the PPE required under CDC guidelines to treat dental patients substantially increased their costs by as much as \$24/patient. They were informed by the Attorney General's Consumer Protection Division that they could not under Maryland law charge their patients for these additional costs, and insurance carriers and Medicaid did not cover these expenses. Add 52 days of lost income, obligations to pay rent, utilities and other overhead expenses, while trying to minimize lost income to their staffs and the cumulative impact is staggering. Reopening was not, and still is not, at the pre-COVID level due to patient reluctance, and the necessary spacing of appointments to assure social distancing.

This is not to say that other professions weren't also devastated, as were their employees. As a result, everyone is looking for solutions to the current dilemma, and searching for ways to prepare for the next catastrophe. However, at least for the dental profession and its employees, SB 486 is not the answer. It is nearly impossible to cite all of the problems and unintended consequences of the bill, however the following briefly states the most egregious provisions.

#### A. The Provisions Requiring Oversight by the Department of Labor and Mandating a Health Emergency Preparedness Plan Are Not Appropriate for the Practice of Dentistry

During the pandemic the guidelines for providing for the safety and health of employees and patients are established by the CDC. These guidelines lay out the protective measures for controlling infection, both in terms of PPE and sanitation. To prescribe that the Maryland Department of Labor intercede in evaluating the CDC guidelines, or determine if the dental office's work environment is unsafe, or set requirements to remedy an alleged "unsafe work environment" places a dental office in the middle of a potential conflict between the CDC and the Maryland Department of Labor. Clearly, the safety of the work environment in a dental office should not be in the purview of the Department, but rather the CDC and the State Board of Dental Examiners. For these reasons dental offices and treatment facilities should not be subject to the provisions of § 3-1606.

At least within the context of dentistry, the methodology or "plan" to respond to a catastrophic health emergency depends upon what is the nature of the health emergency. The preparedness plan for COVID-19 will not be the same as a plan for responding to a hurricane or earthquake, or a nuclear disaster. In fact, the plan for a different contagious disease in all probability will be different from the

COVID-19 Plan. What occurs in reality is first there is the catastrophic health emergency, and then, in that context, a dental office will develop an appropriate response plan under the guidance of the CDC, the Maryland State Board of Dental Examiners and the Maryland Office of Oral Health. For these reasons the SB 486 provisions requiring an anticipatory health preparedness plan do not work in the context of dentistry.

### B. The Provisions of §3-1607 are Ambiguous, Overly Burdensome, and Impose Prohibitive Financial Obligations.

§3-1607 requires an employer to take proactive steps when a "worker has contracted an infectious disease at a worksite" to minimize the risk of transmission. First, an infectious disease includes a myriad of illnesses including the most prevalent – the common cold. Second, how does an employer determine where the employee was exposed to, or contracted the "disease". Is it more likely that the employee was exposed because of social contact outside of the dental office, or in the dental office where PPE is provided and strict infection control protocols are followed? Third, to impose the financial responsibility on a dental practitioner for all costs associated with testing for a potentially unknown unidentified infectious disease is unwarranted and unreasonable.

### C. The Mandates to Provide Paid Bereavement Leave, Health Leave, Hazard Pay and Assistance for Unreimbursed Health Care Costs are Unreasonable and Will Lead to the Financial Collapse of Many Dental Practices.

How can one expect a small dental office to provide 3 days of paid Bereavement Leave plus 14 days of paid Health Leave to its employees during a catastrophic emergency which more likely than not will also negatively impact the dental practice's revenues and profitability? Further, under financially adverse conditions for a dental practice, how can one impose a \$3.00 hazard pay add-on? For a 2-dentist practice with 5 employees this will equal over \$31,000 a year. Finally, to require a dental practice to absorb unreimbursed health care costs for a worker who has a sickness or injury related in some way to the emergency, even though it is unrelated to their employment in the dental practice, is patently unfair.

**Conclusion:** All Marylanders have been impacted by the current COVID-19 Pandemic. It has had a devastating effect on all workers, and on all businesses – large and small. The desire to find a way to defray the financial impact of the pandemic on workers is understandable. However, the provisions of SB 486 are of the type one would expect to find in a collective bargaining agreement. They are tailored more appropriately for large employers that employ union workers. SB 486 is not appropriate, and in fact would be destructive, if applied to health care practices like dentistry.

For these reasons the Maryland State Dental Association Respectfully Requests that SB 486 receive an Unfavorable Report.

Submitted By: Daniel T. Doherty, Jr. February 9, 2021

# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Domville, Paul

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The proposed increases in pay would substantially increase the cost of food and groceries for Maryland's residents and families. Higher grocery costs would hurt Maryland families at a time they are already struggling to put food on the table – and would be especially harmful to low-income and disadvantaged communities.

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### **SB 486 Essential Workers-CBH-OPP.pdf** Uploaded by: Doyle, Lori



### Testimony on SB 486 Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Senate Finance Committee February 11, 2021 POSITION: OPPOSE

The Community Behavioral Health Association of Maryland (CBH) is the leading voice for community-based providers serving the mental health and addiction needs of vulnerable Marylanders. Our 95 members serve the majority of those accessing care through the public behavioral health system. CBH members provide outpatient and residential treatment for mental health and addiction-related disorders, day programs, case management, Assertive Community Treatment (ACT), employment supports, and crisis intervention.

While we support the intent of the bill to provide protection and support for essential workers, the provisions of this bill would create severe financial hardship for providers such as our members who serve individuals with serious mental health disorders in the public behavioral health system. Our rates are set by the State Medicaid program; we cannot alter them nor can we pass additional costs onto the individuals we serve. Should this bill pass in its current posture we strongly urge that Medicaid rates for impacted organizations be raised commensurate with the costs associated with compliance. Further, we are very concerned that employees could refuse to fulfill their job duties if they encounter conditions they feel to be unsafe. This provision could result in unstaffed group homes and residences for individuals with schizophrenia and other serious mental health disorders who rely on staff support – in many cases around the clock.

SB 486 requires employers to provide hazard pay during an emergency. At the beginning of the COVID emergency CBH strongly urged the Maryland Department of Health (MDH) to provide retainer payments or temporarily raise reimbursement rates so that providers could offer hazard pay, particularly for their residential staff. Although other states implemented such changes, MDH refused to do so, leaving our organizations wanting to provide hazard pay but without the means to do so. This bill also requires employers to provide financial assistance for unreimbursed health care costs to each essential employee who becomes sick as a result of the emergency – whether the illness resulted from the employee's workplace or not. This could run up a significant tab with premium contributions, copays, deductibles, and other out-of-pocket expenses accruing to our providers – again, with no commensurate Medicaid reimbursement rate increase to offset the costs.

We are also very concerned about the provisions of the bill allowing essential workers to refuse to fulfill a job duty if they fear for their health due to the nature of the work being performed. This could have a very serious impact on the ability of our providers to adequately staff group homes and other residential programs. These residential programs – often staffed 24/7 – have one or two employees regularly scheduled to work each shift. Sometimes the residents they work with do not adhere with masking, hand washing or social distancing guidelines due to the disorganization caused by their mental disorder. Every effort is made to work with the individuals we serve to educate and assist them with adherence to safety guidelines, but those efforts sometimes are to no avail. If one or more employees choose not to work their shifts, we could quickly have homes left unattended and clients going without essential services such as medication monitoring.



It is important to note that even the provisions of the bill requiring employers to provide necessary amounts of personal protective equipment (PPE) to their essential workers proved to be beyond the reach of community behavioral health organizations in the first few months of the pandemic, despite their desperate attempts to secure PPE. Even larger and better resourced health care systems, such as hospitals, struggled to find adequate PPE, while community providers were left to their own resources as inpatient settings were prioritized.

For these reasons we urge careful deliberation on the unintended consequences of this bill. Given the expected flood in demand for behavioral health services resulting from the impacts of the pandemic, this is a dangerous time to risk implementing measures that could result in reduced access to needed services.

We respectfully urge an unfavorable report for SB 486.

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# **SB 486\_Maryland Essential Worker Protection Act\_OP** Uploaded by: Duckman, Ashley



LEGISLATIVE POSITION:
UNFAVORABLE
Senate Bill 486
Labor and Employment-Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)
Senate Finance Committee

### Thursday, February 11, 2021

Dear Chairwoman Kelley and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

Senate Bill 486 would create a number of new programs and employer mandates, and resulting costs, during a declared state of emergency. These include: 1) an additional \$3/hour of hazard pay, 2) employer reimbursement of healthcare costs, 3) a new leave program for bereavement and health leave, 4) employee right to refuse work, 5) workplace safety standards, and 6) health emergency preparedness plans.

To say that COVID-19 has had a tremendous, far-reaching, and extremely detrimental impact on Maryland's economy would be a gross understatement. Employment, retail sales, and many other economic indicators continue to move in the wrong direction as the virus rages on throughout our State, with no clear end in sight. As a result, Maryland's job creators continue to struggle to survive and maintain operations, with the Comptroller's Office previously estimating that approximately 30,000 Maryland businesses have closed or will close permanently as a direct result of the pandemic. Indeed, the economic impact of COVID-19 is unprecedented.

Simply put, the requirements and associated costs in this bill would be devastating to Maryland's job creators, who are already struggling with a global pandemic and compounding financial implications of other state mandates such as increased minimum wage and paid sick and safe leave.

Even more concerning, the definitions of "emergency," "essential employer," and "essential employee" contained within the bill are extremely broad and overly ambiguous. They go well beyond the scope of the public health emergency we are currently navigating as a result of COVID-19. Nearly every type of employer in Maryland is included in the scope of the legislation,

regardless of risk profile. In this regard, some 15 industry sectors containing a combined total of 76 categories of businesses are defined as essential.

Maryland's job creators cannot reasonably be expected to comply with the overly broad and unwell-defined mandates contained within Senate Bill 486, especially now, as they struggle to juggle previously passed employer mandates and the operational and economic implications of COVID-19.

Throughout the duration of the pandemic, the Chamber and our 5,000 business and federated partners have remained committed to doing our part to mitigate the impact of COVID-19. The health and safety of our members, their employees, and the general public remains our top priority. We look forward to working with the bill sponsors, Maryland General Assembly, and other stakeholders toward policy outcomes that balance health and safety with the operational and economic realities that Maryland job creators are managing at this time.

For these reasons and based on the comprehensive list of concerns outlined below, the Maryland Chamber of Commerce respectfully requests an **UNFAVORABLE REPORT** on SB 486.

#### **Insurance Article**

### **Section 31-108: Special Enrollment Period**

This section requires Maryland Health Benefits Exchange to provide a "special enrollment period" ("SEP") during an "emergency" for "essential workers" who are not insured under a group health benefit plan sponsored by the employer.

Federal rules (45 C.F.R. §155.420(d)(9)) already delegate broad discretion to the MHBE to create an SEP under "exceptional circumstances," such as a state or national emergency. The MHBE has appropriate exercised this authority during the COVID-19 emergency, and it created an SEP in March 2020 which continues at present.

The MHBE is in the best position to determine whether an SEP is necessary on a case-by-case basis, and to execute this process through existing state regulatory channels. For this reason, we believe this section of the bill should be struck in its entirety.

### **Labor and Employment Article**

### **Section 3-1601: Definition of Emergency**

The definition of "emergency" as contained in the bill is overly broad, ambiguous, and extends far beyond the scope of the pandemic and public health emergency that we are presently navigating as a result of COVID-19. Based on this definition, a snowstorm, a day of high winds, a ransomware attack, or even a stock market crash could be interpreted as an "emergency," unduly subjecting all employers defined as essential to the rest of the provisions contained

within the bill. Such a definition is subjective and can be interpreted many different ways, something that the General Assembly has always avoided in drafting state statutes.

We believe that the definition of "emergency" needs to be narrowed, refined, and made more objective.

#### Section 3-1602: Definition of Essential Employer/Essential Worker

Similarly, the definitions of "essential employer" and "essential worker" are overly broad, ambiguous and extend far beyond the scope of the pandemic and public health emergency we are presently navigating. These definitions do not appear to be tied to any existing federal or state guidance or definitions of "essential," nor do they consider the risk-profile or threshold of the various business industry sectors.

The bill fails to consider that not every employee who works in an essential industry performs an essential function. Moreover, there is no differentiation among essential workers who are entitled to hazard pay, as outlined in Section 3-1609. As a result, lower exposure risk positions such as an administrative assistant working at an auto dealership or a landscaper working on a construction crew would earn the same hazard pay as higher exposure risk positions within that employer.

In addition, we note that an "essential employer" is one that "employs" an "essential worker," but "essential worker" is defined to include a contractor or subcontractor, who are not employed by the essential employer. This is but one example of the definitions being inconsistent and leading to confusion. Further, inclusion of contractors and independent contractors is overreaching and thus unduly burdensome. In the case of staffing firms, for example, both types of contractors could have inconsistent protocols and duplicative obligations.

We believe the definitions of "essential employer" and "essential worker" need to be narrowed and refined. Further, we believe that the definition of "essential" should be tied to a mechanism or state or local agency that is able to periodically review and amend said definition to better reflect the circumstances of a specific situation or emergency, rather than utilizing static definitions that are locked in statute.

We also note that many of the industries subject to this legislation are already subject to the regulatory authority of State agencies, often with enhanced authority during emergencies. For example, the Maryland Insurance Administration may adopt emergency regulations germane to the insurance industry that may be applied when (1) the Governor has declared a state of emergency for the State or an area within the State under § 14-107 of the Public Safety Article; or (2) the President of the United States has issued a major disaster or emergency declaration for the State or an area within the State under the federal Stafford Act.

### Section 3-1603: Role of Maryland Emergency Management Agency (MEMA)

In this section, the role of the Maryland Emergency Management Agency is undefined and unclear. For example, this section could be interpreted such that MEMA has the authority to issue a state of emergency without oversight, and it is not clear how that authority intersects with that of the governor or with local emergency management agencies. Could MEMA issue a state of emergency unilaterally, or in opposition to the Governor's wishes, or in conflict with an action taken by a local emergency management agency? Further, it is unclear why an agency would be responsible for evaluating whether an emergency "has occurred."

We believe that this language needs a complete overhaul to explain the interrelationship between the Governor and all such agencies, and further, to clarify that emergencies cannot be declared retroactively.

### **Section 3-1604: Working Conditions and Personal Protective Equipment (PPE)**

This section of the bill introduces undefined terms that are either difficult to define, subject to differing interpretation, or exist on a spectrum. For example, it is unclear what is meant by "physical harm," "mental distress," and "physical health and safety."

It is unreasonable to hold an employer accountable for the "mental distress" of an employee, as "mental distress" exists on a spectrum and is highly subjective. Further, there is no mechanism for proving or verifying that the "mental distress" occurred at the workplace and/or is related to the emergency. Employees experience "mental distress" both in workplace and non-workplace settings, and with or without regard to a specific emergency.

There is also no definition provided for "physical health and safety," and no acknowledgement that there is some risk to physical health and safety at all times for all people. Further, there are certain sectors where the potential for physical harm is greater and is accepted as part of the job (police and firefighters, for example), which is not currently addressed in the bill. Once again, there is no mechanism for proving that the threat to "physical health and safety" is related to the emergency.

This section of the bill also includes a provision which requires employers to provide personal protective equipment (PPE) to workers at no cost. Again, this section lacks clarity in its definitions and results in many open questions. For example, what does "necessary amount" mean and who determines that? Who determines what PPE is necessary based on the definition of the declared emergency? For example, PPE necessary for a public health emergency will be different than that needed for a flood, hurricane, or other legitimate emergency. In addition, OSHA recently issued stronger COVID-19 workplace guidance on January 29, 2021, with which Maryland employers will have to comply. There is a possibility that this legislation will contain inconsistent standards from that which OSHA just issued, thereby creating practical and legal confusion for employers.

In the beginning of the COVID-19 pandemic, PPE was challenging to procure as manufacturers scrambled to produce enough supply. As a result, we believe that language needs to be added to this section to clarify that PPE is procured and provided to essential workers subject to availability, and in accordance with market and other supply considerations.

### Section 3-1605: Unsafe Work Environment and Right to Refuse Work

This section of the bill introduces more undefined terms and concepts that cause confusion and inconsistency. For example, what is meant by "unsanitary conditions"? What constitutes a "reasonable threat"? The examples provided are inconsistent with the definition. Unsanitary conditions do not render an employee unable to work, for example.

Moreover, the definition of "unsafe" is unclear in this context. We believe that "unsafe" should be clearly defined to be directly related to the declared emergency, not just a general code or other violation, which are already governed by existing state/federal laws and regulations.

Further, we are concerned by the requirement in subsection (V) regarding notification, and its intersection with existing federal and state law. We are concerned that this provision may conflict with HIPAA and/or ADA.

This section of the bill also includes a provision which affords an essential worker the right to refuse work. It provides this decision-making power to the employee, in the moment, and without review. This is problematic for many reasons, not the least of which is the potential for abuse without verification. Beyond this, the reasonableness requirement is dropped for an employee refusing to work. As drafted, fear need not even be reasonable despite substantive requirements applying to reasonable threats. These provisions are wholly unworkable in any Maryland workplace.

#### **Section 3-1606: Health Emergency Preparedness Plans**

Some Chamber members are concerned about the burden this provision might place on small businesses, as they are less likely to have the in-house resources or expertise to comply.

In addition, this section requires "mechanisms for notifying essential workers of positive test results for illness," yet it does not specify what type of illness. For example, are employers to be required to issue such notification for the flu or a common cold?

### **Section 3-1607: Infectious Disease Transmission**

This section is only applicable in a public health emergency, but not in all "emergencies" as presently defined in the legislation.

In addition, Subsection (a) provides that during an emergency, if an essential worker or any other worker has contracted an infectious disease at the worksite, the employer must take proactive steps to minimize the risk of transmission. As drafted, this applies to any emergency, but would not make sense in non-health related emergencies. Further, infectious disease is not defined, therefore these requirements could be triggered by any contagious disease, including the common cold.

The evacuation requirement outlined in this section is overbroad, as not all infectious disease would require evacuation or significant sanitization. Moreover, it is not made clear that the infectious disease must be connected to the declared state of emergency. For example, as presently drafted, if an employee contracted HIV during the COVID-19 pandemic, the employer would need to evacuate its premises.

Lastly, Subsection (c) requires each essential employer to report all positive test results to the Maryland Department of Health. We are concerned that this requirement ignores all existing reporting requirements and would result in duplication of these requirements. For example, if the employer utilizes an urgent care center for testing, it is our understanding that the urgent care center is also required to report the outcome of the test. This could result in duplication, overreporting and misleading data results.

### **Section 3-1608: New Program for Bereavement and Health Leave**

This section creates a new leave program for bereavement and health leave. First, it is entirely unclear whether this new leave is intended to be paid or unpaid. How might this intersect with the Maryland Healthy Working Families Act (MHWFA)? How might this intersect with existing employer leave programs? How does it intersect with FLMA leave?

Further, if it is intended to be unpaid leave, that should made clear. If not, and the leave is paid, is hazard pay (addressed below) to be provided as part of the leave?

Again, the definitions in this section are problematic and inconsistent because they apply equally to both bereavement and health leave. In addition, there is no mechanism for proving that the illness triggering the health leave was acquired at the workplace as part of the declared emergency.

At a minimum, notice and documentation requirements, similar to MHWFA, must be added to this section.

**Section 3-1609: Hazard Pay & Financial Assistance for Unreimbursed Healthcare Costs** This provision requires employers to provide hazard pay for each pay period that the essential worker works at a rate of \$3/hour.

First, as to hazard pay, there is confusion in the bill language regarding how this provision is to be applied. The bill is intended to apply prospectively (Section 2), yet there is a provision in this section that states that an essential worker is eligible for hazard pay dating back to the start of the emergency. Legislation that is both retroactive and prospective as to the same provision cannot be complied with and is wholly unworkable. Small businesses, who have no notice, and limited or no capacity to pay such wages, are not equipped to provide hazard pay. Such a provision constitutes unfair surprise, lack of due process, and an unconstitutional taking without just compensation. Depending on the size of the employer and its workforce, this requirement could wipe out numerous Maryland employers, and place undue burdens on others during the most difficult economic times they have ever faced.

Further, the threshold that triggers hazard pay is very high in that an individual earning up to \$100,000 is eligible. In addition, there is no scale or table for the amount of provided hazard pay based on industry-sector or specific job.

This section would also require employers to provide financial assistance for unreimbursed healthcare costs including co-pays, insurance premiums and out of pocket costs for healthcare or transportation.

It is unreasonable for employers to be compelled to pay for healthcare costs for undefined illnesses that are not likely to have been contracted in the workplace. Further, it is not clear that this provision would not also apply to teleworking employees.

We are unclear on the intent of this provision, as it appears that it is meant to result in employers paying 100% of insurance premiums and all healthcare costs for all employees, without a mechanism for verification or process for dispute.

Again, simply put, the cost implications of this provision alone would be devastating to Maryland's job creators, who are already struggling with a global pandemic and compounding financial implications of other state mandates, including increased minimum wage and paid sick and safe leave.

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### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: EDWARDS, hunter

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# MD Judiciary - Testimony SB 486.pdf Uploaded by: Elalamy, Sara Position: UNF

### MARYLAND JUDICIAL CONFERENCE OFFICE OF GOVERNMENT RELATIONS

Hon. Mary Ellen Barbera Chief Judge 580 Taylor Avenue Annapolis, MD 21401

#### **MEMORANDUM**

TO: Senate Finance Committee FROM: Legislative Committee

Suzanne D. Pelz, Esq.

410-260-1523

**RE:** Senate Bill 486

Labor and Employment – Employment Standards During an

Emergency

**DATE:** January 25, 2021

(2/11)

**POSITION:** Oppose

The Maryland Judiciary opposes Senate Bill 486. This bill establishes the Maryland Essential Workers' Protection Act.

The bill is unclear as to whether it applies to the Judiciary. Assuming, arguendo, that it does apply to the Judiciary, it raises separation of power concerns as it impedes the Judiciary's independence. Article IV, §18(b)(1) identifies the Chief Judge of the Court of Appeals as the administrative head of the Maryland Judiciary. The power to administer the Judiciary is not an implied or inherent power but is an express constitutional power of the Chief Judge. This constitutional authority includes managing the Judiciary's personnel.

The Judiciary has its own comprehensive personnel system with policies that address recruitment, supervision, grievances, and termination. The Judiciary is exempt from those aspects of the State Personnel Management System. Indeed, in 1996, as part of the comprehensive personnel reform bill, the General Assembly enacted State Personnel and Pensions Article §2-201, which says "Except as otherwise provided by law, an employee in the Judicial, Legislative, or Executive Branch of State Government is governed by the laws and personnel policies and procedures applicable in that branch." The Judiciary, therefore, submits that the same principle should be applied here: that this legislation should not be applied to the Judiciary.

This bill could also have a substantial operational impact on the Judiciary. Section 3-1604 requires the employer to provide working conditions that "[r]educe physical harm and **mental distress and detriment**." (Emphasis added). The requirement to reduce mental distress and detriment is an impossible goal to reach as mental distress and detriment is unique to each person. There is no single standard that could be applied. This imposes

operational requirements that are difficult, if not impossible, to meet. There are fines and penalties imposed if the requirements are not met.

Further, section 3-1605 (A) (1) and (2) define "Unsafe Work Environment." The definition is somewhat vague, making it difficult for the employer to meet the standard. There are fines and penalties imposed if the requirements are not met.

Section 3-1605 (B) allows a worker to refuse to perform his or her required responsibilities if the worker believes an emergency creates an unsafe work environment and fears for his or her health and safety. The provision puts the discretion on the worker to unilaterally make this determination, potentially leading to an unknown number of workers refusing to work during an emergency and creating an operational hardship for the employer. This could have a significant impact on the Judiciary. Although the health and safety of the public, judges and the Judiciary staff are a top priority, the Judiciary must ensure that its core functions remain available to provide access to justice for all citizens. This provision could substantially impede this access if courts cannot operate as needed.

Finally, this legislation could have a significant fiscal impact on the Judiciary. This cost has not been budgeted by the Judiciary.

cc. Hon. Malcolm Augustine
Judicial Council
Legislative Committee
Kelley O'Connor

### **2021 MCHS SB 486 Senate Side.pdf** Uploaded by: Elliott, Robyn



### **Maryland Community Health System**

**Committee:** Senate Finance Committee

Bill Number: Senate Bill 486 – Labor and Employment – Employment Standards During an

**Emergency (Maryland Essential Workers' Protection Act)** 

Hearing Date: February 1, 2021

Position: Oppose

Maryland Community Health System (MCHS) opposes *House Bill 581 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)*. The bill is well-intentioned and seeks to support front-line employees during the public health emergency. We are supportive of some of the provisions of the bill, such as requiring a special enrollment period so that that more people can obtain insurance coverage during the pandemic.

Maryland Community Health System consists of a network of federal qualified health centers across the State of Maryland. Our health centers are providing a high level of support to their clinicians and frontline staff. Unfortunately, several provisions of the bill would have severe negative impact on our health centers:

- Hazzard pay requirements could devastate our health centers: Federally qualified health
  centers primarily serve individuals who are uninsured or enrolled in public coverage programs,
  including Medicaid and Medicare. Our health centers lack the resources to provide the longterm hazard pay that is required by the bill; and
- Ability of workers to refuse to work in an "unsafe" environment: Our health centers prioritize the safety of their patients and employees. We are concerned that provision regarding the ability of essential workers to refuse to work in an "unsafe" environment is too vague. It will lead to situations where essential workers can refuse to work even if their employers are following State and federal guidelines. As a result, safety net health providers could be left without sufficient staff to provide basic health care services.

Thank you for your consideration of our testimony. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

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## **Opposition of SB486 - Labor and Employment - Emplo** Uploaded by: Ferguson, Colby

3358 Davidsonville Road • Davidsonville, MD 21035 • (410) 922-3426

February 11, 2021

To: Senate Finance Committee

From: Maryland Farm Bureau, Inc.

Re: <u>Opposition of SB486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)</u>

On behalf of our member families, I submit this written testimony opposing SB 486. This bill would require an essential employer to give a written statement regarding hazard pay paid to their essential workers for each pay period; require an essential employer to take actions related to occupational safety and health during an emergency; authorize an essential worker to refuse to fulfill a work responsibilities if the working conditions don't meet he requirements in this bill; prohibits an essential employer from retaliating or taking other adverse action against an essential worker or other worker if they refuse to work;

This bill would put in state law, requirements over and above the guidance provided by the Centers for Disease Control (CDC) and the US Department of Labor. These restrictions would be almost impossible for a farm to adhere to and would most likely put them out of business. The retroactive hazard pay would cost every farmer and farm business nearly \$5,000 per employee to cover the days in 2020 that there has been a state of emergency due to the COVID Pandemic. In addition, MD Department of Labor doesn't have the manpower to inspect these operations in time to meet the limited timelines farmers have to apply for and receive H-2A visa workers. H-2A housing is already inspected annually. Production agriculture is a time sensitive business that can't shut down for a few days or weeks. This bill would be devastating to the ag community.

The negative economic impact this bill would create on farmers that already have to compete with climate change, low commodity prices, and water & air quality regulations will be devastating.

MARYLAND FARM BUREAU RESPECTFULLY OPPOSES SB 486

Colby Ferguson

**Director of Government Relations** 

Jas Colf Z

For more information contact Colby Ferguson at (240) 578-0396

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The proposed increases in pay would substantially increase the cost of food and groceries for Maryland's residents and families. Higher grocery costs would hurt Maryland families at a time they are already struggling to put food on the table – and would be especially harmful to low-income and disadvantaged communities.

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In addition, hazard pay mandates could make it more difficult for many grocers, specifically, to stay afloat, especially independent grocers, small markets, ethnic grocers and grocery stores in disadvantage communities already struggling to keep their doors open. Harris Teeter – like most grocers operates with thin margins, even during the pandemic.

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## **SB 486 Opposition Wash. Co. Chamber.pdf** Uploaded by: Frey, Paul





Legislative Position: Opposed
Senate Bill 486
Labor and Employment-Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)
Senate Finance Committee

Thursday, February 11, 2021

Dear Chairman Kelley and Members of the Committee:

On behalf of the Washington County Chamber of Commerce, with 575 members representing over 40,000 employees, I am writing you to oppose Senate Bill 486, Labor and Employment-Employment Standards During an Emergency (Maryland Essential Workers' Protection Act).

SB 486 would create a number of new programs and employer mandates, and resulting costs, during a declared state of emergency. These include: 1) an additional \$3/hour of hazard pay, 2) employer reimbursement of healthcare costs, 3) a new leave program for bereavement and health leave, 4) employee right to refuse work, 5) workplace safety standards, and 6) health emergency preparedness plans. Simply put, the requirements and associated costs in this bill would be devastating to Maryland's job creators, who are already struggling with a global pandemic and compounding financial implications of other state mandates like increased minimum wage and paid sick and safe leave.

Even more concerning, the definitions of "emergency," "essential employer," and "essential employee" contained within the bill are extremely broad and overly ambiguous. They go well beyond the scope of the public health emergency we are currently navigating as a result of COVID-19. Nearly every type of employer in Maryland is included in the scope of the legislation, regardless of risk profile. In fact, 15 industry sectors that contain a combined total of 76 categories as defined as essential.

We believe the definitions of "essential employer" and "essential worker" need to be narrowed and refined. Further, we believe that the definition of "essential" should be tied to a mechanism or agency that is able to periodically review and amend said definition to better reflect the circumstances of a specific situation or emergency rather than utilizing static definitions that are locked in statute.

Throughout the duration of the pandemic, our local business and nonprofits have remained committed to doing our part to mitigate the impact of COVID-19. The health and safety of their employees and the general public remains our community's top priority. We look forward to working with the bill sponsors, Maryland General Assembly, and other stakeholders toward policy outcomes that balance health and safety with the operational and economic realities that Maryland job creators are managing at this time.

Please hear us and seriously consider our concerns when it comes to SB 486.

On behalf of the business and nonprofit members of the Washington County Chamber of Commerce, we respectfully request an <u>UNFAVORABLE REPORT</u> on SB 486.

Sincerely,

Paul Frey, IOM

President and CEO

## **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Friday, Grace

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# SB0486--02.11.21-- (Maryland Essential Workers' Pr Uploaded by: Fry, Donald

### TESTIMONY PRESENTED TO THE SENATE FINANCE COMMITTEE

SENATE BILL 486 – Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Sponsors – Senators Augustine, Young, Hettleman, Zucker, Feldman, Lee, Waldstreicher, Kramer, Rosapepe, Pinsky, Benson, Patterson, Jackson, Ellis, Elfreth, Beidle, King, Carter, Washington, Sydnor, and McCray

February 11, 2021

### DONALD C. FRY PRESIDENT & CEO GREATER BALTIMORE COMMITTEE

### **Position: Oppose**

Senate Bill 486, while promoted as an attempt to protect workers, would actually create a number of new unfunded mandates for Maryland's employers that would impose additional costs to businesses making it more difficult to be competitive or to continue business operations.

The bill creates new, overly broad definitions.

The bill also imposes on Maryland businesses new and costly employee benefits irrespective of their direct connection or nexus with an emergency.

#### **Definitions**

SB 486 establishes a new definition for "emergency" in Section 3-1601 (B) (1) that does not require an official emergency declaration by the Governor or a governmental official. The failure of mandating an official declaration means that there is no verifiable means of determining whether or not an emergency exists under the proposed law. The bill further provides that certain local government agencies can notify the public that there is an emergency, but the bill does not set forth any guidelines for what would constitute an emergency or tie the public pronouncement to the definition of emergency in Section 3-1601 (B)(1). The use of an emergency proclamation should only be available in the most serious of circumstances and the failure to set parameters is a deficiency in the legislation.

The bill further sets forth that any worker in a long list of specified industries who cannot perform his or her work remotely or who is required to be at a worksite is considered an essential employee, and that any business that employe an essential employee is considered an essential employer.

Nearly every type of employer in Maryland is included in the breadth of the legislation, regardless of any risk-profile. In total, 15 industry sectors with a combined total of 76 job categories are defined as essential employers in the legislation.

### **New Programs/Employee Benefits**

Among the new burdens imposed by SB 486 on businesses are the following:

• A requirement to pay workers defined as essential employees an additional \$3 an hour, dating back to the start date of a state of emergency. With the extensive listing of industry sectors being considered essential, and an expansive listing of job categories within the industry sectors considered essential, the cost of this requirement alone would be staggering to businesses of all sizes.

- Employers must provide financial assistance for unreimbursed health care costs to each essential
  worker who becomes sick or injured if the sickness or injury is related to the emergency, regardless
  of where the illness was contracted or the injury was sustained.
- Essential employers must provide essential employees with at least 3 days of bereavement leave and 14 days of health leave, which is defined as "paid leave during an emergency due to the worker's illness or other health needs related to the emergency." As with the previous provision, the employee is not required to demonstrate or prove that the illness or injury was sustained at the workplace. In addition, there is no minimum time period established for the emergency to trigger this requirement. Without such a provision, a 30-day emergency declaration would require an employer to provide the same degree of mandated leave (17 days) as a year-long emergency declaration.
- Essential employees would be granted the right to refuse to perform work if he or she fears for his or her life or health during an emergency due to the nature of the work being performed. This provides an employee unbridled discretion to make this determination without a mechanism for validating the employee's fear or providing accountability in the event of abuse by the employer.

### **Businesses are Already Struggling**

SB 486 is inconsistent with principles of economic growth and job competitiveness. The Greater Baltimore Committee published a report entitled <u>Gaining a Competitive Edge: Keys to Economic Growth and Job Creation in Maryland</u> setting forth eight core pillars to ensure a competitive business environment. The report identifies a core pillar as:

Competitive cost of doing business. Public policies must reflect a government predisposition to nurture business growth and to avoid arbitrarily or disproportionately imposing additional overhead upon the business sector.

Businesses are struggling to survive the economic crisis caused by the global pandemic and the restrictions imposed on business operations. Additional costs have been incurred to provide for the health of employees and to adjust business operations to maintain pre-pandemic employment levels. The best way to support employees is to ensure their job status so they can provide for families during these challenging times.

The passage of Senate Bill 486 violates a core principle of economic growth and job creation and the additional mandates contained in this bill may make it even more challenging for employers to stay in business. It is unreasonable to expect employers to absorb these additional responsibilities while they are struggling to survive the economic implications of the current pandemic.

Senate Bill 486 is overly broad in its reach and imposes responsibilities on employers for the benefit of their employees without a nexus to their employment. Passage of this bill would endanger the future of businesses throughout the Baltimore region and Maryland.

### For these reasons, the Greater Baltimore Committee urges an unfavorable report on Senate Bill 486.

The Greater Baltimore Committee (GBC) is a non-partisan, independent, regional business advocacy organization comprised of hundreds of businesses -- large, medium and small -- educational institutions, nonprofit organizations and foundations located in Anne Arundel, Baltimore, Carroll, Harford, and Howard counties as well as Baltimore City. The GBC is a 66-year-old, private-sector membership organization with a rich legacy of working with government to find solutions to problems that negatively affect our competitiveness and viability.

### SB486 - Essential Workers Protection Act - MAFC -

Uploaded by: Fuchs, Kurt



February 11, 2021

To: Senate Finance Committee

From: MidAtlantic Farm Credit

<u>Bill</u>: <u>SB 486 – Labor and Employment – Employment Standards During an Emergency</u> (Maryland Essential Workers' Protection Act)

Position: **OPPOSED** 

MidAtlantic Farm Credit is a member-owned cooperative supporting rural communities and agriculture with reliable, consistent credit and financial services in good times and bad. Headquartered in Westminster, MD, we are one of the largest agricultural lenders on the East Coast with nearly \$2.9 billion dollars in loans outstanding to over 11,500 member-owners representing the full range of agriculture throughout our five-state territory.

This far-reaching measure would create a number of new burdensome employer mandates and costs including hazard pay, financial assistance for healthcare costs, and universal health and bereavement leave, for applicable Maryland businesses. After many businesses struggled to remain open for business, maintain payroll (at the urging of elected leaders, but more importantly out of a commitment to their staff), physically alter workplaces to ensure employee safety, and pay for their PPE out of their own pockets, the proponents of this measure have deemed their efforts insufficient. In fact, the tone of the bill seems punitive.

As a member-owned cooperative whose customers consist of a wide range of farming, agribusiness, and farm-related service businesses, many of our member-owners are deemed essential employers under this bill. One of the most concerning provisions of the bill is the retroactive \$3/hr hazard pay for which employers would be responsible. With supply chain disruptions, volatile markets for crops and livestock, and the loss of many large and/or institutional customers (schools, universities, restaurants, etc.) Maryland's farm, food, and agribusinesses struggled to maintain production and payroll through the worst of the pandemic (and many still are). Maryland's farmers never stopped producing during the pandemic and now, if this legislation were to succeed, the General Assembly would essentially punish them for doing their part to try and minimize food shortages at a time when we saw unprecedented food insecurity across Maryland and the entire country. Farm stands and markets that filled the void left behind when supply chain disruptions left many grocery store shelves bare were lauded by their communities for ensuring access to food in a setting made safe for employee and customer alike. They too would be punished for such actions by this bill.

In addition to the onerous hazard pay proposal, this bill would also require financial assistance for unreimbursed healthcare costs to an essential worker if the sickness or injury is related to the emergency, but does not require the employee to prove said injury/illness was contracted at the



workplace. This creates an unfair imbalance between employer provided health/safety precautions at the workplace and liability for an employee's actions while off the clock.

The new leave requirements in the bill add to its burdensome nature, mandating paid 3-day bereavement and 14-day health leave with little, if any, required linkage to the declared emergency. Similarly, the bill's right to refuse to work provision allows for the employee to make such a decision with no mechanism for the employer to address abuse of this policy or obtain verification.

Essential employers would also be required to develop a health emergency plan, to be reviewed annually and submitted to MEMA. Essential employers are currently adhering to guidelines and protocols established by the CDC, MD Department of Health, and other qualified agencies. Health professionals, who are experts in their field, created those guidelines and a major concern for many businesses is that if they submit their proposed plan in good faith, it will likely be deemed to have fallen short of MEMA's expectations, and they would be subject to penalty.

Perhaps most concerning about the measure is that applicability of the bill's provisions go far beyond the global pandemic we continue to battle and would potentially encompass any occurrence/situation deemed an emergency by state or local officials. To date, Maryland remains under a State of Emergency due to the COVID-19 pandemic and no one knows when that designation will be lifted. Once we move past the pandemic, the specter of being retroactively liable for hazard pay during a winter storm, hurricane, civil unrest, presidential inauguration, etc. would have a chilling effect on employee retention, let alone business expansion, during this and future economic downturns.

It is unfortunate that as Maryland farms and agribusinesses continue to struggle through this global health crisis and related economic volatility, they may now be confronted with punitive measures because they persevered, stayed open for business, maintained payroll, and did all they could to ensure a safe environment for their employees and customers.

Farmers compete in the local, state, regional, and global marketplace and many of the provisions in this bill would dramatically reduce their ability to compete and impact the profitability and viability of agriculture and food production in this State. We would urge serious consideration of the wide-ranging negative implications this bill would have on so many Maryland businesses.

On behalf of our member-owners throughout the state, **MidAtlantic Farm Credit OPPOSES SB 486** and urges an **UNFAVORABLE** Report.

# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Fulp, Diann

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# SB0486 Harris Teeter Letter of Opposition.pdf Uploaded by: Furr, Lauren

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# MBIA Testimony SB 486.pdf Uploaded by: Graf, Lori Position: UNF



February 11, 2021

The Honorable Delores G. Kelley Senate Finance Committee Miller Senate Office Building, 3 East Wing 11 Bladen St., Annapolis, MD, 21401

RE: Opposition to SB 486 (Labor and Employment – Employment Standards During an Emergency Maryland **Essential Workers' Protection Act)** 

Dear Chairwoman Kelley:

The Maryland Building Industry Association, representing 1,100 member firms statewide, appreciates the opportunity to participate in the SB 486 Labor and Employment - Employment Standards During an Emergency Maryland Essential Workers' Protection Act. MBIA Opposes the Act in its current version.

This bill would allow for the Emergency Management Agency to declare an emergency for essential workers and require employers to implement emergency measures.

MBIA opposes this measure due to the one size fits all nature of the bill. The emergency management agency does not have the resources to accurately assess every potential emergency nor the expertise to be able to impose realistic measures that would curb the emergency better than management of the project could. Additionally, this measure forces inconsistent evaluation of whether an emergency has occurred potentially after the fact and the period in which taking emergency measures may no longer be necessary or advisable.

Additionally, different job sites and positions have different requirements when it comes to safety protocols. MBIA is ver concerned that this bill will, with the best of intentions, impose costs on businesses for protective equipment that may not be necessary for individual sites because the site is not evaluated, and its own unique needs are not met. This drains resources from the management staff that can impose protective measures that are valuable to that site.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Finance Committee

### **LeadingAge Maryland - 2021 - SB 486 - Essential Wo**Uploaded by: Greenfield, Aaron



6811 Campfield Road Baltimore, MD 21207

**TO:** The Honorable Delores Kelley

Chairwoman, Finance Committee

**FROM:** LeadingAge Maryland

**SUBJECT:** Senate Bill 486, Labor and Employment - Employment Standards During an

Emergency (Maryland Essential Workers' Protection Act)

**DATE:** February 11, 2021

**POSITION:** Unfavorable

LeadingAge Maryland writes to request an unfavorable report on Senate Bill 486, Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act).

LeadingAge Maryland is a community of not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. We represent more than 120 not-for-profit organizations, including the vast majority of CCRCs in Maryland. Our mission is to expand the world of possibilities for aging in Maryland. We partner with consumers, caregivers, researchers, faith communities and others who care about aging in Maryland.

The Maryland Essential Workers Protection Act will require employers to provide workers with safe and hygienic workspaces, personal protective equipment, emergency pandemic action plans that include sanitation protocol and changes in shift hours, paid health and bereavement leave, free COVID-19 testing, an additional \$3 an hour in hazard pay and the ability to refuse dangerous work without fear of retaliation.

Without question, our non-profit members who employ in senior living facilities, including independent living, assisted living and skilled nursing are in an essential industry.

And, Senate Bill 486 acknowledges it on page 8, lines 15-16. Our staff has done yeoman's work under incredibly challenging circumstances. Safety of our residents and staff is paramount. And, when it comes to safety protocols, the industry follows guidelines issued by the Centers for Disease Control and the Maryland Department of Health.

The long-term care industry has been on the front lines of COVID-19 and has not been immune from the operational and fiscal obstacles. Whether it is ensuring appropriate levels of personal protective equipment or access to sufficient testing kits, our sector has been impacted. Providers have faced mounting costs and decreases in revenue over the last year. The costs of required testing, PPE, increased pay for staff (including overtime and incentive pay) have cost providers hundreds of thousands of dollars. These were unbudgeted and ongoing expenses. Some organizations received federal and/or State funds to offset some of the increased cost. Unfortunately, that funding has failed to cover the full impact of the expenses and many providers are facing significant financial strife. This legislation's requirement that providers pay healthcare costs, provide additional leave and pay \$3/hour in hazard pay will only worsen our financial condition. Since much of the reimbursement for these services is provided by Medicaid and Medicare and there is no ability to pass increased costs to the consumers. And, Senate Bill 486 neglects any adjustment to the Medicaid program to cover these additional costs.

This bill's "one size fits" all industries do not take into account the nature of long-term care settings. Requiring an employer to evacuate and sanitize the "work site" when an infectious disease has been contracted during an emergency is problematic. The term "infectious disease" is too broad of and a nursing home, assisted living, and/or hospice house cannot be evacuated for cleaning given that it is a residential setting. Nursing homes are one of the most highly regulated industries in our nation. Our members operate under incredibly sophisticated infection prevention and control regulations from both the State and federal level. Other similar settings, including assisted living and affordable senior housing, are also under strict guidance and regulations to help ensure both residents and staff are safe.

We appreciate the Sponsor's intent. However, we are concerned that the added cost in hazard pay and mandated protocols will impact our provision of care.

For these reasons, LeadingAge Maryland respectfully requests an <u>unfavorable report</u> for Senate Bill 486.

For additional information, please contact Aaron J. Greenfield, 410.446.1992

### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Gregory , Benji

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Gritzmaker, Brandon

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# **Dear Elected Leaders.pdf**Uploaded by: Hall, Sean Position: UNF

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# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Harrelson, Adam

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## **PGCOC Letter of Opposition 2.8.21.pdf** Uploaded by: Harrington , David



February 8, 2021

The Honorable Delores Kelly Chair, Senate Finance Committee Miller Senate Office Building, 3 East Wing 11 Bladen St., Annapolis, MD 21401

Dear Chair Kelly,

The Prince George's Chamber of Commerce having 600 business members who employ over 30,000 residents strongly oppose the Essential Workers Protection Act Senate Bill 486. This emergency bill, during the COVID-19 pandemic and other crisis deemed by the Governor, increases the base hourly pay for essential workers by \$3.00 per hour and requires a two-week leave benefit.

In Prince George's County, over 1/3 of its businesses have closed and, for the businesses that remain open, they are experiencing a 70% reduction in revenue. Despite these conditions, businesses are taking every measure to retain employees, comply with federal, state, and local health guidelines, and engage in philanthropic activities that help those in need. Even with challenges to stay afloat, businesses are leading the way in serving communities and now is not the time to add costs that make doing business in Maryland excruciatingly difficult.

As drafted, problems with the Essential Workers Protection Act are as follows:

- Broad Vague Definitions: Definitions of emergency, essential worker, and essential employer are broad and vague going beyond the scope of a public health emergency and capturing nearly all employers in the state.
- Unintended Consequences: If this bill passes, businesses are likely to reduce staff, change hours of operation and other benefits to comply with increases in cost and loss of revenue.
- Circumvent Collective Bargaining: The legislation would circumvent collective bargaining agreements and the good faith efforts employers made to negotiate benefits with employee unions.
- New Leave Mandate: As drafted, the legislation mandates a new and paid leave program that would require employers to provide 3 days of bereavement leave and 14 days of health leave. This does not consider existing leave options employers are already required to provide. The provision also does not require the employee to prove they contracted the illness at work.
- Refusal to Work: If passed, the bill will afford essential employees the right to refuse work but does not include a process for the employer to address the employees concerns.

The Prince George's Chamber of Commerce urges an unfavorable vote. Further, any bill of this magnitude, must involve a working group which includes the business community that is charged with reviewing consequences and economic impact.

Sincerely,

David C. Harrington President & CEO

Cc: The Honorable Malcolm Augustine The Honorable Melony Griffith

> 4640 Forbes Boulevard, Suite 130; Lanham, Maryland 20706 (P) 301-731-5000 (F) 301-731-8015; www.pgcoc.org

# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Harris , Brooke

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## **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Hawley, Jeff

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# **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Helms, Jeff

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Henneman, Jason

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### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Hofmann, Jeff

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Holcomb, Wesley

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## **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: holding, larry

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### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Holton, Nicholas

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## **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Hooper, Brian

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Howard, Bonita

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# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: howard, tim

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**No to SB486.pdf** Uploaded by: Hunter, Kevin

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### SB486 - UNFAVORABLE - The Greater Bethesda Chamber

Uploaded by: Italiano, Ginanne



Allie Williams, IOM, President & CEO
7910 Woodmont Avenue, Suite 1204
Bethesda, MD 20814
T (301) 652-4900 F (301) 657-1973
awilliams@greaterbethesdachamber.org

February 9, 2021

Senator Delores G. Kelley Chair, Finance Committee Maryland State Senate 3 East Miller Senate Office Building Annapolis, MD 21401

RE: SB486- LABOR AND EMPLOYMENT - EMPLOYMENT STANDARDS DURING AN EMERGENCY (MARYLAND ESSENTIAL WORKERS' PROTECTION ACT)

Position: **OPPOSE** 

Dear Senator Kelley, Vice Chair Feldman and Members of the Committee:

On behalf of our 500-member businesses (80% have less than 25 employees) and more than 45,000 employees in Montgomery County, this letter is in strong **Opposition** to SB486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act).

This bill proposes to impose numerous damaging mandates on the majority of our members at a time when they are trying to navigate the COVID-19 crisis, keep their businesses in operation and not having to lay off employees. Most important, this bill doesn't just negatively affect big businesses but will have a devastating effect on small businesses to the point of giving up and just closing down.

We are extremely concerned about the definitions of emergency, essential employer and essential employee within this bill as they are extremely broad. These definitions also go beyond the scope of "public health emergency" that we are currently experiencing with COVID-19. The impact this bill would have on the majority of businesses throughout the State of Maryland would be devastating. From increasing minimum wages, to paying the employees' unreimbursed health care costs, to be eavement leave, to "14 days of health leave" which doesn't even describe if this is in addition to the employees' sick leave or in place of it. On top of all of these costly expenses, the hazard pay is retroactive back to the start of the emergency. This could basically wipe out any assistance these businesses received from the State, local or federal government agencies due to COVID-19!

Bottom line, this legislation sends the wrong message to businesses – big and small – that the State of Maryland is not focusing on the dire situation the majority of businesses are dealing with right now. They can not afford these changes and the State of Maryland cannot afford the repercussions of its passing.

This is not the year to be focused on creating excessive mandates for our businesses when they can barely stay above water. **We urge the members of the Finance Committee to vote UNFAVORABLE** on this short-sighted bill. Thank you for your consideration of our remarks.

Sincerely,

Allie Williams
President & CEO

Vie Williams

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### **SB0486-FIN\_MACo\_OPP.pdf**Uploaded by: Jabin, Drew



### Senate Bill 486

Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

MACo Position: **OPPOSE**To: Finance Committee

Date: February 11, 2021 From: Drew Jabin

The Maryland Association of Counties (MACo) **OPPOSES** SB 486. This bill would create several new programs and employer mandates on counties during a declared state of emergency. The economic impact of COVID-19 is unprecedented, and this legislation would cause an extremely costly, burdensome imposition on county governments.

SB 486 would require counties to pay additional hazard pay, implement a new program for bereavement and health leave, reimburse employee healthcare costs, and allow employees the right to refuse to work. Section 3-1605 includes a provision allowing an essential worker the decision-making power to decide not to work, without review. For the public sector, many employees fulfill functions that are truly "essential" and may be pressed into service to respond to the very emergencies triggering these protections. Empowering necessary public employees with a "veto" on work responsibilities could jeopardize the safety and welfare of Marylanders.

Also concerning is the broad, vague definition of "emergency" contained within the bill. As written, an "emergency" could be interpreted several ways, and could unreasonably subject counties to all the costly, burdensome provisions mentioned above.

While counties understand the intent of providing essential employees comfort and safety during an emergency, this bill mandates costly, burdensome programs and could compromise local governments' ability to respond to urgent service needs for the larger community. Accordingly, MACo urges the Committee to issue a **UNFAVORABLE** report on **SB 486**.

**sb486test(mj).pdf**Uploaded by: Jackson, Marcus



The Voice of Merit Construction

#### February 11, 2021

**Mike Henderson** 

President Greater Baltimore Chapter mhenderson@abcbaltimore.org

**Chris Garvey** 

President & CEO Chesapeake Shores Chapter cgarvey@abc-chesapeake.org

Debra D. Livingston CAE

President & CEO
Metro Washington Chapter
dlivingston@abcmetrowashington.org

**Amos McCoy** 

President & CEO
Cumberland Valley Chapter
amos@abccvc.com

**Mark McDaniel** 

Chairman
Joint Legislative Committee
mmcdaniel@nlpentinc.com

**Marcus Jackson** 

Director of Government Affairs Metro Washington Chapter mjackson@abcmetrowashington.org

Additional representation by: Harris Jones & Malone, LLC

6901 Muirkirk Meadows Drive Suite F Beltsville, MD 20705 (T) (301) 595-9711 (F) (301) 595-9718 TO: CHAIR KELLEY AND MEMBERS OF THE FINANCE

**COMMITTEE** 

FROM: ASSOCIATED BUILDERS AND CONTRACTORS

RE: S.B. 486 – LABOR AND EMPLOYMENT – EMPLOYMENT

DURING AN EMERGENCY (MARYLAND ESSENTIAL

WORKERS PROTECTION ACT)

POSITION: OPPOSE

On behalf of the Associated Builders and Contractors for Maryland, we appreciate the General Assembly's concern for our members and provide this information to assist the Committee in its deliberations. We have reviewed HB--- and respectfully recommend the following amendments:

#### **Definition of Emergency Amendment**

On page 3, strike beginning with "(1)" in line 21 down through "(III)" on page 4 in line 3.

When read in its totality, the bill appears to be focused on catastrophic health emergencies, such as the COVID-19 pandemic that we have been experiencing since March of 2020. The amendments above refocus the bill on its original intent, namely "an incident, occurrence, or outbreak that is the subject of an executive proclamation under § 14–3a–02 of the public safety article." Md. Code, Pub. Safety §14-3A-02, states, "If the Governor determines that a catastrophic health emergency exists, the Governor may issue a proclamation under this subtitle."

We are seeking to avoid State of Emergency's for snow, rain or other reasons unrelated to a long-term pandemic.

#### **Local Authority to Declare an Emergency**

On page 9, strike in their entirety lines 27 through 28.

On page 10, line 1 strike "(2)" and substitute "(1)".

On page 10, line 2 strike "EACH" and substitute "THE".

On page 10, line 2 strike "EACH" and substitute "THE".

On page 10, line 4 strike "AN" and substitute "THE".

On page 10, strike beginning with "THAT" in line 9 down through "SUBSECTION" in line 10

This amendment will tailor the bill to apply to State catastrophic health emergency proclamations. For companies that operate in multiple jurisdictions, this will bring uniform application of the law and equal compensation to employers. For example, as currently written, the Baltimore City Office of Emergency Management could declare an emergency related to unexpected flooding. An employer would have to follow the mandates under §

3-1605, § 3-1608, and §3-1609 of the subtitle for those employees working in Baltimore City; however, for those employees just outside the City line would not. This complicates the employers accounting practices and creates dissention among the ranks as some employees will be getting receiving benefits the others are not simply because their local jurisdiction has declared an emergency.

#### **Hazard Pay Retroactivity & Impairment of Existing Contracts**

On page 17, line 6 after "WORKS" insert "DURING THE DECLARED EMERGENCY".

On page 17, line 9 after "YEAR" insert "OR IF THE LABOR PROVIDED BY THE ESSENTIAL WORKER IS PART OF CONTRACT AWARDED PRIOR TO THIS ACT'S ENACTMENT"

On page 17, line strike in their entirety lines 14 through 15.

On page 17, line 18 strike "(4)" and substitute "(5)".

The enabling language of the bill reads as follows "BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to require the payment of hazard pay for work performed in an emergency before the effective date of this Act." By striking lines 18 through 19 as this amendment suggests, the bill continues



to look prospectively from when the bill was enacted. Lines 18 through 19 would inadvertently capture the start of this current pandemic, March 5, and require essential employers to reopen their books and pay hazard pay to each employee for each hour that the employee physically came to work during the pandemic. For small businesses, this would be an unexpected blow that many cannot absorb. Because of the large span of time that the look back encompasses, an employer may also miss a day or hours that an employee worked, potentially exposing that employer to a lawsuit from an employee up to two years later.

On behalf of over 1500 ABC business members in Maryland, we remain available to the Committee as it works to finalize this legislation.

Marcus Jackson, Director Government Affairs



## SB0486 Harris Teeter Letter of Opposition.pdf Uploaded by: Jenrette, Lori

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# **Letter of Oposition.pdf**Uploaded by: Johnston, Jon Position: UNF

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### SB0486 Harris Teeter Letter of Opposition (1).pdf Uploaded by: Jones, Bryan

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This bill is rushed and not adequately researched. We urge our elected leaders to pause the vote on any extra pay initiative until you complete a full analysis of the costs, impacts on local families and our community, and input from businesses.

### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Jones, Jeremy

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#### **SB486 Essential Workers Protection Act OPPOSITION**

Uploaded by: Jones, Susan



HOTEL · MOTEL · RESTAURANT · ASSOCIATION · INC.

#### TESTIMONY OFFERED ON BEHALF OF THE OCEAN CITY HOTEL-MOTEL-RESTAURANT ASSOCIATION

### IN OPPOSITION OF SB486 - LABOR AND EMPLOYMENT - EMPLOYMENT STANDARDS DURING AN EMERGENCY (MARYLAND ESSENTIAL WORKERS' PROTECTION ACT)

Before the Finance Committee February 11, 2021

Dear Chairman & Committee Members,

On behalf of the Ocean City hospitality industry and our 400+ members, I urge you to oppose Senate Bill 486. Now is not the time to implement new, costly, and complex employer mandates. If passed, this bill would create several damaging and onerous requirements for Maryland job creators. This act includes a \$3 per hour increase for hourly employees deemed "essential," and we now understand has been changed to NOT be retroactive to March 2020, but, allow me to put such an increase into perspective; for a small hospitality business of 10 hourly employees, the back pay can amount in up to \$100,000. The financial devastation of this act would shutter many businesses, cause them to furlough employees or delay opening until a state of emergency is lifted, thus placing more strain on unemployment system. These are the same small businesses who pay state and local taxes and are the backbone of many communities.

The language of this act includes definitions of emergency, essential employer and essential employee that are *extremely broad and overly ambiguous*. The definitions go well beyond the scope of the public health emergency we are currently navigating. Nearly every type of employer in Maryland is included in the scope of the language, regardless of risk-profile; included in the language are *76 categories* of essential employers.

Hospitality provides entry level jobs for those with little skill. We are struggling with a global pandemic and compounding financial implications of other state mandates such as the recently increased minimum wage and paid sick and safe leave. The hospitality industry has been one of the hardest hit industries and the ramifications of this bill would be financially devastating to many Ocean City businesses.

This bill affects more than Ocean City hospitality; tourism is vital to Maryland's economy! In a typical year, tourism supports 226,000 direct and indirect jobs, making it the 11<sup>th</sup> largest industry in the state. Visitors to MD spend nearly \$18.6 billion in MD each year and those same visitors generate close to \$2.6 billion in state and local taxes. Without tourism in the state of MD, each household would pay \$1,175 more in local taxes.

We respectfully request you oppose this dangerous legislation.

Sincerely,

Susan L. Jones, Executive Director

## **SB 486\_UNF\_MML.pdf**Uploaded by: Jorch, Bill Position: UNF



#### Maryland Municipal League

The Association of Maryland's Cities and Towns

#### TESTIMONY

February 11, 2021

**Committee:** Senate Finace

**Bill:** SB 486 - Labor and Employment - Employment Standards During an Emergency

(Maryland Essential Workers' Protection Act)

**Position:** Oppose

#### **Reason for Position:**

The Maryland Municipal League opposes Senate Bill 486 which contains unfunded mandates on local governments as essential employers and sets a statewide standard of benefits to a wide variety of industries with drastically different operational structures.

The intent of this is bill is noble as the health and well-being of essential employees during an emergency is critically important; however, the League has regularly opposed unfunded mandates on local governments that cover myriad issue areas and takes a similar stance with this bill.

Many municipal governments already provide the types of benefits outlined in this bill and are doing so right now amidst this pandemic: generous leave, testing, personal protective equipment, and hazard pay. However, some choose to do so on a more limited basis based on risk factors and budget. In an attempt to set a statewide standard for all essential employees, the bill would capture many municipal employees and for some towns the financial burden would be significant.

In addition, the criteria of "working conditions" that essential employers must provide, the definition of "unsafe work environment," and the definition of "emergency" are quite broad and open to interpretation. These are important definitions that relate to liability for the employer and benefits awarded to the employee. The wide scope of interpretation of these terms is concerning and could open up local governments to more claims against them by aggrieved employees.

MML opposes the bill on the grounds that it imposes substantial administrative and cost burdens on municipalities while applying a standard across many diverse industries. For these reasons, the Maryland Municipal League opposes SB 486 and respectfully requests an unfavorable committee report.

#### FOR MORE INFORMATION CONTACT:

Scott A. Hancock Executive Director

Angelica Bailey Director, Government Relations

Bill Jorch Director, Research and Policy Analysis

Justin Fiore Manager, Government Relations

### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Joseph, Sherva

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# Harris Teeter Letter of Opposition.pdf Uploaded by: Kaloudis, George Position: UNF

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## SB0486\_UNF\_NWRA\_MD Essential Workers' Protectin Ac Uploaded by: Kasemeyer, Pam

#### Maryland-Delaware Solid Waste Association





### National Waste & Recycling Association₅





TO: The Honorable Delores G. Kelley, Chair

Members, Senate Finance Committee The Honorable Malcolm Augustine

FROM: Pamela Metz Kasemeyer

J. Steven Wise Danna L. Kauffman

DATE: February 11, 2021

RE: **OPPOSE** – Senate Bill 486 – Labor and Employment – Employment Standards During an

Emergency (Maryland Essential Workers' Protection Act)

The Maryland Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **oppose** Senate Bill 486.

Senate Bill 486 creates a broad range of significant new employer mandates that would apply during a declared State of Emergency. Included in the bill's provisions are a \$3/hour hazard pay mandate, an employee's right to refuse work, requirements for employers to reimburse for health care costs, additional leave time requirements in addition to the State's current mandate, new workplace safety standards, and a requirement for the development of health emergency preparedness plans.

While the MDSWA and its members appreciate the sponsor's desire to provide added protection to employees and recognize employee challenges during this and future States of Emergency, the provisions of this bill are so extensive, complex, and ambiguous that they would serve to undermine the financial viability of the businesses who provide the essential services necessary to serve and protect the public and decrease the employment of the very individuals this bill is intended to protect.

Under the current public health emergency, waste industry workers are considered essential workers as the efficient and effective collection and management of solid waste and recyclable material is essential to protecting the health and safety of the public, thereby avoiding an escalation of public health risks that could be associated with the failure to collect and dispose of solid waste on a timely basis. While currently considered essential workers, the definitions of "emergency", "essential employer", and "essential employee" reflected in Senate Bill 486 are extremely broad and overly ambiguous. The requirements of this legislation go well beyond the scope of the public health emergency we are currently navigating as a result of COVID-19, and would apply to other potential public health emergencies, not

clearly defined, making it exceedingly difficult for the industry as well as other employer groups to understand whether the provisions of the bill apply in any given future "emergency".

Furthermore, the bill does not consider that not every employee who works in an essential industry performs an essential function. Senate Bill 486 makes no differentiation among essential workers who are entitled to hazard pay. As a result, lower exposure risk positions would earn the same hazard pay as higher exposure risk positions.

The section of the legislation that addresses unsafe work environments and the right to refuse work is also of great concern to the industry. This section, also, has several provisions that are poorly defined and will therefore result in confusion and inconsistency. The lack of clarity related to "unsanitary conditions" and "unsafe" working environment is particularly concerning, given the fact that the very nature of waste collection and disposal could be considered "unsanitary" under any circumstance. To be even remotely enforceable and objective, the definitions in the bill must be more clearly defined and account for the context of the work environment. This section of the bill, also, includes a provision which affords an essential worker the right to refuse work. It provides this decision-making power to the employee, in the moment, and without review. This is problematic for many reasons, not the least of which is the potential for abuse without verification. These provisions are wholly unworkable in any workplace.

Also, of significant concern to the industry are the provisions that require employers to provide hazard pay at a rate of \$3/hour. The language of the bill is unclear as to how this provision would be applied. While it appears that the bill is intended to apply prospectively, there is a provision that states that an essential worker is eligible for hazard pay dating back to the start of the emergency. Further, the threshold that triggers hazard pay is very high in that an individual earning up to \$100,000 is eligible. The bill also requires employers to provide financial assistance for unreimbursed healthcare costs, including co-pays, insurance premiums, and out-of-pocket costs for healthcare or transportation. The industry believes it is unreasonable for employers to be compelled to pay for healthcare costs for undefined illnesses that are not likely to have been contracted in the workplace. Further, it is not clear that this provision would not, also, apply to teleworking employees.

The issues raised above do not reflect the full range of the industry's concerns with the legislation. As stated previously, the industry appreciates the intentions of the sponsor to ensure reasonable worker protections and welcomes the opportunity to work with affected stakeholders to craft a reasonable and balanced framework to address those objectives. However, without further clarification of the bill's applicability and significant narrowing of its provisions, MDSWA urges an unfavorable report.

#### For more information call:

Pamela Metz Kasemeyer J. Steven Wise Danna L. Kauffman 410-244-7000

### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Kates, Brian

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### SB0486\_UNF\_LifeSpan,MNCHA,Hospice\_Essential Worker Uploaded by: Kauffman, Danna







TO: The Honorable Delores G. Kelley, Chair

Members, Senate Finance Committee
The Honorable Malcolm Augustine

FROM: Danna L. Kauffman

Pamela Metz Kasemeyer

DATE: February 11, 2021

RE: **OPPOSE** – Senate Bill 486 – Labor and Employment – Employment Standards

During an Emergency (Maryland Essential Workers' Protection Act)

On behalf of the LifeSpan Network, the Maryland-National Capital Homecare Association (MNCHA), and the Hospice & Palliative Care Network of Maryland (HPCNM), we respectfully oppose Senate Bill 486. Senate Bill 486 requires employers to provide essential employees with several new benefits during a declared emergency, including 1) an increase in hazard pay of \$3/hour; 2) employer reimbursement of healthcare costs; 3) a new leave program for bereavement and health leave; 4) employee right to refuse work; and 5) workplace safety standards. The members of LifeSpan, MNCHA and HPCNM have provided in-person care from the onset of the pandemic, in congregate settings such as nursing homes, assisted living communities, and hospice houses as well as in home-based settings. Against this backdrop, our comments focus on the impact that this bill will have on the health care sector and the ability to continue to provide health care services.

This bill attempts a "one-size" fits all approach, spanning fifteen distinct industries, from transportation to health care. From the definition of "emergency," it is unclear the scope of this bill and what could trigger the bill's requirements and for how long. Even though there is language in the bill that states the bill's provisions would not apply retroactively, it appears that they would apply prospectively which provides its own challenges. The federal Health and Human Services Department has already stated that the current public health emergency will be extended through the end of 2021, meaning that it is likely that the State's emergency proclamation will also remain in effect triggering the implementation of the bill's provisions and further exacerbating the financial crisis affecting the members of LifeSpan, MNCHA and HPCNM and the care that they provide to residents and patients.

To continue to provide necessary care during the COVID-19 pandemic, health care providers have made large investments in personal protective equipment, environmental modifications to accommodate the need to isolate and quarantine, testing of both residents/patients and staff for surveillance purposes, and the payment of hazard pay to recruit and maintain a workforce. Safety protocols issued by the Centers for Disease Control and the Maryland Department of Health were required to be followed, which include many of the requirements in this bill, such as safety protocols. These were unbudgeted expenses. While some organizations received federal and/or State funds to offset some of the increased cost, that funding has failed to cover the full impact of the expenses and many health care organizations are facing significant financial strife, given that many of these unbudgeted expenses are ongoing rather than one-time purchases.

The requirements under Senate Bill 486, such as to pay healthcare costs, provide additional leave and pay \$3/hour in hazard pay, will only compound and worsen this situation. Given that much of the reimbursement for these services is provided by Medicaid and Medicare, there is no ability to pass increased costs to the consumers. The bill fails to provide any adjustment to the Medicaid program to cover these additional costs nor does it account for the limitation in Medicare funding. It is also important to note that the bill's provisions regarding hazard pay would apply to all employees who cannot work remotely, regardless of their risk exposure.

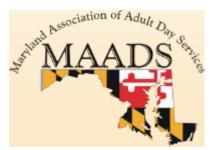
In addition, several provisions of this bill, simply cannot be safely implemented in health care settings. The requirement that an employer must evacuate and sanitize the "work site" if an infectious disease has been contracted during an emergency is very problematic. First, "infectious disease" is much too broad of a term. Second, a nursing home, assisted living, and/or hospice house cannot be evacuated for cleaning given that it is a residential setting. In addition, we are concerned about the practical aspects of allowing an employee to refuse to perform work. In health care, this is not an option and patient safety must be a factor.

For these reasons, the above-referenced associations respectfully request an unfavorable vote.

#### For more information call:

Danna L. Kauffman Pamela Metz Kasemeyer 410-244-7000

### **SB0486\_UNF\_MAADS- Essential Workers.pdf** Uploaded by: Kauffman, Danna



Managed by LifeSpan

TO: The Honorable Delores G. Kelley, Chair

Members, Senate Finance Committee The Honorable Malcolm Augustine

FROM: Danna L. Kauffman

Pamela Metz Kasemeyer

DATE: February 11, 2021

RE: **OPPOSE** – Senate Bill 486 – Labor and Employment – Employment Standards During an

Emergency (Maryland Essential Workers' Protection Act)

On behalf of the Maryland Association of Adult Day Services (MAADS), we respectfully oppose Senate Bill 486. Senate Bill 486 requires employers to provide essential employees with several new benefits during a declared emergency, including 1) an increase in hazard pay of \$3/hour; 2) employer reimbursement of healthcare costs; 3) a new leave program for bereavement and health leave; 4) employee right to refuse work; and 5) workplace safety standards.

Medical adult day is a community-based program, allowing the elderly and adults with physical and/or mental disabilities to remain in their homes but be transported to centers during the day to receive health monitoring, socialization, daily meals, and nursing care in a safe and structured environment. Pre-COVID-19 pandemic, there were over 126 centers located throughout the State, caring for nearly 6,000 clients per day. By providing individuals with daily nursing and other supportive services, participants can avoid more costly acute care visits. For family members of participants, they can go to work with the knowledge that their loved one is safe. Medical adult day care services are primarily funded through the Medicaid program, the Veterans Administration, a State subsidy grant, and private pay.

Since March 18, 2020, per the Governor's Executive Order, medical adult day centers have been closed, with limited funding provided by the Maryland Department of Health through the payment of an administrative rate equal to 85% Medicaid for certain remote services. Medical adult day centers are at a precipice. The State has not provided any guidance on when centers will be allowed to open, but the hope is that, as vaccination rates increase, centers will be once again allowed to open their doors to clients even under the continuation of the public health emergency.

However, if centers are required to implement the provisions of Senate Bill 486, it is highly likely that centers will simply not be able to survive, especially if they are required to pay their employees an additional \$3/hour as well as additional health care benefits and leave. The bill fails to apply any adjustment to the State's Medicaid or other State programs to account for this expense. In addition, when

centers reopen, it will require an investment in safety equipment and other modifications. Again, expenses that are unbudgeted and unpaid for by the Medicaid program. We understand the need to protect employees and are committed to do so, however, the bill's provisions go too far and will jeopardize the ability to provide necessary health care services in the community, leaving many without options for obtaining support while remaining in their home rather than in other institutional settings. We urge an unfavorable vote on Senate Bill 486.

#### For more information call:

Danna L. Kauffman Pamela Metz Kasemeyer 410-244-7000

### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Kekic, Mladen

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Kentopp, Nicholas

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### **SB 486 - MADA Testimony - Unfavorable.pdf** Uploaded by: Kitzmiller, J Peter



DATE: February 11, 2020

TO: Senate Finance Committee

FROM: Peter Kitzmiller (President)

Travis Martz (General Counsel)

RE: SB 486 (Senator Augustine et al.)

POSITION: OPPOSITION

The Maryland Automobile Dealers Association (MADA) represents over 300 franchised new car and truck dealers, and their 24,000 employees. We strongly oppose SB 486.

First and foremost, Maryland dealers greatly respect the responsibility they have as essential employers to maintain a clean work environment and enforce proper safety protocols. Maryland dealers also offer health care and flexible leave programs. SB 486 imposes burdensome mandates that will force dealers to reconsider the retention of employees during a state of Emergency even when the employee desires to continue employment.

MADA is most concerned about the hazard pay and reimbursement for uninsured healthcare costs provisions of SB 486. In reference to the former, an extra \$3/hour retroactive to the start of an Emergency period actually dissuades employers from offering employment which is contrary to what many workers actually want. In reference to the unreimbursed health care costs that fall on employer's shoulders under SB 486, it is illogical for employers to pay health care costs if an employee's exposure to a virus is not linked to the obligations of their employment.

Essentially, SB 486 will force dealers to trim their workforce to a bare minimum as opposed to keeping many Maryland residents gainfully employed with company health insurance.

MADA respectfully asks the Senate Finance Committee to give SB 486 an unfavorable report.

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### **GR 21 - SB 486 - MBA written testimony - MD Essent** Uploaded by: Lehman, Mindy



### Senate Bill 486 – Labor and Employment – Employment Standards during an Emergency (Maryland Essential Workers' Protection Act)

#### Senate Finance Committee February 11, 2021 Oppose

The Maryland Bankers Association (MBA) represents FDIC-insured community, regional and nation-wide banks that employ more than 26,000 Marylanders and hold more than \$182 billion in deposits in over 1,400 branches across our State. The Maryland banking industry serves about 6 million customers across the State and provides an array of financial services including residential mortgage lending, business banking, estates and trust services, consumer banking and more.

MBA has concerns regarding Senate Bill 486. This well-intended legislation specifies a series of employee and workplace protections for frontline workers, with which all Maryland businesses must comply during a state of emergency. While the banking industry is not specifically listed in the legislation, banking is a part of the country's critical infrastructure, deemed to be essential, and thus covered by the bill.

MBA supports appropriate workplace and employee protections and the industry has taken sweeping actions to support and protect our employees and customers during the pandemic. Banks act regularly to protect and support employees during emergencies and we do not object to the intent of the bill. Importantly, during the pandemic, the action steps banks are taking are ongoing and adaptive, so that the protection and support provided changes as the needs, risks and concerns related to the emergency evolve.

The following pages include examples of how Maryland banks are working to protect and support their employees, customers, and communities. While these examples, may not align perfectly with the bill language, they are strong examples of how the banking industry is already complying with the spirit of the bill and importantly, going above and beyond to help their employees.

However, the legislation, as drafted presents unworkable implementation challenges and ambiguities. While MBA supports appropriate employee and workplace protections; however, we have strong concerns with the legislation as drafted.

### **Examples of Maryland Bank Actions to Support and Protect Employees** and their Families during the Pandemic

#### **Emergency Action Plans:**

Unlike many industries, all banks are required by federal and state law to have written and comprehensive plans for disasters and emergencies. These plans are consistently and regularly reviewed by federal and state banking regulators.

- The plans are designed to assure that their employees, facilities and assets are secure and fully equipped to handle emergency situations. Further, Maryland banks are prepared with contingency plans in place that enable them to provide customers and their businesses with uninterrupted service.
- In addition, all financial institutions, have an in-depth pandemic plans that includes procedures, resources, and logistics for a pandemic. These include PPE, telecommuting capabilities, sanitation procedures, working from different locations, closing lobbies, utilizing drive up facilities, sanitation procedures, and human resources functions.

#### Safe & Hygienic On-site Working Conditions:

Safe working conditions are a priority for banks. In response to the pandemic and changing work conditions, Maryland banks immediately took action to protect and support their employees – and their families. Examples include:

- Instituting/enhancing preventative measures at branch and office locations to protect the health of both customers and employees, including regular deep cleaning of facilities, practicing "social distancing," and offering remote work options for employees, equipping employees to work remotely, restricting business travel, rotating schedules for customer service and sales representatives (10 days off and 10 days working), and closing customer access to lobbies except for appointments.
- Implemented enhanced cleaning procedures in branches, offices, customer contact centers, and operations centers following CDC and public health guidance, and increased shipments of hand sanitizer wipes and other supplies.
- Augmented daily cleaning procedures and frequency with stronger disinfectant products on high tech surfaces and have made hand sanitizers available to clients. Enhanced employee safety measures such as requirement to wear gloves to handle cash.
- Employees are provided with complimentary PPE and required masks etc. in bank buildings for all visitors and employees, based on CDC recommendations, etc. Additional PPE supplies are provided regularly and as needed. The company also provides safety kits to all employees working on-site in branches and offices.
- Bank employees have access to free testing and, if one tests positive, the bank informs those who have close contact and the local Departments of Health.
- Eliminated all nonessential travel and strongly discouraged gatherings of 10 or more employees.

- Determine spacing, social distancing, and interaction guidelines implemented protocols and educated employees with notices and constant communications. Utilized floor spacers and Plexiglas separators.
- Installed equipment to preserve air quality in workspaces: Portable air filtration units in high-occupancy locations; MERV-13 hospital-grade air filters in all administrative building HVAC systems that can accommodate this upgrade; Special ultraviolet lighting (UV-C) systems to kill pathogens that enter heating and cooling systems.
- Physical barriers (clear plastic partitions) have been installed at locations where six horizontal
  feet (two meters) of distance cannot be achieved for permanently stationed employees, and in
  branches to protect bankers and customers when six feet of social distancing is not
  possible.
- Sanitizers, wipes, and other supplies are made available to all employees in operations centers, call centers, branches, and trading floors due to the critical role these employees play in serving customers and maintaining our companywide operations. Sanitizers and wipes or suitable alternatives are available in all common areas.
- Dramatically increased Team Member Care staff to answer employee questions about workplace safety, health, and other concerns.

#### **Expanded Home Working Options:**

The banking industry immediately expanded work at home options as well as mobile, remote, and bank by appointment banking options to help protect employees and customers. Examples of expanded home working options follow.

- Greatly expanded work from home options for employees and provided stipends so employees can purchase equipment, office furniture, etc. to properly set up their workspace in their homes.
- Employees with an existing health condition, that place them at greater health risk if exposed to the virus, can provide medical certification to not enter the work place. Under these circumstances, the employee would be provided the ability to work remotely if their position makes this feasible; or would have the employee placed on a non-medical leave until it's determined by their physician it's permissible to return to work, and conditions for potential exposure can be controlled.
- Established a set of protocols so high-risk or potentially infected employees can stay at home, as well as procedures for reporting suspected exposures and cleaning facilities after confirmed exposures.
- Encouraging customers to use mobile, online and voice banking services, as well as ATMs, drive-thu locations and night depositories at branch locations.
- Installed signs at branches and added messages on ATMs asking those who are sick or quarantined to do their banking digitally until they are well.
- Restricted access to contact centers, operations centers, and trading floors to only those employees working there.

• Comply with local, state and federal laws and guidelines – developed a Business Continuity Committee and Return to Work Taskforce that meet on a regular basis to review current guidelines and then create plans to implement and/or communicate if appropriate.

#### **Hazard Pay, Healthcare Assistance, and Leave:**

Employee well-being is a priority for Maryland banks and the industry provides comprehensive benefits packages to employees, including healthcare, paid time off and bereavement leave. Additional pay and time off has been implemented and designed to help support employee needs. Examples of additional pay, healthcare and leave options and actions taken during the pandemic to help bank employees and their families follow:

- Pay for employees who are absent due to illness, suspected illness, quarantine, high-risk
  categories or school/daycare closures; Pay for employees who stay home due to branch closures;
  Additional pay per hour for all non-exempt employees physically working on site; Special
  enrollment opportunity for employees and their dependents in health care plan; All employees
  are eligible for all customer financial relief options; Waived fees for telemedicine visits for
  employees;
- Updated bank's medical plan to eliminate coinsurance and fully cover the cost of any medically necessary screening and testing for COVID-19. In addition, cost sharing will also be reduced to \$0 dollars for medical virtual office visits for any reasons at a number of providers.
- Provided a one-time payment for front-line employees who are required, as an essential business, to be physically in the office full-time during the 'stay at home' orders and for those that are providing in-person services to the general public. The bank also increased its family leave benefits (in excess of the federal mandate) during the pandemic period. It continues to reevaluate how to help employees as the crisis progresses and needs arise.
- Special one-time \$1,000 bonus for Employees unable to work remotely (split in \$550 payments for April and May 2020). \$100 per month subsidy for telephone/internet service for Employees who did not previously work from home. This is still in place. All Employees received a one-time \$500 bonus in December (in addition to incentive pay).
- Developed an employee loan program to assist staff with hardship expenses related to COVID-19.
- Developed an employee relief fund, which provides resources to colleagues who face a catastrophic disaster or financial hardship resulting from an event beyond their control. This program is available to those affected by coronavirus and is intended to help team members, especially those with limited resources, get back on their feet with basic necessities. Added new flat grants of up to \$1,500 that qualifying employees can use for mortgage, rent, or other assistance while continuing to work.
- Created two benefit programs for employees impacted by COVID:
  - Enhanced Personal Leave (EPL) is available to employees who are not able to work remotely due to lack of care for a family member, suffering from or having been potentially exposed to COVID-19. The leave will provide 100% of an employee's current base pay. Leave is recommended to be taken in weekly increments based on regularly scheduled hours. (I.e. 40 hours if that is the normal weekly schedule)

- OCOVID Hardship Leave (CHL) Full-time employees are eligible for up to twelve weeks of leave time, based on their regular schedule over a 2-week period. Part-time employees are eligible for up to twelve weeks of leave time, based on hours equal to the number of hours the employee works, on average, over a 2-week period.
- In addition to providing Emergency Paid Sick Leave and Expanded FMLA paid leave under the FFRCA provisions, which were voluntarily extended beyond the 12/31/20 federal mandate; the bank also provides additional paid sick leave (5 days) for employees who have exhausted their sick benefit accrual due to an eligible COVID related absence. Employees who participate in the bank's health plan have all testing and vaccination costs covered under the health plan.

#### **Supporting Employees and their Families:**

Banks recognize that employees are also struggling to meet additional family needs and responsibilities caused by the pandemic. Examples of how Maryland banks are working to help support employees and their families follow:

- To enhance support for employees who are parents and caregivers, the bank is offering employees several new resources:
  - Caregiving services: Access to a website where employees can search among more than 6 million caregivers or post an ad for a caregiver. The bank is paying the membership fee for employees and the cost of basic background checks.
  - o **Virtual tutors**: Up to five hours of virtual tutoring per month per employee at no cost to the employee, with help available in more than 100 subjects for grades K-12 plus college entrance exams.
  - o **Child care centers**: Priority placement and reduced tuition rates at certain child care and education support centers nationwide.
  - o This is in addition to the support that has been available to our employees since the beginning of the pandemic, including 20 days of subsidized back-up child care.
- Offered financial support for child care for eligible employees with children under 13, including a \$100 per day reimbursement for eligible employees seeking child care through their own personal networks for up to 40 days. Financial support also provided for dependent adult care.
- Offering extra paid time off for employees if time is needed to take care of children while schools are suspended.
- Employees, whether they are home because of lack of child care or as a precaution, will be paid their regular salary without being docked sick days.
- Provided and delivered 10 face masks per employee to provide PPE to not just the employee, but their family members. A second PPE shipment was made to employees a couple of months later.

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# SB0486 Harris Teeter Letter of Opposition.pdf Uploaded by: Lewis, Darrell

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# **PIJAC Testimony SB486.pdf**Uploaded by: Likins, Robert Position: UNF



### PET INDUSTRY JOINT ADVISORY COUNCIL

1615 Duke Street, Suite 100 Alexandria, VA 22314

Tel: 202-452-1525

### TESTIMONY TO THE MARYLAND SENATE FINANCE COMMITTEE IN OPPOSITION TO SB486 FROM THE PET INDUSTRY JOINT ADVISORY COUNCIL (PIJAC)

#### **ON 11 FEBRUARY 2021**

Position: Opposed

As an organization that routinely supports legislative efforts to advance the welfare of animals, the Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to share our views and expertise on Senate Bill 486 regarding the establishment of an animal abuse registry. PIJAC and our members across Maryland respectfully request that the Senate Finance Committee decline to take action on the bill.

We in the responsible pet industry don't just care about animals, we care for them on a daily basis. For many years PIJAC has provided a highly respected animal care certification program intended to ensure that employees are well trained in the care of the animals they sell; a program that is widely utilized not only by persons in the commercial pet trade but also shelters and humane societies throughout the country and one that has even been adopted as a statutory standard in some states. PIJAC has worked closely with the USDA on effective implementation of the Animal Welfare Act for pets since its inception almost fifty years ago and has joined hands with state agencies to ensure adoption and enforcement of appropriate regulatory standards. Our association has long been recognized as the voice for a responsible and humane pet trade.

As the Covid-19 pandemic spread, Maryland recognized the need for access to food, services, and supplies for companion animals and rightly took action and declared businesses providing pet supplies as essential. These businesses have met a critical need during a time when companion animals have contributed more to the mental and physical wellbeing of their owners than ever before. The costs associated with Senate Bill 486 would devastate already struggling businesses and would and would result in highly predictable outcomes.

First, many of the costs associated with Senate Bill 486 would be passed on to consumers. This would mean that Marylanders who are already struggling would see the cost of pet ownership increase dramatically at a time when those companion animals are needed most and their personal finances are the most precarious.

Second, the disparity between small businesses and larger businesses will increase. Those businesses with larger, more flexible workforces will be better suited to adapt to limit the damage of these increased costs while smaller businesses with fewer employees will not.

Finally, businesses will fail. Maryland has already experienced a substantial number of business failures as a result of Covid-19. While most of the failures to this point have been businesses that were forced to close during the pandemic, the costs associated with SB486 will make it impossible for many essential Maryland businesses to continue operating.

Please do what is best for Maryland consumers, companion animal owners, and businesses by declining to take action on Senate Bill 486.

Thank you for your consideration,

Robert Likins
Vice President of Government Affairs
Pet Industry Joint Advisory Council (PIJAC)

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# SB486 written EWPA.pdf Uploaded by: locklair, cailey Position: UNF

#### MARYLAND RETAILERS ASSOCIATION

The Voice of Retailing in Maryland



# SB 486- Labor and Employment- Employment Standards During an Emergency (Maryland Essential Workers' Protection Act) Senate Finance Committee Position: Unfavorable February 11, 2021

**Written Comments:** The Maryland Retailers Association is in strong opposition to this legislation for the following reasons:

- 1. The definition of "emergency" in the legislation denoting when the proposed regulations would apply is far too broad. States of emergencies include weather events for instance that would not necessitate the costly and burdensome components in this legislation. (Page 2, line 29 and page 3, beginning on line 18)
- 2. Applicable emergencies need to be clearly defined so that a subjective decision by an agency about whether an emergency "is occurring or has occurred" is not the determinant for when the proposed regulations to apply. (Page 10, line 1-2)
- 3. Many businesses have financially suffered greatly during COVID with many operating on far less than what they were making pre-pandemic. Forcing small businesses to shoulder these additional costs and burdens will undoubtedly result in more closures and layoffs, placing more strain on the state's unemployment system.
- 4. Mental distress is not equally measurable from person to person and thus is a very broad and subjective term that should be removed from the bill. (Page 10, line 21-22)
- 5. Supply of personal protective equipment should be based on availability through the supply chain. For example, at certain points in 2020, no one could obtain single-use masks, and some cleaning products are still not widely available. (Page 10, line 24)
- 6. The State and/or the Maryland Emergency Management Agency should provide a template that can be used by businesses to develop emergency management plans. Emergency management protocols and plans should be developed by experts to ensure proper safety and clear responses for businesses, and it is not appropriate for a business without any level of expertise in this area to develop such a plan. (Page 10, line 26-28, and Page 13, beginning on line 20)
- 7. The requirement that employers provide or implement "other measures or requirements to ensure the general health and safety of essential workers" is unclear and should be stricken from the bill. (Page 11, lines 1-3)

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- 8. The language "a reasonable threat to a worker's health or safety" in the definition of "unsafe work environment" is far too broad. Based on the last year, no one would have worked based on this terminology and access to necessities would be completely shut down without workers. (Page 11, lines 5-9)
- 9. The reference to an employer's failure to provide PPE as an example of an unsafe work environment is of great concern. Supply chain issues have and will occur during a crisis, and as such, there should be exceptions for supplies that cannot be procured due to issues outside an employer's control. (Page 11, line 12)
- 10. An employer's failure to notify employees of "illnesses" is far too broad and could be interpreted to mean that an employer has created an "unsafe work environment" for failure to notify the entire workforce that one individual has a common cold or flu, which is impossible for an employer to accurately track in a real work environment. (Page 11, lines 18-21)
- 11. Every single person in the world feared for their health this past year. Allowing any and all essential workers refuse to report to work for fear of their health could and likely would massively compromise a business's operation. (Page 11, beginning on line 22)
- 12. An individual's health information is private. Sharing the health information of other employees is a privacy issue. The employers may not know about an employee's exposure and, as it is often impossible to determine where exposure has occurred, the language regarding whether an infectious disease was contracted at the worksite should not be in the bill. Additionally, referring to an "infectious disease" presents issues as this could include the common cold or flu and have nothing to do with an officially declared emergency. (Page 14, beginning on line 19)
- 13. Evacuating an entire worksite until it has been "properly sanitized" is unnecessary and the terminology is subjective. (Page 14, lines 25-26)
- 14. COVID-19 testing is provided by the State and there are many private testing locations free of charge. As such, it is unnecessary and redundant to require an employer to pay for testing. Additionally, because the bill is so broad, this requirement could be interpreted to apply to testing for any and every illness that could be contracted at a worksite, including exposure to strep throat from a coworker with school-aged children. (Page 14, beginning on line 27)
- 15. The bill's definition of "family member" should mirror the definition used in the federal Family and Medical Leave Act. (Page 15, beginning on line 23)
- **16.** With regard to COVID-19, the CDC states that a person may return to work if they are asymptomatic after a week. The corresponding section of the bill does not follow CDC recommendations or recognize and include current federal and

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- state leave emergency orders or laws such as the Families First Coronavirus Response Act: Employee Paid Leave Rights and paid sick leave at the state level. (Page 16, line 22)
- 17. Such high levels of additional hazard pay are unnecessary, particularly considering the very broad definitions of "emergency" and "illness" referenced in the bill. (Page 17, line 11)
- 18. This bill would require employers to provide retroactive payments dating to the start of the state of emergency. Not only is this costly, but it would put businesses under and cause closures. Grocery stores as an example, which operate on 1-3% profit margins, closed in Long Beach, California after a similar law was enacted there. (Page 17, lines 16-17)
- 19. Hazard pay should be counted as a part of an employee's wage analysis for benefit programs. (Page 17, line 20-22)
- 20. An employer should not be responsible for "unreimbursed health care costs" for employees. Most small businesses can barely afford the health insurance they provide to employees. (Page 17, lines 23-26)

With these concerns in mind, we urge unfavorable report.

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### **SB 486 EWPS.DD Coalition.Oppose.pdf** Uploaded by: London, Rachel





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1500 Union Avenue Suite 2000 Baltimore, MD 21211



8835 Columbia 100 Pky Suite P Columbia, MD 21044



#### Maryland Developmental Disabilities Council

217 E Redwood Street Suite 1300 Baltimore, MD 21202



7000 Tudsbury Road Windsor Mill, MD 21244

### Senate Finance Committee February 11, 2021

SB 486: Labor and Employment – Employment Standards During and Emergency (Maryland Essential Workers' Protection Act)

Position: Oppose

The Maryland Developmental Disabilities Coalition is comprised of five statewide organizations that are committed to improving the opportunities and outcomes for Marylanders with intellectual and developmental disabilities (IDD).

The COVID-19 pandemic has created unprecendented and unique challenges for people with developmental disabilities, their families, and community providers. DDA-licensed community services are only possible because of the dedication of the staff whose supports enable people with intellectual and developmental disabilities (IDD) to live meaningful, inclusive lives in their communities. Direct Support Professionals (DSP) play a critical role in the daily lives of the over 17,000 people with developmental disabilities who receive services and supports funded and licensed by the Developmental Disabilities Administration (DDA). Like teachers, DSPs create ways to teach people new skills. Like nurses, they pass medications, provide treatments, document care, and speak with medical professionals. Like social workers, they get people connected to their communities. Like counselors, they listen, reflect, and offer suggestions. DSPs provide whatever support it takes so people can thrive in their communities.

Protecting the health and safety of this essential workforce is of paramount concern to DDA-licensed providers who are subject to OSHA's workforce requirements as well as to health, safety and emergency protocols that are part of the regular licensing process for DDA community providers. This includes a requirement under *COMAR 10.22.02.10(A)(17)* that requires IDD providers to implement "State and federally required safety precautions, infection control, and standard precautions...." While we share the concerns about worker safety, the DD Coalition respectfully opposes SB 486 for the following reasons:

#### **Unfunded mandates and financial distress**

This pandemic has exacerbated an already existing workforce crisis. We remain deeply concerned that service providers will not be able to provide the critical ongoing services and supports to Maryland's most vulnerable citizens.

- ➤ Hazard pay As this committee is well aware from discussions about the minimum wage, DD providers are funded through state and federal Medicaid dollars, and are legally prohibited from "charging" for the services they provide in order to make up financial shortfalls due to unfunded mandates. The ability of DD providers to offer enhanced pay during a state of emergency is solely driven by whether funding for that cost is provided by the State. There is no provision in the bill to provide funding to Medicaid providers to offset costs that would be incurred if the bill should pass.
- Financial assistance for unreimbursed health care costs While some number of claims may be covered through Workers Compensation, there will be employees who fall into the categories of having costs associated with their health insurance, and those who have not opted to have employer-sponsored health insurance will therefore have out-of-pocket costs as well. Again, the financial cost of this mandate has the potential to be significant, and State reimbursement would be necessary in order to not negatively impact DD community providers and their ability to continue to provide vital services.

#### **Health and Safety**

The COVID-19 pandemic has disproportionately affected the health and well-being of people with developmental disabilities. The following provisions of SB 486 would put Marylanders with intellectual and developmental disabilities at greater risk:

- Allowing essential workers the option to refuse to perform certain duties if they fear for their life or health during the emergency. Direct support professionals can face risk by working during times of emergency, but the essential nature of their work can literally mean the difference between life and death for people with developmental disabilities. This section of the bill places people with developmental disabilities at high risk of injury or death based on a staff member's fear. During the current pandemic, community providers went to extraordinary lengths to provide a safe working environment to the greatest extent possible. Unfortunately, there was a lack of assistance from the state in resources and in policy early in the pandemic, leaving community providers responsible for accessing PPE and yet deprioritized for a limited supply of PPE as critical masses were held by suppliers for hospitals. There was great difficulty understanding and implementing conflicting direction from state and federal agencies, while continuing to operate on the frontlines when many employers could move to a virtual business model.
- Evacuating the worksite until it has been properly sanitized is both unnecessary and would again place people with developmental disabilities at risk. Many of the "worksites" are group homes, and having to evacuate the entire home, especially for the people with disabilities who live there and are immunecompromised, would put them at greater risk.

### **Lack of Clarity Regarding "Emergency"**

The definition of "emergency" that appears in SB 486 is broad, and does not require the issuance of an executive order, declaration, or proclamation in order to trigger the requirements of the bill. The bill's requirements could take effect retrospectively based on an announcement by a local or state emergency management agency, making the bill overly broad, and real-time compliance virtually impossible.

Service provider agencies and DSPs play a critical role in addressing the healthcare of people with developmental disabilities, and they must continue to provide services and supports to people with developmental disabilities through this pandemic, and during any future emergency.

A strong, well-funded workforce to support people with developmental disabilities is critical. As essential workers on the frontline, we know direct support professionals need and want to be safe; however, this bill puts the lives of people with developmental disabilities at risk.

Contact: Lauren Kallins, Maryland Association of Community Services: LKallins@macsonline.org

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# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Lovell , Michelle

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# SB0486 Harris Teeter Letter of Opposition (6).pdf Uploaded by: Malzahn, Jack

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MD SB 486.pdf Uploaded by: Mann, Bob Position: UNF



#### **Testimony in Opposition to Senate Bill 486**

Chair Kelley and Members of the Finance Committee,

For over 40 years the National Association of Landscape Professionals (NALP) has represented tens of thousands of lawn and landscape professionals across the United States. Tasked with providing plant health services to millions of residential and commercial clients, the core values of our association include advocating on behalf of our members as to the benefits of healthy plants in our landscapes, fostering the highest standards of professionalism, and educating both our members and the public in caring for their landscapes in an environmentally responsible way.

The COVID-19 pandemic has uprooted nearly every aspect of American life. Hundreds of thousands of Americans have died of the disease, millions have suffered the debilitating effects of illness, millions more have lost their jobs or had their jobs change in fundamental ways.

The effects of the pandemic on the American economy cannot be fully appreciated in the moment but no one can disagree that the effects are profoundly negative. Millions of businesses and entire industries have been destroyed, never to return. Suffice it to say that the COVID-19 pandemic is one of the most important events in American history and the most significant event to occur since the conclusion of the Second World War.

The unifying slogan of this event has been We're All In This Together. Unfortunately, Senate Bill 486 turns this slogan on its head.

At first blush, a retroactive payment to employees of \$3.00 per hour worked during the pandemic may seem innocuous and a generous way to reward hard working essential employees. The landscape industry supports fair compensation and takes seriously our responsibility to protect our employees. However, the problem here is that the proposal is cost prohibitive at best and ruinous at worst. A rate of \$3.00 per hour (possibly \$4.50 per hour is applied to overtime) works out to \$120.00 per week. We are now in the 45<sup>th</sup> week of the pandemic which would bring the total cost per employee to \$5,400 per employee. As mentioned before, those businesses that have managed to survive thus far during the pandemic continue to struggle mightily need to be supported so that they, in turn, can support their employees.

Imposing a \$5,400 (at minimum) per employee retroactive cost on businesses is enormously burdensome on employers. Companies did not have the opportunity to plan for the unanticipated pandemic, no opportunity to budget for such a cost, no opportunity to adjust prices to accommodate for the added costs. Companies do not have bottomless wells of cash available to give away at the insistence of government, and to pretend that they do can only lead to additional bankruptcies at exactly the time when we need good paying jobs the most.

We urge the committee to find ways to bring employers and employees together to meet this pandemic crisis by tabling this bill. Let's sit down and have this discussion that balances public health, the economy and the employer/employee relationship and do it together.

Respectfully submitted,

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Robert H. Mann

**Director of State & Local Government Relations** 

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## **Senate Bill 486 - MDMO - Oppose.pdf** Uploaded by: Mason, Michael



February 11, 2021

The Honorable Delores G. Kelley, Chairperson Senate Finance Committee

Re: Senate Bill 486 – Labor and Employment – Employment Standards During and Emergency (Maryland Essential Workers' Protection Act)

Position: Oppose

Chairwoman Kelley & Committee Members:

I am writing on behalf of the Maryland Destination Marketing Organizations to express our <u>opposition</u> to Senate Bill 486 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act). This bill, as written, would further financially strain all essential businesses across Maryland by establishing overly burdensome employment standards for essential workers during an emergency.

Since the start of the COVID19 pandemic, businesses across Maryland have been struggling to keep their doors open and employees on payroll. By requiring businesses to make costly upgrades and to overextend financial resources, we will continue to see hotels, restaurants, and other iconic destinations throughout the state shut their doors.

We respectfully request an *unfavorable* report of Senate Bill 486, which shows your dedicated support to the entire business community already hard hit by this pandemic. Thank you for your kind consideration and attention to this legislation.

Respectfully Submitted,

Greg Pizzuto

Maryland Destination Marketing Organizations

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## **21 DMAA\_SB486\_opposed.pdf** Uploaded by: Massoni, Jenna



### DELAWARE-MARYLAND AGRIBUSINESS ASSOCIATION 123 Clay Drive, Queenstown, MD 21617 www.demdagribusiness.org 443-262-8491

Date: February 11, 2021

Senate Bill 486 Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Committee: Finance

DMAA Position: **OPPOSED** 

Delaware-Maryland Agribusiness Association represents agricultural retailers and manufacturers operating in Maryland. DMAA opposed Senate Bill 486 which would require certain policies, hazard pay and procedures to be in place for essential employers during emergencies. DMAA members include the agricultural retailers that provide seed, nutrients, crop protection products and application services to farmers in Maryland. Farming is a time sensitive matter. Planting of crops and application of the nutrients and crop protection required for them to grow cannot wait. As such, agricultural retailers continued to work, safely, through the COVID-19 stay-athome order and would need to continue to operate during any potential future emergency as defined by this bill.

This bill will have serious detrimental impacts which could easily threaten the viability of our member companies who are already struggling to deal with the operating restrictions from COVID-19. As an "essential employer" this bill would require agricultural retailers to do a myriad of things, but the two most concerning provisions are the requirements to provide hazard pay and the ability of an employee to refuse to fulfill their work responsibilities.

In addition to complying with all state and CDC requirements for safe business operations; DMAA member companies took the following actions voluntarily to curb the potential for COVID-19 infections and reward their employees for safely working through the pandemic:

- Stood up satellite work locations to reduce the number of employees at any one location.
- Allowed employees to work reduced hours without counting against any of their paid-time-off as long as the necessary work was being completed.
- Implementing flexible schedules in order to allow employees to care for children or sick family members.
- Paid leave for COVID illness or quarantine.
- Paid safety bonuses to employees who worked consistently and reliably through the COVID-19 stayat-home order.

Requiring employers to pay retroactive hazard pay puts them in a nearly impossible situation as many are already experiencing increased costs related to safety, sanitization and complying with social distancing. Our members estimate in order to comply with the hazard pay provision of this legislation they would have to reduce their workforce by approximately 10% and the retroactive hazard pay could reduce their 2020 bottom line by over 20%.

As previously mentioned, agricultural retailers operate on an extremely tight schedule. Having one employee fail to report to work can cause significant disruptions in service provision to farmers and therefore food production. Enabling employees not to report to work and no recourse for the employee until a Commission investigation is complete put these employers in a difficult position of likely being unable to continue to provide the necessary inputs to their farmer customers.

House Bill 581 penalizes employers that created safe working environments and voluntarily rewarded their employees for safely working through the COVID-19 pandemic and threatens the jobs of those workers who willingly worked and would continue to work through future emergencies.

DMAA asks for your unfavorable report on Senate Bill 486.

## **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: mastrianni, john

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The proposed SB0486 ignores these commitments and ongoing efforts and would have significant, negative impacts at the worst possible time.

The proposed increases in pay would substantially increase the cost of food and groceries for Maryland's residents and families. Higher grocery costs would hurt Maryland families at a time they are already struggling to put food on the table – and would be especially harmful to low-income and disadvantaged communities.

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# HB0581 Harris Teeter Letter of Opposition.pdf Uploaded by: McAvoy, Larry

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**SB486 EWPA.pdf**Uploaded by: McCauley, Kirk
Position: UNF





### WMDA/CAR Service Station and Automotive Repair Association

February 9, 2021

Chairman: Delores G. Kelley

Members of Senate Finance Committee

RE: SB 486

Position: Unfavorable

SB486 puts owners of essential businesses in a difficult position during a declared emergency. The independent small businesses that I represent lost up to 75% of their business when COVID 19 was declared an emergency. Currently most are still off 25%, while staying open normal hours and with a good portion being 24/7.

Adding labor costs, financial assistance for healthcare, health and bereavement leave costs to businesses that have already been struggling to stay open to serve their customers challenges judgement. The first three or four months of this global pandemic our members were (some still are) operating at a loss.

WMDA/Car members operate service stations, convenience stores and repair facilities. When vehicles are staying in parking places, they do not need repair or fuel. Our locations were there for essential workers and now this bill wants them to pay a penalty for staying open.

Large grocery chains, warehouse stores and of course the amazons of the world are in a different position. This is another one size fits all bill that is a business killer for my members.

Please give SB 486 an unfavorable report

WMDA/CAR is a trade association that has represented service stations, convenience stores and independent repair shops since 1937. Any questions can be addressed to Kirk McCauley, 301-775-0221 or kmccauley@wmda.net

# **SB 486 Essential Workers Protection Act Maryland A** Uploaded by: McCulloch, Champe



#### **SB 486**

Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Finance Committee Position: Unfavorable

Maryland AGC, the Maryland Chapter of the Associated General Contractors of America, provides professional education, business development, and advocacy for commercial construction companies and vendors, both open shop and union. AGC of America is the nation's largest and oldest trade association for the construction industry. AGC of America represents more than 27,000 firms, including over 6,500 of America's leading general contractors, and over 9,000 specialty-contracting firms, all through a nationwide network of chapters. Maryland AGC opposes SB 486 and respectfully urges the bill be given an unfavorable report.

SB 486 sets in place a broad set of requirements that employers must implement in the event of a declared emergency. The bill is intended to deal with the current COVID-19 pandemic, but its terms encompass any "emergency" declared by a county organization for emergency management, or the Maryland Emergency Management Agency. "Emergency" is broadly defined. Once an emergency is declared, employers must allow an essential worker to refuse to fulfill work responsibilities; provide health leave and bereavement leave; pay any health insurance costs related to the emergency; and pay \$3.00/hour "hazardous duty pay" in addition to normal wages.

By their nature, emergencies produce working conditions that may increase a worker's chance of physical harm and mental distress. Working during an emergency in many cases requires construction workers to work in unsafe work environments. Without their being able to do so, no emergency situation could be addressed. No one seriously opposes requiring employers to take reasonable steps to protect employees at a worksite from unmitigated exposure to the hazards in a work environment. It already is mandated by federal and state laws and regulations. The COVID-19 pandemic only presents a particular variant on the hazards in a worksite, although blood-borne pathogens are a near analog that has been addressed in law and regulation.

However, SB 486 goes far beyond this in three respects. First, it expands coverage to any "emergency", so broadly defined as to encompass any event that a local emergency board might decide to call an emergency. The geographic scope is unaddressed, so that a local agency could declare an emergency when the emergency was restricted to a single building. Undefined in §3-1601(B) are "other health effects", "social or economic disruption", or "environmental degradation." The language stating "the threat or occurrence of social or economic disruption from natural, technological, or human-made causes" covers many events that do not affect the health or safety of "essential workers". Local emergency management agencies are not constituted or staffed to assess such undefined events.

For example, if Russian hackers were to shut down the internet in the United States that "occurrence" would surely create "social or economic disruption" from "technological or human-made causes". The government would undoubtedly declare a state of emergency. However, it is difficult to see how it would directly affect the health or safety of a broad class of essential workers, such that these workers should receive a \$3 per hour wage increase in order to perform the duties for which they were hired. Restricting the definition to loss of life, injury, or property damage or destruction affecting a substantial part of the relevant jurisdiction would better match the capabilities of the agencies and the emergency event. The definition of "emergency" must be tied back to some imminent and serious threat to the health and safety of essential workers.

Fortunately, the provisions of SB 486 dealing with creating and maintaining a safe worksite are already dealt with in current law. Unfortunately, the bill duplicates or conflicts with existing Maryland occupational safety and health law in the Labor and Employment Article, Subtitle 5, and the regulations found in COMAR 09, which together already comprehensively address every aspect of SB 486, save for new leave, hazardous duty pay, and health coverage requirements. There is nothing to be gained by creating a parallel universe of rights and duties and much to be lost in terms of understanding and certainty. All of the hazards that this bill addresses already are covered either by MOSH regulations, including where MOSH simply adopts the federal OSHA standard, or the OSHA General Duty Clause.

Simply because it's an emergency doesn't change the employer's obligation to protect workers from risk. A risk is a risk regardless of whether or not it's an emergency. COVID-19 does not present any risk not already addressed by existing law and regulation. There is no reason to establish a new standard and generate conflict with existing law.

SB 486 in §3-1605 gives "essential employees" the unfettered right to refuse work at any time if the employee in his or her judgment finds that "the physical condition of the worksite represents a reasonable threat to a worker's health or safety." This allows an employee to refuse to perform the employee's responsibilities based on a subjective "fear" for the employee's life or health. The employee can wait for three days before notifying the Commissioner of he allegedly unsafe working condition. Section 5(a)(1) of the Occupational Safety and Health Act of 1970, commonly referred to as the General Duty Clause, requires an employer to furnish to its employees: "employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." §5-104 of the Labor and Employment Article provides "Each employer shall provide each employee of the employer with employment and a place of employment that are: (1) safe and healthful; and (2) free from each recognized hazard that is causing or likely to cause death or serious physical harm to the employee." A "reasonable threat" is a far cry from "likely to cause death or serious physical harm."

Federal OSHA already provides these types of protection [not limited to declarations of emergency]. The U.S. DOL states:

You may file a complaint with OSHA concerning a hazardous working condition at any time. However, you should not leave the worksite merely because you have filed a complaint. If the condition clearly presents a risk of death or serious physical harm, there is not sufficient time for OSHA to inspect, and, where possible, you have brought the condition to the attention of your employer, you may have a legal right to refuse to work in a situation in which you would be exposed to the hazard. Your right to refuse to do a task is protected if **all** of the following conditions are met:

- Where possible, you have asked the employer to eliminate the danger, and the employer failed to do so; and
- You refused to work in "good faith." This means that you must genuinely believe that a reasonable apprehension of death or serious injury exists; and
- A reasonable person would agree that there is a real danger of death or serious injury; and
- There isn't enough time, due to the urgency of the hazard, to get it corrected through regular enforcement channels, such as requesting an OSHA inspection.¹

Similarly, the provisions in §3-1605(D) inject unnecessary bureaucracy without improving safety and conflict with long established law and MOSH regulations that address the same subject. See Labor and Employment Article §5-209. Moreover, under COMAR 09.12.20.12, the Commissioner of Labor and Industry already can assess penalties significantly greater than those contained in SB 486 for an employer's failure to correct a hazardous condition reported by an employee.

§3-1606 of SB 486 requires the creation of a health emergency preparedness plan. Because "emergency" is defined so broadly, employers will face a monumental and perhaps unscalable obstacle to imagine every possible sort of emergency and develop a protocol for dealing with their every aspect. The plans do not have to be approved by the Commissioner of Labor and Industry and only will be used in the event of a worker complaint to determine if the employer overlooked the cause of the worker's complaint – a sort of Catch22. In a drafting error, it is worth noting that annual changes have to be sent to the Director of the Maryland Emergency Management Agency, but the original plan does not. Whether there is anything to be gained by having the Director be the repository of thousands, actually tens of thousands of plans, and what use the Director will make of them is questionable.

SB 486 also imposes new out-of-pocket costs on employers already reeling from the effects of the COVID-19 pandemic. §3-1608 make essential workers eligible for two new categories of paid leave – 3-day bereavement leave and 14-day health leave; §3-1609(A) requires "hazardous duty pay" of \$3.00/hour for all essential workers paid less than \$100,000 per year; and §3-1609(B) requires an employer to reimburse or pay any co–pays, insurance premiums, out–of–pocket costs of medical coverage, or out–of–pocket transportation costs incurred or paid by the essential worker or arrange for insurance coverage if the worker's injury or illness was in any way related to the "emergency".

Testimony on SB 486

<sup>&</sup>lt;sup>1</sup> https://www.osha.gov/right-to-refuse.html#:~:text=lf%20the%20condition%20clearly%20presents,be%20exposed%20to%20the%20hazard. See also COMAR Sec. 09.12.20.05.B, Protection of Employees Under §5-604 of the Act

Imposing these burdens on employers who are already in desperate straits is unconscionable. Note that the work performed by an essential worker does not need to be hazardous in any respect, but the worker receives the pay regardless merely because the worker is "essential." It should be noted that it is common in the construction industry for some carpenters, electricians, plumbers, and Haz-Mat workers to earn more than \$100,000 a year, which would disqualify them for the bill's hazardous duty pay. In addition, the health coverage language is so broad that an essential worker injured as a result of the worker's own negligence in a motor vehicle accident while commuting to work or falling downstairs at home on the way to a telecommuting work station would be entitled to coverage because the injury was "related to the emergency." See §3-1609(B)(1).

Accordingly, Maryland AGC respectfully urges the committee to give SB 486 an unfavorable report.

Champe C. McCulloch McCulloch Government Relations, Inc. Lobbyist for Maryland AGC

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## **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: McMahon, Jennifer

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# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Miller, Mark

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### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Moore, John

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Mozingo, Duane

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# HB0581 Harris Teeter Letter of Opposition.pdf Uploaded by: Myers, Jerry

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Myers, Mike

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Nantz, Dan

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### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: neely, charles

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# Harris Teeter Letter of Opposition.pdf Uploaded by: Nguyen, Ashley Position: UNF

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## SB0486 Harris Teeter Letter of Opposition (6).pdf Uploaded by: Owens, Andrew

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### SB 486 Priti Patel Holiday Inn Express.pdf Uploaded by: Patel, Priti

Dear Members of the Senate Finance Committee,

My name is Priti Patel and I am the owner of the Holiday Inn Express in Annapolis, Maryland. I am also an ambassador for the Asian American Hotel Owners Association (AAHOA) representing 212 hotel owners in Maryland. I strongly oppose SB-486. This bill will be detrimental to our industry which already operates on thin margins. My hotel, is a family business and we have been hit hard during this pandemic. Since last March, we have had to alter the way we run our hotel and endure the financial strains that ensued. Even though hotel guests were hardly walking through our doors, we have gone above and beyond the CDC guidelines to keep our guests and employees safe. Even with minimal revenue coming in, we took the extra steps to install UVC light filters, purchase electrostatic sprayers, install plexiglass dividers, update signage, provide masks and other PPE. We provided meals and groceries to our employees and guest if they were in need. Our employees and guests were and remain our first priority.

We have to had to spend long hours negotiating for financial leniency with our franchisor, bank, mortgage company, vendors, utility companies and others just to barely keep the lights on. The hardest part was figuring out who we could still keep employed and who to let go in such a precarious time. In our business, our employees are our family too. I question every day how can I tell my son who is a Hospitality Major and graduating next year, that there may not be a family business for him to come run?

Numerous Maryland hotels have offered rooms for first responders, and worked with their local communities to house the homeless during the pandemic so they had a place to go and feel safe. This bill will essentially penalize good deeds and will just kick us while we're down.

The lifeline extended to our industry by the federal government is what has allowed us to survive up until now. However, we know that it won't last forever and we will find ourselves in deep waters again. Bills will still need to be paid. Our industry will be one of the last to recover...2023 is the projection now. Additional taxes or financial mandates will be catastrophic for us.

Maryland hoteliers are facing historic economic challenges and if this bill goes through the state itself will also suffer. According to the American Lodging Association, pre-COVID, the Maryland Hotel Industry supported 52,644 jobs, paid an estimated \$2 billion in wages and salaries and paid an estimated \$602 million in state and local taxes. The loss of this revenue to the state will also have a trickledown effect on numerous related industries. HB-581 will force businesses to stop hiring, reduce their workforce or worse, shut their doors.

We simply cannot be forced to meet additional financial cost increases. SB-486 will derail any hopes of Maryland hoteliers recovering their losses and will deflate the livelihood of so many. Let there be a business for future families to run.

Thank you for your time.

Priti Patel, Owner Holiday Inn Express Annapolis, MD

### Written Testimony of Sandip Patel - Oppose SB 486. Uploaded by: Patel, Sandip

### Written Testimony of Sandip Patel Re: Opposition to Senate Bill 486

Mr. Chairman and Members of the Finance Committee,

Thank you for giving me the opportunity to share my comments regarding Senate Bill 486. My name is Sandip Patel, and I own and operate *La Quinta Inn Waldorf, Maryland* and Holiday Inn Express in La Plata and support 45 *employees* in *Waldorf* for the past 27 Years.

I also serve as a Board Member for the Asian American Hotel Owners Association (AAHOA), the nation's largest hotel owners association. AAHOA has nearly 20,000 members nationwide, over 200 in Maryland and 60 represented by Members of this Committee.

My business is facing historic economic challenges due to the COVID-19 pandemic. So far, the impact of the pandemic on the travel industry has been nine times that of 9/11.1 The latest report from the Maryland Lodging Monitor states that room revenue is down a troubling 60 percent in our great state.2 Me, my family, and my employees have personally felt the negative impacts of the pandemic. For example, hotel occupancy has declined to less than 35% compared to the last five years of 65%-70% and reduced hotel revenue in access of \$450,000.00 each hotel. With such a huge loss in demand, it is a daily struggle to keep my business's doors open and my employees on the payroll.

Senate Bill 486 has very troubling unintended economic consequences on small family-owned businesses and the hard-working employees they support. Hotels like mine already operate on extremely small margins. But we proudly pay their fair share in state and local taxes to support Maryland's economy. To be able to afford this proposed retroactive pay measure, I will likely have to delay hiring new employees, reduce the size of my workforce, or close even our doors permanently. Furthermore, I estimate that Senate Bill 486 would cost my business \$66,300.00 in additional Payroll cost.

I deeply value the extraordinary work that my employees do every day, and I am proud of their efforts throughout this pandemic. My family and I are doing everything we can to keep our hotels open so that we can continue to help our employees support their families. For these reasons, I oppose Senate Bill 486 because I am concerned about the unintended economic consequences on small business owners, their employees, and their families. I look forward to working with the Committee on solutions. Thank you very much for your time and consideration.

### Regards;

Sandip Patel La Quinta Inn 11770 Business Park Drive Waldorf, MD 20601 301-399-9930 cell

- <sup>1</sup> "AHLA State of the Industry Report." American Hotel and Lodging Association. https://www.ahla.com/sites/default/files/2021%20State%20of%20the%20Hotel%20Industry.pdf
- <sup>2</sup> "Maryland Lodging Monitor: STR data through June 2020." Maryland Office of Tourism Development. http://industry.visitmaryland.org/wp-content/uploads/2020/07/MDLodging-O62020-Year-to-date-percent.pdf

**Opposition.pdf**Uploaded by: Pearson, Nicole
Position: UNF

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This bill is rushed and not adequately researched. We urge our elected leaders to pause the vote on any extra pay initiative until you complete a full analysis of the costs, impacts on local families and our community, and input from businesses.

### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Petway, Reuben

Harris Teeter is strongly opposed to SB0486 and urges Maryland's elected leaders to undertake a complete economic impact assessment to fully understand consequences of any proposed mandatory essential worker wage-increase bill before moving forward.

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In addition to these physical and financial investments, Harris Teeter has provided education and additional resources to our valued associates specifically related to their mental well-being. Our leaders have also been provided education and resources for how to support associates' physical and mental well-being amid this time of great uncertainty.

The proposed SB0486 ignores these commitments and ongoing efforts and would have significant, negative impacts at the worst possible time.

The proposed increases in pay would substantially increase the cost of food and groceries for Maryland's residents and families. Higher grocery costs would hurt Maryland families at a time they are already struggling to put food on the table – and would be especially harmful to low-income and disadvantaged communities.

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# Phillips Seafood opposition SB486.pdf Uploaded by: Phillips, Brice Position: UNF



TO: Senator Delores G. Kelley, Chair

Senator Brian J Feldman, Vice Chair

Finance Committee Members

FROM: Phillips Seafood - including Phillips Foods, A.E. Phillips & Son, Island Seafood and

Phillips Seafood Restaurants

DATE: February 9, 2021

RE: SB 486 Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Phillips Seafood opposes SB 486 Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Phillips Seafood is a family owned group of businesses with roots on Maryland's Chesapeake Bay since 1914. Phillips produces crab meat, a line of crab and seafood cakes, appetizers, soups and entrées available in our restaurants, grocery stores and the foodservice market.

Phillips Seafood prides ourselves on treating our staff well in all aspects of their employment – fair pay, safe and respectful working conditions and which is how we have so many long-term and loyal staff members.

In our three businesses to which this legislation would apply, we employ approximately 105 people – 70 Full-time and 35 seasonal. The <u>average tenure</u> of our full-time employees is sixteen years. HB 581, if passed, will undoubtedly result in the elimination of jobs for many of our hardworking, loyal staff members. If restaurant workers are covered by this legislation an additional 300 jobs are at risk.

Our business simply cannot afford the additional costs associated with:

\$3 an hour Hazard Pay = approximately \$426,000 in added payroll cost per year.

Over 3 weeks of additional Paid time off (14 days health and 3 bereavement) on top of the average of 3 weeks Paid time off that we already provide to our full-time staff

During an emergency the business responsible for paying these additional wages (Hazard Pay and PTO) will be suffering financial hardship and will likely be in a position that any added costs will put their viability in jeopardy. If the business fails all workers are left with zero income.

<u>Financial support for workers who become sick or injured related to the emergency</u>. I don't know how to begin to quantify this financial exposure to an employer. This legislation turns on its head, the traditional employer/employee relationship — fair pay and a safe work environment for performing a task. Instead, this legislation turns the employer / employee relationship into one where the employer is financially responsible for each employee's health and well-being for non-work related behavior. This is unsustainable.

<u>"Emergency"</u> – This legislation indicates that either the Maryland Emergency Management Agency or any "Local organization for emergency management" is permitted to declare an emergency. The definition of a "Local organization for emergency management" is below:

"Local organization for emergency management" means an organization established by a political subdivision or other local authority under § 14-109 of this subtitle.

Excerpt from § 14–101.1 OF THE PUBLIC SAFETY ARTICLE

Based on this definition it appears that a typical snowstorm where a county implements their snow emergency plan could trigger the provisions of this legislation.

The bill calls for periodic evaluation to determine if an emergency is imminent, occurring or has occurred. With all due respect, if a study must be done to determine the presence of an emergency, it is not emergency.

We respectfully request that the committee not pass this legislation as it will undoubtedly create unsustainable hardship on the Maryland's business community, which will result in significant reduction in or loss of jobs.

Respectfully.

Dean E. Flowers
President & COO



## SB0486 Harris Teeter Letter of Opposition.pdf Uploaded by: Pickett, Dawn

#### Dear Elected Leaders:

Harris Teeter is strongly opposed to SB0486 and urges Maryland's elected leaders to undertake a complete economic impact assessment to fully understand consequences of any proposed mandatory essential worker wage-increase bill before moving forward.

Our guiding principles throughout this pandemic have been safety, transparency and investment in our associates and stores.

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Sincerely, Valued Harris Teeter Associate

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## **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Pisciotta, James

#### Dear Elected Leaders:

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## **2021 SB0486 Testimony in Opposition - MTC.pdf** Uploaded by: Plaut, Ari



### LETTER OF OPPOSITION ON BEHALF OF MARYLAND TOURISM COALITION

#### IN OPPOSITION OF SB0486 – EMPLOYMENT STANDARDS DURING AN EMERGENCY

Before the Finance Committee, February 11, 2021

Dear Madam Chair & Committee Members,

My name is Ruth Toomey, Executive Director of Maryland Tourism Coalition, a 50-year-old organization that represents the various services, attractions, organizations and accommodations that make up the State's Industry. MTC is the voice of our state's diverse tour and travel community, bringing together the entire industry to enhance business growth and to promote Maryland as a first-class destination for visitors. On behalf of our 1,000+members, I would like to express our opposition of SB0486.

Tourism is vital to Maryland's economy! In a typical year, tourism supports 226,000 direct and indirect jobs, making it the 11<sup>th</sup> largest industry in the state. Visitors to Maryland spend nearly \$18.6 billion in Maryland each year and those same visitors generate close to \$2.6 billion in state and local taxes. Without tourism in the state of Maryland, each household would pay \$1,175 more in local taxes.

But as we all know, this past year has been anything but typical. Our industry was among the hardest hit due to the pandemic. Many of our members have been forced to close and some are even now unable to reopen. 95% of all tourism businesses are small businesses and many are hanging on by a thread. The Maryland Essential Workers' Protection Act, while coming from a good place, would be devastating to small businesses. The act includes a \$3 per hour increase for any hourly employee deemed "essential" that would have to be back paid since March 2020 and moving forward until the pandemic is no longer a state of emergency. For a small business of 10 hourly employees this back pay can amount in up to \$100,000 just in the back pay alone. These numbers are simply not achievable if a business is to stay open. On top of the hourly increase, the act also requires every business to come up with emergency plans that must be published or face a fine – there is simply not enough hours in a day for small business owners to design intricate plans when they are just trying to stay afloat. We respect and support our essential workers in the tourism industry and ask that any legislation that supplies aid does not unwittingly cause the demise of small businesses.

On behalf of the Maryland Tourism Coalition, we respectfully request that you oppose SB0486.

Sincerely,

#### **Ruth Toomey**

Ruth Toomey
MTC Executive Director
www.mdtourism.org

## MSPCA\_HB 0581-SB 0486.pdf Uploaded by: Plevelich, Jake



February 11, 2021

Madam Chair Delores Kelley Senate Finance Committee 3 East Miller Senate Office Building Annapolis, Maryland 21401

Re: HB 0581/SB 0486 - Maryland Essential Workers' Protection Act

Dear Madam Chair Kelley, Vice-Chair Feldman, and Members of the Senate Finance Committee:

The Maryland State Pest Control Association (MSPCA) the only trade group for structural pest management companies or "pest control" companies in Maryland, appreciates the opportunity to provide comments regarding **HB 0581/SB 0486** - **Maryland Essential Workers' Protection Act.** MSPCA member companies manage pests including rodents, ants, cockroaches, bed bugs, mosquitoes, spiders, stinging insects, termites, ticks, and other pests in countless commercial, residential, and institutional settings. MSPCA members are committed to providing essential and quality pest management services that protect public health, food, and property.

Structural pest control is an essential industry in Maryland and nationally. Amid the COVID-19 pandemic, the professional structural pest control industry continues to provide essential services to Maryland's food production facilities, grocery stores, restaurants, food banks, shelters, hospitals, medical institutions, nursing homes, multifamily housing units, schools, universities, prisons, warehouses, homes, and businesses. We cannot afford to have our medical facilities, grocery stores, or homes uninhabitable due to pests and pest-related diseases.

#### MSPCA is Supportive of Measures Protecting and Rewarding Essential Workers

MSPCA member companies protect essential pest control workers, are supportive of protecting essential workers, and our industry has championed policies that reward essential workers for working during the COVID-19 pandemic. MSPCA, along with our joint-national association, the National Pest Management Association (NPMA) supported the AG CHAIN Act during the last Congress that would have provided a federal tax holiday and a payroll tax exemption for all essential employees in the food and agriculture industry defined by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Agency (CISA) guidance. Essential pest control workers earning up to \$75,000 would've been eligible for the tax benefits in the AG CHAIN Act, as pest control is classified under Food & Agriculture by the CISA guidance with: "Workers supporting the sanitation and pest control of all human and animal food manufacturing

<sup>&</sup>lt;sup>1</sup> https://www.congress.gov/bill/116th-congress/house-bill/6841/text

processes and operations from wholesale to retail." MSPCA is supportive of policies, such as tax benefits for rewarding essential workers.

Additionally, our industry has advocated for essential pest control workers to receive the COVID-19 vaccine in Phase 1B<sup>3</sup>, as the CDC's Advisory Committee on Immunization Practices (ACIP) has recommended.<sup>4</sup>

The well-being of the pest control workforce is a top priority for our industry, as our businesses have advocated for worker protection policies and implemented measures at the workplace that protect our employees. Everything from relating to PPE availability, social distancing, leave policies, and many others to help accommodate our essential workforce during the COVID-19 pandemic have been implemented by pest control businesses.

#### Concerns with Potential Disruptions Caused by HB 0581 – Industry Classification

Governor Larry Hogan decided to follow CISA's list when determining which businesses are essential vs. non-essential.<sup>5</sup> Essential pest control businesses have been operating in Maryland according to this classification. HB 0581/SB 0486, however, decides to re-classify pest control workers as "exterminators" under a new "chemical/commercial sector."

This re-classification for our industry in HB 0581/SB 0486 could potentially jeopardize the morale, mental health, and physical health of essential pest control workers in Maryland. It is our understanding that essential pest control workers are receiving the vaccine in Maryland under phase 1C due to their classification under Food & Agriculture. HB 0581/SB 0486 would rescramble the classifications during the same time as vaccinations are being rolled-out under Governor's classification system.

HB 0581/SB 0486's re-classification of pest control workers could send essential pest control workers to the back of the line for COVID-19 vaccines, thereby defeating the bill's intent to protect essential workers. Please do not jeopardize essential pest control workers' ability to receive the vaccine in Phase 1C by re-classifying our workforce and triggering additional confusion and stress.

#### Other Concerns with HB 0581 that Could Disrupt Essential Pest Control Workers and Businesses

On Page 11, 3-1605 2 (I) it reads that "unsanitary conditions" in the workplace constitute an "unsafe work environment." Pest control involves managing dangerous and deadly pests that are inherently unsanitary. We are concerned that this provision could prevent pest control workers from performing pest control services (e.g., retrieving dead rodents from a trap).

<sup>&</sup>lt;sup>2</sup>https://www.cisa.gov/sites/default/files/publications/ECIW 4.0 Guidance on Essential Critical Infrastructure W orkers Final3 508 0.pdf

<sup>&</sup>lt;sup>3</sup> https://npmapestworld.org/default/assets/File/publicpolicy/Pest%20Control COVID-19%20Vaccine%20Priority NPMA%20Letter.pdf

<sup>&</sup>lt;sup>4</sup> https://www.cdc.gov/vaccines/acip/meetings/downloads/slides-2020-12/slides-12-20/02-COVID-Dooling.pdf

<sup>&</sup>lt;sup>5</sup> https://governor.maryland.gov/2020/03/23/governor-hogan-announces-closure-of-all-non-essential-businesses-175-million-relief-package-for-workers-and-small-businesses-affected-by-covid-19/

Page 17 - 3-1609 requires retroactive hazard pay for employees. Many pest control businesses have struggled to stay afloat and looked for innovative and cost-saving measures to keep employees on the payroll. The proposed hazard pay increase could not only put some pest control businesses on fragile footing regarding complying with federal PPP loan rules, but also could cause pest control businesses to consider layoffs or closing their businesses in order to comply with this provision in HB 0581. Many of our member companies will not have the funds to comply with this, continue to stay in business, and provide essential workers with jobs.

Lastly, we have concerns with many other provisions, but for time and brevity we hope to discuss at a later time.

#### Conclusion

MSPCA appreciates the opportunity to share our views on HB 0581/SB 0486. We welcome the opportunity to meet to discuss these comments and answer questions about the essential pest control industry. We share the intent with the bill authors to protect essential workers, believe that a stakeholder process would provide for a more effective bill, and suggest that parts of HB 0581/SB 0486 be separated and considered as smaller pieces of legislation. Thank you for your time.

Sincerely,

Samantha Forrest Maryland State Pest Control Association

## **SB 486 - BOMA - UNF.pdf**Uploaded by: Popham, Bryson Position: UNF

#### Bryson F. Popham, P.A.

Bryson F. Popham, Esq.

191 Main Street Suite 310 Annapolis, MD 21401 www.papalaw.com 410-268-6871 (Telephone) 443-458-0444 (Facsimile)

February 9, 2021

The Honorable Delores G. Kelley
The Honorable Susan Lee
3 East, Miller Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act) - Unfavorable

Dear Chair Kelley and Members of the Committee,

I am writing on behalf of my client, the Building Owners and Managers Association of Greater Baltimore (BOMA) to register their opposition to Senate Bill 486.

BOMA, through its nearly 300 members, represents owners and managers of all types of commercial, industrial and mixed use properties, comprising 143 million square feet of office space in Baltimore and Central Maryland. Our members' facilities support over 19,000 jobs and contribute \$2.5 billion to the Maryland economy each year.

BOMA's initial concern about this bill is found on the list of essential employers beginning on page 4 of the bill. On page 5, at lines 6 and 7, "property maintenance companies" are listed. BOMA members are commercial property managers. It is unclear whether, therefore, the bill is intended to apply to property management services, in whole or in part.

An additional concern for BOMA is the application of SB 486 to a broad range of businesses, such as construction firms, landscapers, janitorial firms and others that clearly fall within the scope of the bill. We note that the extensive new regulation governing these businesses may have a material impact on BOMA members' businesses as well.

One example of the extended effect of SB 486 may be found in the description of "unsafe work environment" beginning on page 11 at line 5 of the bill. This new section 3-1605 imposes very broad requirements on the essential employers who are subject to the bill's new regulatory requirements. Many, perhaps most, of these essential employers who do business with individual BOMA members are themselves small businesses. They do not have the resources to meet the complex compliance requirements under this section. Their noncompliance could subject BOMA members to liability themselves.

Similarly, Section 3-1606, beginning on page 13, requires essential employers to prepare (and presumably officially adopt) a "HEALTH EMERGENCY PREPAREDNESS PLAN." The plan is highly detailed, must be reviewed annually, and any changes must be submitted to the Maryland Emergency Management Agency. Again, the administrative burden on small essential employers alone presents a compliance obligation that is enormously complex and beyond the ability of the many small businesses with whom BOMA members interact every day. The disruption caused to the normal operations of those small businesses will inevitably have a negative effect on BOMA members and their tenants.

For these and other reasons, BOMA respectfully requests an unfavorable report on Senate Bill 486.

Very truly yours,

Bryson F. Popham, Esq.

Bryon Lyham

## SB 486\_MAMIC\_UNF.pdf Uploaded by: Popham, Bryson Position: UNF

#### Bryson F. Popham, P.A.

Bryson F. Popham, Esq.

191 Main Street Suite 310 Annapolis, MD 21401 www.papalaw.com 410-268-6871 (Telephone) 443-458-0444 (Facsimile)

February 9, 2021

The Honorable Delores G. Kelley
The Honorable Susan Lee
3 East, Miller Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act) - Unfavorable

Dear Chair Kelley and Members of the Committee,

I am writing on behalf of the Maryland Association of Mutual Insurance Companies (MAMIC) to register their opposition to Senate Bill 486.

MAMIC is comprised of 12 mutual insurance companies that are headquartered in Maryland and neighboring states. Approximately one-half of MAMIC members are domiciled in Maryland and are key contributors and employers in their local communities. Together, MAMIC members offer a wide variety of insurance products and services and provide coverage for thousands of Maryland citizens.

While the list of essential employers beginning on page 4 of the bill may not expressly include the mutual insurers that comprise MAMIC membership, upon closer examination we note that many of the other businesses listed have a direct effect on our members' operations. Accordingly, we have reexamined the requirements of the bill to evaluate its potential effect on our members through its application to related businesses.

The general description of "unsafe work environment" beginning on page 11 at line 5 of the bill imposes very broad requirements on the essential employers who are subject to the bill's new regulatory requirements. Many of these essential employers are small businesses unused to compliance requirements such as those in SB 486. In the event of noncompliance by these businesses, an inevitable result will be disruption to the core business of MAMIC members. It is possible, as well, that MAMIC members themselves may be subject to liability related to noncompliance under the bill by entities with whom they do business.

MAMIC offers no opinion on the nature and scope of these new requirements on essential employers. We have concluded, however, that the impact of these requirements on the essential employers with whom MAMIC members do business may cause significant disruption to their business relationships, and therefore may disrupt their core business as well. MAMIC members are taking all steps required under the current State of Emergency and will continue to do so. We respectfully submit that Senate Bill 486, although well-intentioned, goes too far in extending the reach of our State government into the operations of private business.

For these reasons, MAMIC respectfully requests an unfavorable report on Senate Bill 486.

Very truly yours,

Bryson F. Popham, Esq.

Bryon Pysham

## **2021 SB486 MD Essential Workers Protection.pdf** Uploaded by: Porter, Holly



Educate. Advocate. Innovate.

Date: February 9, 2021

To: Members of the Senate Finance Committee

From: Holly Porter, Executive Director

Re: SB 486- Labor and Employment - Employment Standards During an Emergency (Maryland

Essential Workers' Protection Act) - UNFAVORABLE

Delmarva Chicken Association (formerly Delmarva Poultry Industry, Inc.), the 1,600-member trade association representing the meat-chicken growers, processing companies and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware strongly opposes SB 486 and urges an unfavorable committee report.

SB 486 would create a number of new programs and mandates for employers based on new definitions of essential employers and would significantly increase costs to these employers. Some of the provisions of the bill include an additional \$3/hour of hazard pay, retroactive to the start of the emergency, employer reimbursement for healthcare costs, new leave program for bereavement and health leave, employee right to refuse work, workplace safety standards and health emergency preparedness plans.

DCA's membership of chicken growers, chicken processing plants and allied businesses, most of whom were considered essential during this pandemic, have stepped up significantly in prioritizing their employees, while still providing the food that is on our plates each day. To be clear, this bill would have economic impacts on all of our members.

While the processing companies did have reported outbreaks early in the spring when most people were still trying to understand this novel virus and guidance was rapidly changing, those outbreaks have not occurred throughout the fall and winter, when community spread has continued to rise. This is just a small testament to all the efforts that the companies have taken in protecting employees (see Page 4 for specific measures). Efforts that have cost the companies millions of dollars. And even with the outbreaks, it has never been clear where the virus may have been contracted – at the workplace, home, or local grocery store.

This bill seems to disregard those measures and instead broadly defines emergency, essential employers and essential employees and adds so many additional expenses and programs, it would be almost impossible for some small businesses, including farmers, to comply without major economic impacts. And all of this would be on top of other state mandates that are already being budgeted for, including increased minimum wage and paid sick leave.

Maryland's chicken community very much recognizes that in order to stay in business, employee health and safety must be a priority. And we continued to step up and keep working and providing Maryland citizens with much needed food, even with shortages around the state. This bill feels as almost a punishment for those employers who continued to feed all of us.







In specific, we have major concerns with the following provisions:

#### **Hazard Pay**

The provision requiring employers to provide hazard pay for each pay period that the essential worker works at \$3/hour could devastate many businesses. Keep in mind we are still very much in the middle of a state of emergency, with no real end in sight.

In just simple calculation, for an employee that has worked 40 hours per week, that is \$480 additional expense for the monthly payroll. If this bill was enacted on March 1, moving forward every essential employer would be required to increase their payroll for an unforeseen amount of time. Even to a small business that may only have 2 – 3 employees, this could quickly add up as it is additional pay beyond the payroll and other benefits. For a large company that employs thousands, you can see how devastating the impact would be. This provision alone would have businesses laying off employees, making it extremely hard to keep producing the food we need. It also may have a negative impact by encouraging employees to actually come to work while they are sick, rather than staying home and not spreading any illness.

#### **Definition of an Emergency**

The definition of an "emergency" is broad and goes far beyond the scope of the current pandemic or other public health emergency. Based on this definition, a snowstorm, hurricane, riot in Washington DC (well beyond the Eastern Shore of Maryland) or other any number of other unidentified emergency that could cause for an executive order would impact all employers that are defined as essential.

#### Definition of Essential Employer/Essential Worker

The definitions of "essential employer" and "essential worker" are overly broad (there is six pages of various sectors or industry types) and do not seem to be tied to any existing federal or state guidance of "essential." They also do not take into account any risk-profile or threshold depending on the "emergency." When farmers are caring for animals or working the fields, they are working 24 hours, 365 days a year, whether it's a holiday or a blizzard.

We are also concerned with the extension of essential worker to also include a contractor or subcontractor who are not employed by the essential employer. This is very often the case within our chicken community where many aspects of the business are driven through contract employment and may expand the number of "essential employees" that fall into the other programs and requirements of this bill.

#### **Working Conditions**

This section sets up new, unclear terms of what is working conditions that "reduce physical harm" or "mental distress and detriment." Mental distress may go far beyond a workplace concern, whether in an emergency or not. For those businesses that require physical labor (use of heavy equipment, working in a chicken house, use of various tools, etc.) what is the definition of ensuring general health and safety of essential worker?







The bill further requires employers to notify workers of illnesses which "represent a reasonable threat to the essential worker's health or safety" however there is no definition of such illness and there is concerns that this may conflict with HIPAA.

In addition, the vagueness of an essential worker refusing to fulfill a job responsibility due to fear for life or health during an emergency is extremely concerning. Employers often have to contend with a multitude of reasons that an employee may choose not to work and this could open the door for more issues that may not be substantiated.

#### **Health Emergency Preparedness Plans**

Small businesses and chicken farmers (who are small businesses), are extremely concerned about having to prepare "a health emergency preparedness plan for responding to a catastrophic health emergency." This would require additional time and efforts for employers that may not have the staff to create or annually review and submit changes. Our farmers and businesses are not the experts in preparing plans such as this. And it is not clear why this plan would be submitted to the Maryland Emergency Management Agency and county Emergency Management Director when it is specific to health and/or labor issues. And which illnesses would be required for notifying essential workers of positive test results? The common cold, strep throat?

#### **Infectious Disease Transmission**

It is very concerning to require the evacuation of a worksite due to an infectious disease at the worksite. This could include anything from chicken pox to the flu, the common cold to mono and everything in between that is tied to a bacteria, virus, fungi or parasite. And none of this may be directly tied to where the transmission has occurred. The bill would also require the employer to pay the cost of testing for this type of illness, again with no direct tie that the illness had been transmitted due to the workplace.

#### **Bereavement and Health Leave**

This additional leave specific to "essential workers" seems to go well beyond the Maryland Healthy Working Families Act, which has provisions to exempt smaller employees, especially our chicken farmers.

And to require an employer to pay health leave, even if there is no indication that the employee is ill due to the workplace. Employers cannot control the action of employees outside of the workplace. So it is unfair to ask small business to pay for sick leave if they are not required under any other law.

For these reasons we have shared, we urge an **unfavorable** vote on SB 486.

Should you have any additional questions, please feel free to contact me at porter@dcachicken.com or 302-222-4069 or Nick Manis, Manis Canning & Associates, 410-263-7882.







#### Measures Taken by Chicken Processing Companies to Protect Employees **Administrative Controls**

- Implemented travel restrictions and only allowed essential personnel into the plant
- Encourage employees to stay home if they are not feeling well or believe they may have been exposed to the virus, while still receiving pay and no attendance penalty
- Staggered break times throughout the day, where possible.
- Workers naturally stagger in for each shift. Implemented staggered departing times at the end of each shift
- Company medical professionals had been trained on CDC protocols for COVID-19
- Waiving short-term disability waiting periods for employees who contract COVID-19
- Extended hours for onsite wellness centers
- Offered free on-site COVID-19 testing at the plant for all employees first private companies to offer universal employee testing
- Worked closely with county, state and federal agencies, including site visits by the Centers for Disease Control (CDC) and National Institute of Occupational Safety and Health (NIOSH)
- Each company policy is different, but companies offered paid sick leave, bonus pay, free chicken for employees, made paid time off policies more flexible, and many other ways to show appreciation for workers

#### **Engineering Controls**

- Required the use of face masks or face shields, beyond the PPE that is normally worn and
- Increased cleaning, sanitation and fogging frequencies and intensities for equipment and common areas at processing facilities, in additional to strict cleaning regulations as a USDA federally inspected facility.
- Increased frequency and locations of hand washing/sanitation for employees
- Practice social distancing not only in common areas, such as break rooms and cafeterias, but also on production lines where possible
- Added outdoor tents/space in order to social distance for breaks
- Where social distancing is not possible on production lines, companies installed plastic dividers between workstations and clean or replace the dividers between shifts
- Increased air exchanged in the facilities and/or added air purifiers

#### **Other Controls**

- Created internal teams focused on COVID response
- Heightened employee screening for any signs of illness, including non-contact temperature checks before entering the plant
- Treating worker safety as a non-competitive issue and sharing best practices







#### **Communications**

- Communicated with employees in a variety of languages and including written, verbally, electronic billboards, flyers, and social media on topics including:
  - Proper Hand Hygiene
  - Stop the Spread of Germs
  - What you Should Know about COVID-19 to Protect Yourself and Others
  - Carpooling safety
- Provided employees take-home cleaning supplies as well as information for family members

And to view some of these measures, we encourage you to visit https://www.chickencheck.in/blog/chicken-industry-enhanced-safety-measures/ to view a short video produced by the National Chicken Council that shows safety measures inside processing plants, including a Maryland plant.



## HBB581 written EWPA.pdf Uploaded by: PORTER, JAMES Position: UNF

#### MARYLAND RETAILERS ASSOCIATION

The Voice of Retailing in Maryland



# HBB581- Labor and Employment- Employment Standards During an Emergency (Maryland Essential Workers' Protection Act) House Economic Matters Committee Position: Unfavorable February 5, 2021

**Written Comments:** The Maryland Retailers Association is in strong opposition to this legislation for the following reasons:

- 1. The definition of "emergency" in the legislation denoting when the proposed regulations would apply is far too broad. States of emergencies include weather events for instance that would not necessitate the costly and burdensome components in this legislation. (Page 2, line 29 and page 3, beginning on line 18)
- 2. Applicable emergencies need to be clearly defined so that a subjective decision by an agency about whether an emergency "is occurring or has occurred" is not the determinant for when the proposed regulations to apply. (Page 10, line 1-2)
- Many businesses have financially suffered greatly during COVID with many operating on far less than what they were making pre-pandemic. Forcing small businesses to shoulder these additional costs and burdens will undoubtedly result in more closures and layoffs, placing more strain on the state's unemployment system.
- 4. Mental distress is not equally measurable from person to person and thus is a very broad and subjective term that should be removed from the bill. (Page 10, line 21-22)
- 5. Supply of personal protective equipment should be based on availability through the supply chain. For example, at certain points in 2020, no one could obtain single-use masks, and some cleaning products are still not widely available. (Page 10, line 24)
- 6. The State and/or the Maryland Emergency Management Agency should provide a template that can be used by businesses to develop emergency management plans. Emergency management protocols and plans should be developed by experts to ensure proper safety and clear responses for businesses, and it is not appropriate for a business without any level of expertise in this area to develop such a plan. (Page 10, line 26-28, and Page 13, beginning on line 20)
- 7. The requirement that employers provide or implement "other measures or requirements to ensure the general health and safety of essential workers" is unclear and should be stricken from the bill. (Page 11, lines 1-3)

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- 8. The language "a reasonable threat to a worker's health or safety" in the definition of "unsafe work environment" is far too broad. Based on the last year, no one would have worked based on this terminology and access to necessities would be completely shut down without workers. (Page 11, lines 5-9)
- 9. The reference to an employer's failure to provide PPE as an example of an unsafe work environment is of great concern. Supply chain issues have and will occur during a crisis, and as such, there should be exceptions for supplies that cannot be procured due to issues outside an employer's control. (Page 11, line 12)
- 10. An employer's failure to notify employees of "illnesses" is far too broad and could be interpreted to mean that an employer has created an "unsafe work environment" for failure to notify the entire workforce that one individual has a common cold or flu, which is impossible for an employer to accurately track in a real work environment. (Page 11, lines 18-21)
- 11. Every single person in the world feared for their health this past year. Allowing any and all essential workers refuse to report to work for fear of their health could and likely would massively compromise a business's operation. (Page 11, beginning on line 22)
- 12. An individual's health information is private. Sharing the health information of other employees is a privacy issue. The employers may not know about an employee's exposure and, as it is often impossible to determine where exposure has occurred, the language regarding whether an infectious disease was contracted at the worksite should not be in the bill. Additionally, referring to an "infectious disease" presents issues as this could include the common cold or flu and have nothing to do with an officially declared emergency. (Page 14, beginning on line 19)
- 13. Evacuating an entire worksite until it has been "properly sanitized" is unnecessary and the terminology is subjective. (Page 14, lines 25-26)
- 14. COVID-19 testing is provided by the State and there are many private testing locations free of charge. As such, it is unnecessary and redundant to require an employer to pay for testing. Additionally, because the bill is so broad, this requirement could be interpreted to apply to testing for any and every illness that could be contracted at a worksite, including exposure to strep throat from a coworker with school-aged children. (Page 14, beginning on line 27)
- 15. The bill's definition of "family member" should mirror the definition used in the federal Family and Medical Leave Act. (Page 15, beginning on line 23)
- **16.** With regard to COVID-19, the CDC states that a person may return to work if they are asymptomatic after a week. The corresponding section of the bill does not follow CDC recommendations or recognize and include current federal and

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- state leave emergency orders or laws such as the Families First Coronavirus Response Act: Employee Paid Leave Rights and paid sick leave at the state level. (Page 16, line 22)
- 17. Such high levels of additional hazard pay are unnecessary, particularly considering the very broad definitions of "emergency" and "illness" referenced in the bill. (Page 17, line 11)
- 18. This bill would require employers to provide retroactive payments dating to the start of the state of emergency. Not only is this costly, but it would put businesses under and cause closures. Grocery stores as an example, which operate on 1-3% profit margins, closed in Long Beach, California after a similar law was enacted there. (Page 17, lines 16-17)
- 19. Hazard pay should be counted as a part of an employee's wage analysis for benefit programs. (Page 17, line 20-22)
- 20. An employer should not be responsible for "unreimbursed health care costs" for employees. Most small businesses can barely afford the health insurance they provide to employees. (Page 17, lines 23-26)

With these concerns in mind, we urge unfavorable report.

## **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Porter, Lauren

#### Dear Elected Leaders:

Harris Teeter is strongly opposed to SB0486 and urges Maryland's elected leaders to undertake a complete economic impact assessment to fully understand consequences of any proposed mandatory essential worker wage-increase bill before moving forward.

Our guiding principles throughout this pandemic have been safety, transparency and investment in our associates and stores.

Harris Teeter is committed to paying competitive wages and benefits to our nearly 35,000 valued associates – 2,700 in Maryland. Since the start of the COVID-19 pandemic, Harris Teeter has invested significantly in infrastructure and enhanced safety protocols – including, but not limited to providing PPE, protective shields at checkout, health screenings and temperature checks, enhanced sanitation measures – to protect our frontline essential workers and shoppers, as well as to provide thank you pay, bonuses, and additional health and emergency leave benefits. We often operate above and beyond requirements of local and state ordinances to ensure we were protecting our greatest asset – our people.

In addition to these physical and financial investments, Harris Teeter has provided education and additional resources to our valued associates specifically related to their mental well-being. Our leaders have also been provided education and resources for how to support associates' physical and mental well-being amid this time of great uncertainty.

The proposed SB0486 ignores these commitments and ongoing efforts and would have significant, negative impacts at the worst possible time.

The proposed increases in pay would substantially increase the cost of food and groceries for Maryland's residents and families. Higher grocery costs would hurt Maryland families at a time they are already struggling to put food on the table – and would be especially harmful to low-income and disadvantaged communities.

Grocery workers across our country became essential personnel overnight – touted as Heroes – and we have answered the call to support our communities by providing open, clean and stocked stores. Hazard pay mandates could harm the Heroes they are intended to help. Higher costs could force organizations to reduce the number of workers, available hours and even locations.

In addition, hazard pay mandates could make it more difficult for many grocers, specifically, to stay afloat, especially independent grocers, small markets, ethnic grocers and grocery stores in disadvantage communities already struggling to keep their doors open. Harris Teeter – like most grocers operates with thin margins, even during the pandemic.

This bill is rushed and not adequately researched. We urge our elected leaders to pause the vote on any extra pay initiative until you complete a full analysis of the costs, impacts on local families and our community, and input from businesses.

Sincerely, Valued Harris Teeter Associate

## **SB0486 Opposition.pdf**Uploaded by: Presley, Mary Position: UNF



**HEARING DATE**: February 11, 2021 1:00 p.m.

BILL NO/TITLE: Senate Bill 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

**COMMITTEE:** Finance

POSITION: Oppose

The Maryland motorcoach industry is vital to Maryland providing essential transportation services connecting rural communities, relieving congestion in urban centers with commuter operations, transporting children to school and educational events, and serving as the only means of transportation for travelers on fixed incomes or without cars. We also play a key role in emergency and defense planning. In times of hurricanes and other natural disasters, motorcoaches are a critical to helping evacuate residents, particularly senior citizens. We constantly support our U.S. military by moving troops and their equipment for deployments and training around the country, similar to what we did at the recent inauguration of our  $46^{th}$  president, and our industry plays a direct role in defending the U.S. Capitol and Maryland.

Motorcoaches are essential to Marylander's by supporting the students, military, commuters and residents alike. Now more than ever, the flexibility and reliability of our services should be protected. As we witnessed at the onset of the pandemic private motorcoach carriers' services came to an abrupt halt and their wheel's stopped rolling decreasing their annual revenue by almost 95% and still exists. We are into this pandemic a full year now as you well now with little to no income or help from the Federal Government or Maryland and we need to roll again to remain in business.

Now is not the time to implement additional new, costly and complex employer mandates. If passed, the bill would do just that for our members.

Requiring an MMA member to give a written statement regarding certain hazard pay paid to our workers/drivers at certain intervals and requiring them to take certain actions related to occupational safety and health during an emergency would be cumbersome and simply not cost affective in an industry that currently has virtually no revenue nor will they for the foreseeable future. Add to this authorizing an essential worker/driver to refuse to fulfill certain responsibilities under certain circumstances when and if needed would again cause undue costs to an industry that is virtually at a standstill. Other than commuter runs and the occasional event like the inauguration. Add to this the fact that this law seeks to prohibit us from retaliating or taking other adverse action against said worker/driver for said actions eliminates the need for us to even operate thereby laying off those very employees we wish to keep employed and out of the unemployment line through the limited Payroll Protection Plan.

MMA is also concerned because the definitions of emergency, essential employer and essential employee contained within the bill are extremely broad and overly ambiguous. They go well beyond the scope of the public health emergency we are currently navigating as a result of COVID-19. Nearly every type of

employer in Maryland is included in the scope of the legislation, regardless of risk-profile. In fact, 15 industry sectors that contain a combined total of 76 categories are defined as essential employers in the legislation.

The costs of this bill would be devastating to Maryland's job creators, who are already struggling with a global pandemic and compounding financial implications of other state mandates like increased minimum wage and paid sick and safe leave. MMA Members cannot reasonably be expected to comply with the broad and unwell defined mandates contained within Senate Bill 486, especially when they continue to overcome the operational and economic implications of COVID-19.

We need to count on you to oppose this dangerous legislation and protect us as Maryland Small Businesses.

**About Maryland Motorcoach Association(MMA):** MMA represents the interests of the Privately Owned Maryland Motorcoach Operators across the state and industry together with our tourism partners, destination marketing organizations, small businesses, coach manufacturers, and equipment suppliers all of whom are counted among our members we strive to promote the efficient and secure transportation of Marylanders across the state and throughout the country transporting students, seniors, military, church groups, commuters, and a multitude of other Marylanders as they go about their day to day business of working and enjoying life in Maryland.

**For further information, contact**: Mary Presley, Executive Administrator, (c) 571-297-5629 mpresley@marylandmotorcoach.org

## SB0486 Harris Teeter Letter of Opposition.pdf Uploaded by: Puritz, Mitch

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In addition to these physical and financial investments, Harris Teeter has provided education and additional resources to our valued associates specifically related to their mental well-being. Our leaders have also been provided education and resources for how to support associates' physical and mental well-being amid this time of great uncertainty.

The proposed SB0486 ignores these commitments and ongoing efforts and would have significant, negative impacts at the worst possible time.

The proposed increases in pay would substantially increase the cost of food and groceries for Maryland's residents and families. Higher grocery costs would hurt Maryland families at a time they are already struggling to put food on the table – and would be especially harmful to low-income and disadvantaged communities.

Grocery workers across our country became essential personnel overnight – touted as Heroes – and we have answered the call to support our communities by providing open, clean and stocked stores. Hazard pay mandates could harm the Heroes they are intended to help. Higher costs could force organizations to reduce the number of workers, available hours and even locations.

In addition, hazard pay mandates could make it more difficult for many grocers, specifically, to stay afloat, especially independent grocers, small markets, ethnic grocers and grocery stores in disadvantage communities already struggling to keep their doors open. Harris Teeter – like most grocers operates with thin margins, even during the pandemic.

This bill is rushed and not adequately researched. We urge our elected leaders to pause the vote on any extra pay initiative until you complete a full analysis of the costs, impacts on local families and our community, and input from businesses.

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Harris Teeter is committed to paying competitive wages and benefits to our nearly 35,000 valued associates – 2,700 in Maryland. Since the start of the COVID-19 pandemic, Harris Teeter has invested significantly in infrastructure and enhanced safety protocols – including, but not limited to providing PPE, protective shields at checkout, health screenings and temperature checks, enhanced sanitation measures – to protect our frontline essential workers and shoppers, as well as to provide thank you pay, bonuses, and additional health and emergency leave benefits. We often operate above and beyond requirements of local and state ordinances to ensure we were protecting our greatest asset – our people.

In addition to these physical and financial investments, Harris Teeter has provided education and additional resources to our valued associates specifically related to their mental well-being. Our leaders have also been provided education and resources for how to support associates' physical and mental well-being amid this time of great uncertainty.

The proposed SB0486 ignores these commitments and ongoing efforts and would have significant, negative impacts at the worst possible time.

The proposed increases in pay would substantially increase the cost of food and groceries for Maryland's residents and families. Higher grocery costs would hurt Maryland families at a time they are already struggling to put food on the table – and would be especially harmful to low-income and disadvantaged communities.

Grocery workers across our country became essential personnel overnight – touted as Heroes – and we have answered the call to support our communities by providing open, clean and stocked stores. Hazard pay mandates could harm the Heroes they are intended to help. Higher costs could force organizations to reduce the number of workers, available hours and even locations.

In addition, hazard pay mandates could make it more difficult for many grocers, specifically, to stay afloat, especially independent grocers, small markets, ethnic grocers and grocery stores in disadvantage communities already struggling to keep their doors open. Harris Teeter – like most grocers operates with thin margins, even during the pandemic.

This bill is rushed and not adequately researched. We urge our elected leaders to pause the vote on any extra pay initiative until you complete a full analysis of the costs, impacts on local families and our community, and input from businesses.

## **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Rao, Kartikeya

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### sb0486 - MD Essential Workers Protection - UNF - H

Uploaded by: RASMUSSEN, DENNIS

### Testimony offered on behalf of: THE HUBZONE CONTRACTORS NATIONAL COUNCIL

#### **UNFAVORABLE:**

SB 486 – Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

### Senate Finance Committee 2/11/2021 at 1:00 PM

On behalf of the 415 SBA certified HUBZone small business firms in Maryland, and the 17, 410 Maryland small businesses in the federal marketplace, the HUBZone Contractors National Council (The Council) wants to express our <u>opposition to SB 486 - Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers&#39; Protection Act).</u>

Senate Bill 486 would implement additional regulations on employers in cases of emergency or when under Executive Order. It defines essential workers, requires an employer to provide a supplementary \$3.00 per hour in hazard pay for essential workers, requires more occupational safety and health procedures during an emergency, allows an essential worker to refuse to fulfill a certain responsibility, prohibits an employer from retaliating or taking other adverse action against an essential worker for refusing to fulfill his/her responsibility, requires employers to provide financial assistance for unreimbursed health care costs, and creates a new mandated paid bereavement and sick leave program.

These regulations would be excessive and onerous. The definition of "emergency" as contained within the bill is overly broad, ambiguous, and extends far beyond the scope of the pandemic and public health emergency that we are presently navigating as a result of COVID-19. Based on this definition, a snowstorm, a day of high winds, a ransomware attack, or even a stock market crash could be interpreted as an "emergency," unduly subjecting all employers defined as essential to the rest of the provisions contained within the bill. Such a definition is subjective and can be interpreted many different ways, something that the General Assembly has always avoided in drafting state statutes. We believe that the definition of "emergency" needs to be narrowed, refined, and made more objective.

The definition of essential worker is too broad and encompasses most employers in Maryland, including a large portion of small businesses. The bill goes well beyond the scope of the public health emergency we are currently navigating as a result of COVID-19. Nearly every type of employer in Maryland is included in the scope of the legislation, regardless of risk-profile. In fact, 15 industry sectors that contain a combined total of 76 categories are defined as essential employers in the legislation. The hazard pay alone will irreparably damage these businesses and making that pay retroactive will completely decimate most employers that worked hard to stay in business during the pandemic.

All employers want to provide a safe environment for their workers and this legislation is unwarranted.

Page 2 of 3 SB0486

Most have made good faith efforts following CDC and Maryland guidance to implement safety protocols during the pandemic. Employers should not bear the burden of paying for unreimbursed health care costs related to the emergency, especially when the employee is not even required to provide proof that they contracted the illness in their place of work. This is an appalling notion and undue expenses like these are egregious.

The section of the bill that refers to Unsafe Work Environment includes more undefined terms and concepts that cause confusion and inconsistency. For example, what is meant by "unsanitary conditions"? What constitutes a "reasonable threat"? The examples provided are inconsistent with the definition. Unsanitary conditions do not render an employee unable to work, for example. Moreover, the definition of "unsafe" is unclear in this context. We believe that "unsafe" should be clearly defined to be directly related to the declared emergency, not just a general code or other violation, which are already governed by existing state/federal laws and regulations.

The section of the bill that deals with Working Conditions introduces undefined terms that are either difficult to define, subject to differing interpretation, or exist on a spectrum. For example, it is unclear what is meant by "physical harm," "mental distress," and "physical health and safety."

It is unreasonable to hold an employer accountable for the "mental distress" of an employee, as "mental distress" exists on a spectrum and highly subjective. Further, there is no mechanism for proving or verifying that the "mental distress" occurred at the workplace and/or is related to the emergency.

There is also no definition provided for "physical health and safety," and no acknowledgement that there is some risk to physical health and safety at all times for all people. Further, there are certain sectors where the potential for physical harm is greater and is accepted as part of the job (police and firefighters, for example), which is not currently addressed in the bill. Once again, there is no mechanism for proving that the threat to "physical health and safety" is related to the emergency.

Allowing employees to refuse to go to work is ludicrous, especially when precautions are being taken to protect the employees. The bill is without mechanism for addressing abuse or verification by the employer. In addition, it is not clear that this would not apply to teleworking employees of essential employers, as defined by the bill. We already have a huge workforce shortage due to the disincentives provided by the additional federal Pandemic Unemployment Compensation. Many people would rather sit at home and collect unemployment while thousands of jobs go unfilled and businesses reduce hours, products, and services because they are too short-staffed to meet the needs of their customers. This is an additional strain on the Unemployment Insurance fund that is already overloaded. And to reduce that strain, this bill would put the onus back on an employer for someone refusing to report to work to fulfill their responsibility. If an individual determines that the line of work, they have chosen is too dangerous, then they are free to choose another line of work.

Creating a new program just for a health emergency is superfluous. Maryland already has a mandated paid sick and safe leave law. The legislation creates a new leave program whereby employers will be required to provide at least 3 days of bereavement leave and 14 days of health leave. Health leave is defined as paid leave during an emergency due to the worker's illness or other health needs related to the emergency. Again, it does not require the employee to prove that they contracted said illness at the workplace.

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Furthermore, employers are struggling to keep their doors open. Thousands of businesses have and will close their doors permanently due to the pandemic. The State should be looking for ways to save these businesses instead of hampering them with unnecessary regulations and opening them up to potential frivolous litigation. More regulations equals more liability. Businesses need help and protections not over burdensome and costly regulations.

The Council respectfully requests an <u>UNFAVORABLE</u> Committee report on SB 486—Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act).

Sincerely,

The HUBZone Contractors National Council

### SB0486 - MD Essential Workers Protection - UNF - J

Uploaded by: RASMUSSEN, DENNIS

2/11/2021 SB0486

### Testimony offered on behalf of: TAYLOR-MADE DEEP CREEK VACATIONS

#### **UNFAVORABLE:**

SB 486 – Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

### Senate Finance Committee 2/11/2021 at 1:00 PM

On behalf of Taylor-Made Deep Creek Vacations, I write to express <u>our OPPOSITION</u> to SB 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act).

Senate Bill 486 would implement additional regulations on employers in cases of emergency or when under Executive Order. It defines essential workers, requires an employer to provide a supplementary \$3.00 per hour in hazard pay for essential workers, requires more occupational safety and health procedures during an emergency, allows an essential worker to refuse to fulfill a certain responsibility, prohibits an employer from retaliating or taking other adverse action against an essential worker for refusing to fulfill his/her responsibility, requires employers to provide financial assistance for unreimbursed health care costs, and creates a new mandated paid bereavement and sick leave program.

These regulations would be excessive and onerous. The definition of "emergency" as contained within the bill is overly broad, ambiguous, and extends far beyond the scope of the pandemic and public health emergency that we are presently navigating as a result of COVID-19. Based on this definition, a snowstorm, a day of high winds, a ransomware attack, or even a stock market crash could be interpreted as an "emergency," unduly subjecting all employers defined as essential to the rest of the provisions contained within the bill. Such a definition is subjective and can be interpreted many different ways, something that the General Assembly has always avoided in drafting state statutes.

We believe that the definition of "emergency" needs to be narrowed, refined, and made more objective.

The definition of essential worker is too broad and encompasses most employers in Maryland, including a large portion of small businesses. The bill goes well beyond the scope of the public health emergency we are currently navigating as a result of COVID-19. Nearly every type of employer in Maryland is included in the scope of the legislation, regardless of risk-profile. In fact, 15 industry sectors that contain a combined total of 76 categories are defined as essential employers in the legislation. The hazard pay alone will irreparably damage these businesses and making that pay retroactive will completely decimate most employers that worked hard to stay in business during the pandemic.

All employers want to provide a safe environment for their workers and this legislation is unwarranted. Most have made good faith efforts following CDC and Maryland guidance to implement safety protocols during the pandemic. Employers should not bear the burden of paying for unreimbursed health care costs related to the emergency, especially when the employee is not even required to provide proof that they contracted the illness in their place of work. This is an appalling notion and undue expenses like these are egregious.

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The section of the bill that refers to Unsafe Work Environment includes more undefined terms and concepts that cause confusion and inconsistency. For example, what is meant by "unsanitary conditions"? What constitutes a "reasonable threat"? The examples provided are inconsistent with the definition. Unsanitary conditions do not render an employee unable to work, for example.

Moreover, the definition of "unsafe" is unclear in this context. We believe that "unsafe" should be clearly defined to be directly related to the declared emergency, not just a general code or other violation, which are already governed by existing state/federal laws and regulations.

The section of the bill that deals with Working Conditions introduces undefined terms that are either difficult to define, subject to differing interpretation, or exist on a spectrum. For example, it is unclear what is meant by "physical harm," "mental distress," and "physical health and safety."

It is unreasonable to hold an employer accountable for the "mental distress" of an employee, as "mental distress" exists on a spectrum and highly subjective. Further, there is no mechanism for proving or verifying that the "mental distress" occurred at the workplace and/or is related to the emergency.

There is also no definition provided for "physical health and safety," and no acknowledgement that there is some risk to physical health and safety at all times for all people. Further, there are certain sectors where the potential for physical harm is greater and is accepted as part of the job (police and firefighters, for example), which is not currently addressed in the bill. Once again, there is no mechanism for proving that the threat to "physical health and safety" is related to the emergency.

Allowing employees to refuse to go to work is ludicrous, especially when precautions are being taken to protect the employees. The bill is without mechanism for addressing abuse or verification by the employer. In addition, it is not clear that this would not apply to teleworking employees of essential employers, as defined by the bill. We already have a huge workforce shortage due to the disincentives provided by the additional federal Pandemic Unemployment Compensation. Many people would rather sit at home and collect unemployment while thousands of jobs go unfilled and businesses reduce hours, products and services because they are too short-staffed to meet the needs of their customers. This is an additional strain on the Unemployment Insurance fund that is already overloaded. And to reduce that strain, this bill would put the onus back on an employer for someone refusing to report to work to fulfill their responsibility. If an individual determines that the line of work, they have chosen is too dangerous, then they are free to choose another line of work.

Creating a new program just for a health emergency is superfluous. Maryland already has a mandated paid sick and safe leave law. The legislation creates a new leave program whereby employers will be required to provide at least 3 days of bereavement leave and 14 days of health leave. Health leave is defined as paid leave during an emergency due to the worker's illness or other health needs related to the emergency. Again, it does not require the employee to prove that they contracted said illness at the workplace.

Furthermore, employers are frantically struggling to keep their doors open. Thousands of businesses have and will close their doors permanently due to the pandemic. The State should be looking for ways to save these businesses instead hampering them with unnecessary regulations and opening them up to potential frivolous litigation. More regulations equals more liability. Businesses need help and protections not overburdensome and costly regulations.

I am sure beyond a shadow of a doubt that the state of Maryland will suffer greatly if SB 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act) becomes a reality. Not only will the numerous small businesses be forced to close

2/11/2021 SB0486

their doors, even the larger employers will be grossly affected. The end result will be a multitude of unemployed individuals, seeking help from the state.

Taylor-Made Deep Creek Vacations respectfully requests an <u>UNFAVORABLE Committee report</u> on SB 486.

Sincerely,

Joseph Refosco, Owner Taylor-Made Deep Creek Vacations (301) 616-5077

### SB486 - Essential Worker Protection Act - OPPOSE.p

Uploaded by: Redicker, Jane



#### **OUR MISSION:**

Working to enhance the economic prosperity of greater Silver Spring through robust promotion of our member businesses and unrelenting advocacy on their behalf.

### SB486 – Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

#### Senate Finance Committee February 11, 2021 UNFAVORABLE

On behalf of the Greater Silver Spring Chamber of Commerce, representing 400 member organizations, including very small businesses with fewer than ten employees and several nonprofits, in the greater Silver Spring area of Montgomery County, I write to express our opposition to <u>SB486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act).</u>

Senate Bill 486 would create a number of new programs and employer mandates, and resulting costs, during a declared state of emergency. These include: 1) an additional \$3/hour of hazard pay, 2) employer reimbursement of healthcare costs, 3) a new leave program for bereavement and health leave, 4) employee right to refuse work, 5) workplace safety standards, and 6) health emergency preparedness plans.

These regulations would be excessive and onerous. The definition of "emergency" as contained within the bill is overly broad, ambiguous, and extends far beyond the scope of the pandemic and public health emergency that we are presently navigating as a result of COVID-19. Based on this definition, a snowstorm, a day of high winds, a ransomware attack, or even a stock market crash could be interpreted as an "emergency," unduly subjecting all employers defined as essential to the rest of the provisions contained within the bill. Such a definition is subjective and can be interpreted many different ways, something that the General Assembly has always avoided in drafting state statutes.

The definition of essential worker is too broad and encompasses most employers in Maryland, including very small businesses. Nearly every type of employer in Maryland is included in the scope of the legislation, regardless of risk-profile. In fact, 15 industry sectors that contain a combined total of 76 categories are defined as essential employers in the legislation. The hazard pay alone will irreparably damage these businesses and making that pay retroactive will completely decimate most employers that worked hard to stay in business during the pandemic.

Our businesses, especially our small businesses cannot reasonably be expected to comply with the overly broad and unwell-defined mandates contained within Senate Bill 486, especially now, as they struggle to juggle previously passed employer mandates and the operational and economic implications of COVID-19.

Throughout the current pandemic, our organization and our members have remained committed to doing our part to mitigate the impact of COVID-19. The health and safety of our members, their employees, and the general public remains our top priority.

All employers want to provide a safe environment for their workers. Our members have made good faith efforts following CDC and Maryland guidance to implement safety protocols during the pandemic. Employers should not bear the burden of paying for unreimbursed health care costs related to the emergency, especially when the employee is not even required to provide proof that they contracted the illness in their place of work.

The section of the bill that refers to Unsafe Work Environment includes more undefined terms and concepts that cause confusion and inconsistency. For example, what is meant by "unsanitary conditions"? What constitutes a "reasonable threat"? By whose definition? The examples provided are inconsistent with the definition. Moreover, the definition of "unsafe" is unclear in this context. We believe that "unsafe" should be clearly defined to be directly related to the declared emergency, not just a general code or other violation, which are already governed by existing state/federal laws and regulations.

The section of the bill that deals with Working Conditions introduces undefined terms that are either difficult to define, subject to differing interpretation, or exist on a spectrum. For example, it is unclear what is meant by "physical harm," "mental distress," and "physical health and safety." It is unreasonable to hold an employer accountable for the "mental distress" of an employee, as "mental distress" exists on a spectrum and highly subjective. Further, there is no mechanism for proving or verifying that the "mental distress" occurred at the workplace and/or is in any way related to the emergency.

There is also no definition provided for "physical health and safety," and no acknowledgement that there is some risk to physical health and safety at all times for all people. Further, there are certain sectors where the potential for physical harm is greater and is accepted as part of the job (police and firefighters, for example), which is not currently addressed in the bill. Once again, there is no mechanism for proving that the threat to "physical health and safety" is related to the emergency.

Among the most ludicrous provisions of the bill is allowing employees, at their discretion, to refuse to go to work, especially when their employer has taken good faith precautions to protect employees and customers. The bill is without mechanism for addressing abuse or verification by the employer. In addition, it is not clear that this would not apply to teleworking employees of essential employers, as defined by the bill. We already have a huge workforce shortage due to the disincentives provided by the additional federal Pandemic Unemployment Compensation. Many of our members experienced this during several months last year. Despite the fact that an individual no longer qualifies for unemployment benefits after he or she has been offered a position to come back to work, we found that many people would rather sit at home and collect unemployment than work. This left thousands of jobs unfilled, required businesses to reduce hours, resulted in fewer products and services because employers were too short-staffed to meet the needs of their customers. This is an additional strain on the Unemployment Insurance fund that is already overloaded. And to reduce that strain, this bill would put the onus back on an employer for someone refusing to report to work to fulfill their responsibility. If an individual determines that the line of work, they have chosen is too dangerous, then they are free to choose another line of work.

The bill would require all businesses to develop extensive emergency preparedness plans, for whatever emergency might occur. Small businesses have neither the capacity nor expertise to do this, nor do they have the financial resources to hire legal and other experts to do it for them. This section of the bill also requires "mechanisms for notifying essential workers of positive test results for illness," yet it does not specify what type of illness. For example, are employers to be required to issue such notification for the flu or a common cold?

The bill would require employers to provide hazard pay for each pay period that the essential worker works at a rate of \$3/hour, but there is confusion in the bill language regarding how this provision is to be applied. The bill is intended to apply prospectively, yet there is a provision in this section that states that an essential worker is eligible for hazard pay dating back to the start of the emergency. Legislation that is both retroactive and prospective as to the same provision cannot be complied with and is wholly unworkable. Small businesses, who have no notice, and limited or no capacity to pay such wages, are not equipped to provide hazard pay. Such a provision constitutes unfair surprise, lack of due process, and an unconstitutional taking without just compensation.

The bill would create a new program of leave just for a health emergency, something our members find superfluous. Maryland already has a mandated paid sick and safe leave law. The legislation creates a new leave program whereby employers will be required to provide at least 3 days of bereavement leave and 14 days of health leave. Health leave is defined as paid leave during an emergency due to the worker's illness or other health needs related to the emergency. Again, it does not require the employee to prove that they contracted said illness at the workplace.

Even more onerous is the requirement that employers provide financial assistance for unreimbursed healthcare costs including co-pays, insurance premiums and out of pocket costs for healthcare or transportation. The bill does not define whether these costs are related in any way to the emergency or whether the illness was contracted at the workplace. It is unreasonable for employers to be compelled to pay for healthcare costs for undefined illnesses that are not likely to have been contracted in the workplace. Further, it is not clear that this provision would not also apply to teleworking employees. It appears that the intended result is for employers to pay 100% of insurance premiums and all healthcare costs for all employees, something that just cannot be justified. The cost implications would be devastating to our businesses and nonprofits, who are already struggling with a global pandemic and compounding financial implications of other state mandates, including increased minimum wage and paid sick and safe leave.

Our member businesses and nonprofits are frantically struggling to keep their doors open and keep their livelihoods. Many consider their employees like family and have worked mightily to keep them employed or help them though this crisis. Still, thousands of businesses have and will close their doors permanently due to the pandemic. The State should be looking for ways to save these businesses instead hampering them with unnecessary regulations and opening them up to potential frivolous litigation. More regulation equals more liability. Businesses need help and protections not overburdensome and costly regulations.

For these reasons, the Greater Silver Spring Chamber of Commerce respectfully requests an <u>UNFAVORABLE</u> committee report on SB 486.

Jane Redicker
President & CEO
Greater Silver Spring Chamber of Commerce
8601 Georgia Avenue #203
Silver Spring, MD 20910
Office: (301) 565-3777

Mobile: (301) 466-8997 www.gsscc.org

# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Reid, Brian

Harris Teeter is strongly opposed to SB0486 and urges Maryland's elected leaders to undertake a complete economic impact assessment to fully understand consequences of any proposed mandatory essential worker wage-increase bill before moving forward.

Our guiding principles throughout this pandemic have been safety, transparency and investment in our associates and stores.

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In addition, hazard pay mandates could make it more difficult for many grocers, specifically, to stay afloat, especially independent grocers, small markets, ethnic grocers and grocery stores in disadvantage communities already struggling to keep their doors open. Harris Teeter – like most grocers operates with thin margins, even during the pandemic.

This bill is rushed and not adequately researched. We urge our elected leaders to pause the vote on any extra pay initiative until you complete a full analysis of the costs, impacts on local families and our community, and input from businesses.

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## **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Rhodes, Jonathan

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This bill is rushed and not adequately researched. We urge our elected leaders to pause the vote on any extra pay initiative until you complete a full analysis of the costs, impacts on local families and our community, and input from businesses.

# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Richardson, Brandi

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## **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Richardson, Herman

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Riley, Scott

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Robbins, Michael

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This bill is rushed and not adequately researched. We urge our elected leaders to pause the vote on any extra pay initiative until you complete a full analysis of the costs, impacts on local families and our community, and input from businesses.

### **SB 486 - MHLA - Rohrer - UNF.doc.pdf** Uploaded by: Rohrer, Amy



# SB 486 - Oppose Employment Standards During an Emergency (Maryland Essential Workers' Protection Act) Finance Committee February 11, 2021

Dear Chairwoman Kelley and Members of the Committee:

As the sole statewide trade association dedicated to advocacy for Maryland's lodging industry, with more than 700 hotels totaling 75,000+ rooms, we urge an unfavorable report on SB 486.

Being in the business of hospitality, hotel employees are our greatest asset. Early on in the pandemic, <u>Safe Stay Guidelines</u> were created by an advisory council comprised of leaders from all segments of the hotel industry, in accordance with CDC recommendations and insights from leading health and cleaning experts. The industry was quick to adapt and embrace these guidelines, taking steps to protect both our employees and guests. We recognize the critical role we play in helping reduce the spread of COVID-19, while serving our communities and housing other essential personnel, such as healthcare workers and first responders, throughout this pandemic.

While well-intentioned, this proposed statute has the potential to further cripple Maryland's lodging industry at a time when we are desperately trying to stay afloat. The lifeline provided by relief from lenders and the federal government is the reason many hotels have barely survived so far. 2020 was the most devastating year on record for hotels, resulting in historically low occupancy, massive job loss, and hotel closures.

- Statewide occupancy in Maryland was 43% in 2020, which is down 34% over 2019, and is **below the threshold at which hotels can break even and pay debt**. Hotels have been operating in the red throughout this pandemic!
- Statewide room revenue was down 50% in 2020 vs. 2019. This does not include additional revenue lost as a result of cancelled banquets, meetings, conventions, etc.
- Maryland sales and use tax collections attributable to full-service hotels (Category 111) was down 64% for April - November 2020 vs. 2019. Overall sales and use tax collection attributable to lodging for the same period was down nearly 53%. (See Addendum A)
- According to BLS, hotels continue to lose jobs, with the sector's unemployment rate at 23.1% as of January 2021. Maryland hotels were forced to shed 10,000 jobs in the first ten 10 months of the pandemic, eliminating 10 years of



**growth in hotel employment numbers.** (See Addendum B) Hotel staffing levels are not expected to return to pre-pandemic levels until at least 2023<sup>1</sup>.

Setting aside our concern with ANY additional operational expense at a time when our industry is operating at a loss, we are especially concerned by the following:

- 1) The proposed statute is unclear as to what constitutes an "essential employee".
- 2) The "hazard pay" is indiscriminate risks are varied across industries and in positions within a company. For example, someone working in the accounting office or remotely making room reservations, does not have any contact with the public, and therefore should not be classified as an essential worker for the purposes of this bill.
- 3) Hazard pay will be difficult if not impossible to calculate both going forward and retroactively (e.g., how do you provide \$3.00/hour hazard pay for exempt employees who make less than \$100,000/year?). If applied retroactively, companies do not have time records for exempt employees such that they can make this calculation.
- 4) "Hazard pay" is unfairly and unjustly imposed retroactively. See section 3-1609(A)(2) on page 17. Many hotels have already done their best to provide extra compensation in some form or fashion to express appreciation to employees. When feasible this may be done through extra pay, comp time, bonuses, and other non-monetary ways to show employees appreciation.
- 5) Fines are vague the statute lacks clarity as to application and decision making.
- 6) Holding an employer accountable for reduced "mental distress" in the workplace is highly subjective.
- 7) It is unreasonable for employers to reimburse health care costs related to "the emergency" that could also be contracted outside of the workplace.
- 8) The provision which affords an essential worker the right to refuse work without employer review sets up the potential for abuse by employees.

<sup>&</sup>lt;sup>1</sup> AHLA's State of the Lodging Industry 2021 Report, p. 5 https://www.ahla.com/sites/default/files/2021%20State%20of%20the%20Hotel%20Industry.pdf



With hotels facing the worst economic crisis on record, this legislation jeopardizes small business hotel owners who could not afford to implement it and keep their doors open. It will force Maryland hotels to shut down, putting many at risk of closing permanently and leading to more hotel jobs lost forever.

Prior to the pandemic, Maryland hotels (directly and indirectly) supported nearly 100,000 jobs, \$5 billion in wages and salaries, and \$1 billion to State and Local tax coffers.<sup>2</sup>

We urge you to reject this legislation and prevent further job loss and hotel closures. The economic implications of this mandate would cause immense harm to our industry, and slow down economic recovery for the state. Please give SB 486 an unfavorable report.

Respectfully submitted,

Amy Rohrer, CAE President & CEO

<sup>2</sup> AHLA: Maryland's Hotel Industry, by the Numbers https://ahla.morningconsultintelligence.com/states/maryland/



### Addendum A:

Data from Maryland Comptroller

Maryland State	April to November 2020 (8 Months)									
TOTAL SALES AND USE TAX COLLECTIONS ATTRIBUTABLE TO TOURISM										
Sales Tax Category		April to November 2020 (\$)	April to November 2019 (\$)	Percent Change						
108 Restaurants, Lunchrooms, Delicatessens - WO/BWL		\$260,947,356	\$307,846,202	-15.2%						
111 Hotels, Motels Selling Food - W/BWL		\$9,868,208	\$27,389,672	-64.0%						
112 Restaurants and Nite Clubs - W/BWL		\$145,120,182	\$202,602,862	-28.4%						
306 General Merchandise		\$263,257,655	\$267,130,527	-1.4%						
407 Automobile, Bus and Truck Rentals		\$40,582,381	\$57,726,174	-29.7%						
706 Airlines - Commercial		\$103,360	\$223,608	-53.8%						
901 Hotels, Motels, Apartments, Cottages		\$52,221,700	\$103,939,084	-49.8%						
925 Recreation and Amusement Places		\$3,768,761	\$7,020,519	-46.3%						
Tourism Tax Categories Subtotal		\$775,869,602	\$973,878,648	-20.3%						
All Categories - Subtotal		\$3,470,831,185	\$3,848,836,592	-9.8%						
Lodging Subtotal		\$62,089,908	\$131,328,756	-52.7%						
Restaurant Subtotal		\$406,067,538	\$510,449,064	-20.4%						



### Addendum B:

Data from U.S. Bureau of Labor Statistics (https://data.bls.gov/timeseries/SMU2400007072100001)

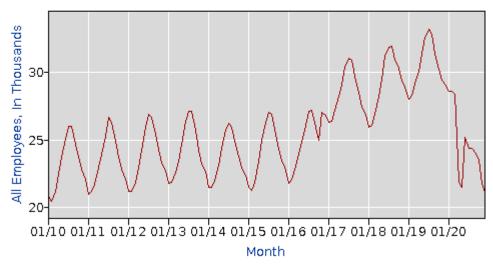
### State and Area Employment, Hours, and Earnings

Series Id: SMU24000007072100001

Not Seasonally Adjusted **State:** Maryland **Area:** Statewide

**Supersector:** Leisure and Hospitality **Industry:** Accommodation

Data Type: All Employees, In Thousands



Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2010	20.8	20.5	21.2	22.5	23.7	25.1	26.0	26.0	24.7	23.7	22.8	22.1
2011	21.0	21.2	21.7	23.0	23.9	25.3	26.7	26.3	24.9	23.7	22.8	22.1
2012	21.2	21.2	21.9	23.0	24.2	26.0	26.9	26.7	25.4	24.3	23.3	22.7
2013	21.8	21.9	22.6	23.4	24.7	26.4	27.1	27.1	25.7	24.2	23.2	22.7
2014	21.5	21.5	22.0	23.1	24.4	25.8	26.2	25.9	24.6	23.8	22.9	22.4
2015	21.5	21.3	21.9	23.4	25.0	26.0	27.0	26.9	25.4	24.3	23.4	23.0
2016	21.8	22.1	22.8	23.9	24.9	26.1	27.1	27.2	25.9	25.0	27.0	26.8
2017	26.3	26.4	27.2	28.2	29.1	30.4	31.0	30.9	29.3	28.5	27.4	26.8
2018	25.9	26.1	26.9	28.2	29.5	31.2	31.8	31.9	30.9	30.3	29.3	28.9
2019	28.0	28.3	29.2	30.1	31.4	32.6	33.2	32.8	31.3	30.2	29.4	29.1
2020	28.6	28.6	28.4	21.9	21.5	25.2	24.4	24.4	24.1	23.5	21.8	21.1(P)
P:Pre	P : Preliminary											

### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Ronzello, brandt

Harris Teeter is strongly opposed to SB0486 and urges Maryland's elected leaders to undertake a complete economic impact assessment to fully understand consequences of any proposed mandatory essential worker wage-increase bill before moving forward.

Our guiding principles throughout this pandemic have been safety, transparency and investment in our associates and stores.

Harris Teeter is committed to paying competitive wages and benefits to our nearly 35,000 valued associates – 2,700 in Maryland. Since the start of the COVID-19 pandemic, Harris Teeter has invested significantly in infrastructure and enhanced safety protocols – including, but not limited to providing PPE, protective shields at checkout, health screenings and temperature checks, enhanced sanitation measures – to protect our frontline essential workers and shoppers, as well as to provide thank you pay, bonuses, and additional health and emergency leave benefits. We often operate above and beyond requirements of local and state ordinances to ensure we were protecting our greatest asset – our people.

In addition to these physical and financial investments, Harris Teeter has provided education and additional resources to our valued associates specifically related to their mental well-being. Our leaders have also been provided education and resources for how to support associates' physical and mental well-being amid this time of great uncertainty.

The proposed SB0486 ignores these commitments and ongoing efforts and would have significant, negative impacts at the worst possible time.

The proposed increases in pay would substantially increase the cost of food and groceries for Maryland's residents and families. Higher grocery costs would hurt Maryland families at a time they are already struggling to put food on the table – and would be especially harmful to low-income and disadvantaged communities.

Grocery workers across our country became essential personnel overnight – touted as Heroes – and we have answered the call to support our communities by providing open, clean and stocked stores. Hazard pay mandates could harm the Heroes they are intended to help. Higher costs could force organizations to reduce the number of workers, available hours and even locations.

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This bill is rushed and not adequately researched. We urge our elected leaders to pause the vote on any extra pay initiative until you complete a full analysis of the costs, impacts on local families and our community, and input from businesses.

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## Harris Teeter Letter of Opposition.pdf Uploaded by: Rupertus, Douglas Position: UNF

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# **Legislative Letter SB 486.pdf**Uploaded by: Ryan, Lyndsey Position: UNF

### BOARD MEETING: 2nd and 4th Tuesday of Each Month (410) 226-5122



101 Market Street P.O. Box 339 Oxford, Maryland 21654

### Commissioners of Oxford

February 9, 2021

Senator Delores G. Kelley, Chair Finance Committee Miller Senate Office Building 3 East Annapolis, Maryland 21401

Re: Senate Bill 486 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Chair Kelley,

Please accept this letter as written testimony in opposition to Senate Bill 486 as written as it is overly broad and will have considerable ramifications on all essential employers, but particularly local governments and small businesses. While the Commissioners of Oxford appreciate the intent behind Senate Bill 486 and recognize that many frontline workers have suffered grave consequences as a result of COVID-19, they cannot support legislation that is so overly broad that the impacts of the bill are more detrimental than they are beneficial. Rather than provide an exhaustive overview of the bill, this letter is meant to discuss the major areas of concern within the bill and provide a list of questions that the Town expects will arise from this bill, and which show how ambiguous the text of the bill is.

There are several areas of concern within the bill that the Town cannot support. The first concern stems from the definitions of "essential employer" and "essential worker" which are so broad they encompass every employee that has reported to a worksite since the pandemic began in March 2020, regardless of whether the employee had an increased risk of exposure by reporting. There are many instances where employees have been able to report to a worksite and complete their duties alone, without the heightened risk of exposure. There are also instances where an employee has the ability to perform work remotely but choose not to, or find that they are able to be more productive at the worksite rather than working remotely. Should an employer be subject to this bill if their employee determines, on their own, that they are not able to work remotely? It seems more appropriate to define essential employee as one that is at a heightened risk of direct exposure, and not one that may be reporting to a solo office.

The second concern is the blanket application of the \$3.00 per hour raise. Wouldn't it be more practical and fair-minded to tier the raise depending on the level of the employee's exposure? As drafted, the bill provides a \$3.00 per hour raise to a healthcare employee working in a hospital directly exposed to the emergency at hand and an employee of another trade that may report to a worksite where they are the only employee. What kind of example is being set by telling frontline workers that they should receive the same raise as an employee with very limited, or potentially no exposure?

### Commissioners of Oxford

There is also much confusion as to whether the bill mandates retroactive payment by employers to essential employees. During the hearing on House Bill 581 in the Economic Matters Committee on February 5<sup>th</sup>, which was cross-filed with Senate Bill 486, many delegates testified that the bill is not intended to apply retroactively. However, § 3-1609(A)(2) as proposed states, "[a]n essential worker is eligible for hazard pay dating back to the start of the emergency." This would mandate all essential employers, many of which did all they could to keep their entire staff, or a majority of their staff, on the payroll during the pandemic to shell out exorbitant amounts of money to retroactively pay those employees. Many employers, including the Town of Oxford, operate an on annual budget and are already facing severe budget shortfalls from the pandemic. While the Town of Oxford has less than 15 employees, a \$3.00/hour retroactive increase per essential employee would cost the town over \$60,000, which was not budgeted for and could be determined as an unconstitutional ex post facto law. Have the legislators considered where the funds to cover retroactive payment will come from? Or that it may require some businesses to declare bankruptcy or shutdown?

The bill also fails to consider that some essential employers already provided their essential employees with pay increases or increased hours during the pandemic. For instance, many employers continued to pay their employees for a 40-hour workweek during the pandemic but operated on reduced hours. Others gave employees bonuses and additional overtime they would not have otherwise received. To now require the employer to pay an additional hourly rate without consideration of whether the employer already provided a pandemic-specific benefit is irresponsible and will prevent employers from providing work benefits in the future.

Aside from the hourly pay increase that, as written, applies to all essential employees whether they are on the frontline or working in a storage room alone, it will also be extremely expensive for employers to cover medical expenses as a result of a covid-19 sickness or injury. The biggest heartburn with this requirement that many employers and health departments have struggled with is that it is nearly impossible to trace covid-19 exposure to the employer, or the site of exposure. The language in the bill requires an essential employer to cover health care costs of an employee that becomes ill due to covid-19 exposure regardless of whether the employee was exposed while on duty.

As written, the bill permits an employee to act irresponsibly while off duty to the detriment of the employer. While an employer can regulate the conduct of its employees while they are on duty, it certainly lacks the ability to regulate conduct while off the clock. If this bill goes forward, the Town urges this Committee to consider adding a provision that an essential employer is required to provide financial assistance and additional leave to an essential employee that was exposed, or likely exposed, while on duty with some threshold of establishing where the exposure occurred. Anything else would be unduly burdensome and act as a punishment to all essential employers.

While the Town understands that some essential employers did not provide their employees with the respect and compensation they deserved, a majority of essential employers did and should not be penalized for the downfalls of those that fell short. We cannot recover from this pandemic and continue to support our economy by penalizing essential employers

### Commissioners of Oxford

without regard to the number of employees the employer employs, the particular industry, the risk of exposure, and many other factors which are not considered within the bill.

Although the major concerns with the bill are stated above, the following questions shed light on how overly broad and ambiguous the bill is, which will cause harm and provide little benefit.

- Shouldn't consideration be given to employers that establish policies to permit employees to work alone?
- Should the bill consider a threshold of application so that an employer has to employ at least 15 employees to apply? Otherwise, this bill applies to a small business that has one or two employees with no risk of exposure.
- Have legislators considered the expense of preparing a health emergency preparedness plan? Will the state provide a template plan?
- Regarding section 3-1607(A), how can we expect an employer to determine that the infection was contracted at the worksite? Contract tracing is extremely difficult.
- Does section 3-1607(A)(2) require evacuation of the entire office/department, or only the site where the positive employee worked? For instance, in an office that has multiple departments, the language of the bill seems to contemplate the evacuation of the entire office, and not only those exposed.
- Section 3-1604(2) requires an employer to provide the necessary amount of personal protective equipment. What will happen in the situation which occurred in the beginning of the pandemic when personal protective equipment was not available? Should an employer be penalized when obtaining PPE is out of their control?

The Town of Oxford urges you to consider the above questions and deny Senate Bill 486 as too broad and unduly burdensome. Conversely, the Town urges you to revise the Bill to address the questions and concerns above.

#### Conclusion

The Town appreciates your consideration of this letter in opposition to Senate Bill 486 as it is overly broad and unduly burdensome. The Town hopes that you consider the grave ramifications this bill will have on local governments and the local economy who struggled to remain open during the pandemic and continue to pay their employees. The Town strongly believes that Senate Bill 486 will have a negative impact for the small town of Oxford and all municipalities and small businesses within the state. Our businesses need support during this time, not punishment.

On behalf the Commissioners of Oxford,

Cheryl Lewis, Town Administrator

### **SB 486\_Oppose\_City of Havre de Grace.pdf** Uploaded by: Rybczynski, Adam

### 711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078 WWW.HAVREDEGRACEMD.COM

410- 939-1800 410- 575-7043

February 11, 2021

The Honorable Senator Delores G. Kelley Chair, Finance Committee 3 East Miller Senate Office Building Annapolis, Maryland 21401

Re: Oppose - Senate Bill 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Chair Kelley and the Honorable Members of the Finance Committee:

The City of Havre de Grace opposes Senate Bill 486. If passed, this legislation would potentially create an unfunded mandate for the City government in the amount of \$900,0000.

The City of Havre de Grace is a historic waterfront community and tourist destination located in Harford County. The current city administration has made significant strategic investments and policy decisions in the areas of economic development and tourism that often go hand in hand. This includes attracting new business and stimulating economic development through the creation of tourism-related activities. During a normal budget year, the city invested hundreds of thousands of dollars in police, public works, and administrative services towards dozens of events held within the city. This action has resulted in Havre de Grace gaining recognition as a premier destination to visit and open a business.

Throughout the pandemic, the City administration has been committed to business-friendly policies that provide assistance to businesses and relax many regulations, while maintaining and encouraging safety protocols to prevent the spread of COVID-19.

Unfortunately, however, like so many local economies across Maryland, the Havre de Graces business community, including its tourism sector, has been devastated by the dual COVID-19 catastrophic health emergency and the concurrent financial crisis.

As a result, Havre de Grace businesses have been forced to close, have experienced severe financial hardships, or have seen a significant reduction in business.

It is unknown at this time how long full economic recovery will take and how many of these businesses will remain open. During these trying times, government policies should not impose stringent requirements whose effect will strike the final death blow to those who are fortunate to survive. Maryland taxpayers and business owners expect the actions taken by government leaders will help local businesses- not prolong their suffering.

The consequences of the passage of SB 486 cannot be immediately measured and will take years to realize. What is certain is that its passage will exacerbate the current economic crisis and draw out the distress and uncertainty experienced by so many Marylanders, and will punish those with the fortitude to stick it out and continue to keep employees on the payroll.

The City of Havre de Grace requests the committee give SB 486 an unfavorable report.

## SB 486\_Oppose\_City of Havre de Grace\_Tourism Advis Uploaded by: Rybczynski, Adam

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

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February 11, 2021

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Re: Oppose - Senate Bill 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Chair Kelley and the Honorable Members of the Finance Committee:

The Havre de Grace Tourism Advisory Board opposes Senate Bill 486.

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## Ltr. to Senate Finance Comittee re SB0486 (Maryla Uploaded by: Schaffer, Andrew

#### **VIA ELECTRONIC MAIL**

Chair Delores G. Kelley Senate Finance Committee 3 East Miller Senate Office Building Annapolis, Maryland 21401

Re: SB0486 – Labor and Employment – Employment Standards During an

Emergency (Maryland Essential Workers' Protection Act)

Dear Chairwoman Kelley and Members of the Senate Finance Committee,

I am the owner of Eddie's of Roland Park, and I write to express my (and my family's) concerns regarding SB0486 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act). Eddie's of Roland Park has been a grocery landmark in Baltimore since 1944, and from its inception has remained family owned. Eddie's of Roland Park is not only a staple in the community but has been committed to the Baltimore community for decades. With our community, employees and business in mind, we urge you to reconsider the Maryland Essential Workers' Protection Act as drafted.

We have many concerns with the Maryland Essential Workers' Protection Act, most obviously being the "one size fits all" approach. As I am sure you can appreciate, this approach does not tackle the obstacles that small businesses face, nor does it account for the consideration in our staffing and care for our employees. For example, the in-store experience and staffing at our locations are not comparable to a Giant Food or Safeway. Our stores are more service oriented with a focus on fresh departments, like our deli, bakery, prepared foods and catering options, as opposed to the traditional "big box grocery store" where almost all items for sale are simply stocked on shelves for the consumer. Requiring our store(s) to close down completely until it is "properly sanitized" because one individual has an "infectious disease" is unnecessary and costly. What does "infectious disease" mean? Google confirms that it is as minimal as the common-cold. Surely your intention is not to shut down an entire business because someone has the common-cold. Furthermore, what is considered "properly sanitized"? Our interpretation is that even if the "infected" individual is a cashier with no exposure to the deli, bakery or prepared food counter, we would need to shut down the store and sanitize everything. For those departments in the store, "sanitize" is synonymous with "throw away". What a costly exercise for a virtually non-existent risk to customers and/or other employees. It is worth noting, that despite the more direct customer experience provided at our stores, we have seen no COVID-19 transmissions within our stores, which we credit to our strict and prudent policies that have been self-imposed since the onset of the pandemic.

Senate Finance Committee February 9, 2021 Page 2

In addition, the Maryland Essential Workers' Protection Act is overly financially burdensome to businesses that have already instituted safe and equitable practices. Because of our dedication to our community and our employees, we instituted many safety measures at the onset of the COVID-19 pandemic prior to the State of Maryland mandating certain practices. These practices included, but were not limited to, a mask mandate in the stores, a customer limit (that is much stricter than any local or state directive), providing personal protective gear to employees, offering \$2.00 per hour hazard pay from March 2020 through August 2020, finding replacement jobs for employees whose department slowed too much, and allowing employees to remain home while they were concerned about COVID-19 safety in timeframes far exceeding the Family and Medical Leave Act guidelines. We have employees from all different walks of life (including many with developmental challenges) who have worked with us for decades and built careers with us. Eddie's of Roland Park did not take a single penny of the government offered financial assistance because we did not need it at the time and did not believe in burdening the system for our own profit. While we have been happy to provide as much support as possible to our employees based on the resources available to us, the added costs and financial burden imposed by the Maryland Essential Workers' Protection Act would make continuing to employ many of our valued Eddie's family impossible.

We applaud the State of Maryland for taking action to ensure the general safety and well-being of its essential workers, but strongly urge the State of Maryland to reconsider how they categorize/regulate certain industries. To treat Eddie's of Roland Park the same as Giant or Safeway, is a disservice to small and mid-size businesses throughout the State of Maryland, and will result in many of those businesses either laying off valued employees, or shutting down completely (both of which would burden the unemployment system). We believe that any policy adopted by the State of Maryland should include, at a minimum, the following:

- 1. A more specific definition of "emergency", "illness", "properly sanitize" and "family member".
- 2. Hazard pay should be counted as a part of an employee's wage analysis for benefit programs.
- 3. Unreimbursed health care costs should not be the responsibility of employers, as many small businesses can barely afford the health insurance for employees already.

Thank you for your consideration. We are available to discuss these comments with you further.

Sincerely,

Nancy Cohen

Senate Finance Committee February 9, 2021 Page 3

ND: 4822-4906-8251, v. 1

## SB0486 Harris Teeter Letter of Opposition.pdf Uploaded by: Schatti, Jennifer

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# **Opposition to SB 486.pdf**Uploaded by: Schoonmaker, Brian Position: UNF



February 2<sup>nd</sup>, 2021

To: Senate Finance Committee

From: Capitol Pest and Maryland Statement Pest Control Association

Re: Opposition to SB 486 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Worker's Protection Act)

As a registered Democrat who lives in District 14, runs the second largest pest control company headquartered in Maryland and located in Beltsville, and a past President of the Maryland State Pest Control Association, I am writing in opposition of HB 581 for many reasons that I don't believe you are aware of.

While I totally agree with the intent of the bill, and I have personally already taken many of the steps in this bill, there are several areas of grave concern to me and other pest control operators in our state that would put many of us out of business.

- Page 4 3-1602 (2) (VI) Our industry is listed incorrectly and we are misclassified to begin with and should not be included in this proposed legislation. This classifies our industry under the commercial sector when in fact, the U.S. Department of Homeland Security Cybersecurity & Infrastructure Security Agency, in their memorandum dated 12/16/2020, classifies our industry as critical infrastructure workers under Food and Agriculture due to us protecting public health and the human and animal food chain. We need to be taken out of this legislation as we are being misclassified.
- Page 11 3-1605 2 (I) This states that an employee can refuse to work in "unsanitary conditions", but fails to define what this means. We work in unsanitary conditions every day as a part of our daily lives as we protect public health against the spread of disease from pests. That is the nature of what we do. Does this mean that an employee can refuse to do their job, get paid for it, and not be fired because they do not want to enter a home full of cockroaches or bed bugs? "Unsanitary conditions" must be clearly defined.
- Pages 14 and 15 3-1607 (B) We would have to pay for a test if one of our employees is exposed to someone else who is out of our control (at home or somewhere else) who tests positive for Covid. We already have been paying enormous amounts of money for respirators to be worn full time, gloves, booties, hand sanitizer, and other items that now cost 20 times what they did before, and other items to promote the safety of both our employees and our customers. We sanitize our office, have our office staff working from home, have a no-mask no-entry policy, and take every precaution to protect our employees. Having to bear the additional burden of their actions outside of work hours is totally unfair.
- Page 17 3-1609 (A) (1) (III) and (2) These paragraphs state that we would have to pay all field employees \$3.00 more per hour more dating retroactively back to the beginning of the pandemic. This would be a huge burden that we have received no help with since we do not qualify for help from PPP loans and while we have increased expenses across the board already. It is retroactive and has not

been budgeted for which would put companies out of business. We cannot raise our prices to our customers retroactively, and would have to eat this entire cost. This is far too large of a burden financially and if we are already protecting our employees, how can this be a fair judgement? This also makes no mention of Salaried employees and how to handle them. At the very least, there should be a sliding scale based on how much an employee makes. I pay my people more than other companies already and meet the \$15/hour minimum wage that is not even law. I again already bear a financial burden that other companies do not. This needs to be stricken or revised to be made better.

- Page 17 (B) (1 & 2) If someone gets Covid-19, we would have to pay for their medical expenses regardless of how they got it and their reason for not having insurance. What if they are hospitalized and did not have insurance due to their choice not to have it? Even though health insurance is both offered, and I already pay far more towards insurance coverage than other companies in my industry, if the employee chose to not accept the insurance, has their own insurance, and lacks proper coverage, due to no fault of mine, we would have to pay potentially hundreds of thousands of dollars in medical bills if someone is hospitalized due to their negligence (not mine). This is another recipe for financial disaster due to no fault of mine or other business owners who are already taking all of the steps necessary to protect their employees during work hours but have no control over them outside of work.
- Page 18 3-1609 (3) This sounds like we would have to pay for insurance for all employees which would bankrupt us. The insurance companies participating in the exchange would also jack their prices up knowing that companies have to pay for and provide insurance to their employees who did not want it previously. I already cover 50% in the first year and 100% after the first year (best in the industry). That financial burden already lowers the value of my company significantly by decreasing my profits, this additional expense would put me and most other companies out of business as health insurance is extremely expensive. Again, putting this burden on companies is just not a good idea.

In summary, we do not belong in this legislation to begin with due to our role in protecting public health and our misclassification. If this is not fixed, I would site that the financial burden placed on companies is far too much to expect. I am in total agreement with the rest of this proposed legislation that will hold companies accountable for protecting their employees and providing a safe working environment, giving bereavement pay, paying them if they contract the virus for 14 days, and all other aspects of this legislation. If all of those things are done, as they already are at my company, then the rest of the financial burden listed above is both needless and unfair. Thank you for your time and consideration!

Best Regards,

Brian Schoonmaker

Brian Schoonmaker

President Capitol Pest

# SB0486 Harris Teeter Letter of Opposition.pdf Uploaded by: Schurr, Donald

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## **SB486\_USM\_UNF\_SKOLNIK.pdf**Uploaded by: skolnik, carolyn



### SENATE FINANCE COMMITTEE

Senate Bill 486

Labor & Employment - Employment Standards during Emergency
February 11, 2021
Urging an Unfavorable Report
Carolyn Skolnick, Associate Vice Chancellor, Human Resources

Chair Kelley, Vice Chair Feldman, and members of the committee, thank you for the opportunity to share our thoughts regarding Senate Bill 486. The bill contains a sweeping set of new rules applicable to an incredibly broad group of employees, including contractors and subcontractors, working in a multitude of public and private industries and sectors, including the University System of Maryland (USM) institutions. It appears intended to address some of the concerns of those employees who reported to worksites during the pandemic. Unfortunately, it is not sufficiently targeted to reasonably address those concerns requiring a nexus between the emergency condition and the work being performed by an employee. Instead, HB 581 would extend these broad new protections and benefits to every worker reporting to a physical worksite during an emergency, regardless of whether the emergency actually places the employee at any objective risk while working. In addition, HB 581 overlaps provisions contained in worker's compensation statutes, occupational safety and health regulations, local public health regulations and practices, existing sick and bereavement leave policies, the Maryland Tort Claims Act, and collective bargaining laws, thereby creating confusion over its interaction with those other legal requirements.

Senate Bill 486 would have a significant impact on the USM institutions. The bill conflicts with the existing statutorily prescribed collective bargaining process, which authorizes an exclusive bargaining representative to negotiate with the institution over wages, hours, and other terms and conditions of employment, including health and safety measures. It requires "hazard" pay of \$3 per hour for all employees working at the worksite, *retroactive* to the beginning of the emergency. This Bill imposes costly and unnecessary terms that the parties might not otherwise have reached on their own. For example, under the Bill, the universities would have to provide workers three days of "bereavement leave" and 14 days of "health leave," when the same amount of bereavement leave and a greater amount of sick leave is already provided to these employees through policy and/or the collectively bargained MOUs. Additionally, by providing an "essential worker" with the right to refuse to fulfill work responsibilities under subjective circumstances (when the worker "fears" for their life or health), the bill promotes the potential for large-scale work stoppage in violation of the State collective bargaining laws). The allocation of significant

leave amounts coupled with refusals to work could create significant hardship in staffing and in maintaining the effective and efficient operations of the USM institutions.

Another concern is that the legislation shifts to the institutions responsibility to provide significant "financial assistance" to employees who get sick or injured as a result of an emergency, regardless of whether the employee was exposed or injured at work or not. As with the current pandemic, it may be impossible to establish the linkage between a worksite and an exposure or injury. These costs, should they be imposed, include paying or reimbursing employees for co-pays, insurance premiums, out-of-pocket medical expenses, and out-of-pocket transportation costs, in addition to assisting essential workers who do not have health insurance obtain and pay for coverage. These costs are abundant and unsustainable, especially when considering the health leave benefits already offered to employees by the universities.

As drafted, Senate Bill 486 contains redundancies, inconsistencies, vague and unclear language, and unreasonable expectations that will undoubtedly create confusion and hardship in implementation. For example, the employer is considered to have created an unsafe work environment by failing to notify workers of "illnesses, broken or improperly functioning equipment, or any other dangerous or hazardous conditions which represent a reasonable threat to the essential worker's health or safety," but an employer cannot provide notification of such things unless these conditions are first known to the employer. Also, the Bill's definition of "emergency" is ambiguous, since it does not appear to require any declaration by a governmental authority and therefore leaves open the question of who has the authority to declare said emergency. As such, it will be impossible for the employer to determine when these worker protections and benefits kick-in.

Finally, the bill creates a new complaint process that could unreasonably impose on the institutions not only civil penalties of up to \$1,000 per employee, per occurrence, but compensatory damages, back pay, and attorney's fees, as well.

For these reasons, the USM respectfully urges an unfavorable report on Senate Bill 486.

## **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Slater, Steve

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### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Smith, Michael

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# **SB0486 Instructions.pdf**Uploaded by: Smith, Ricardo Position: UNF

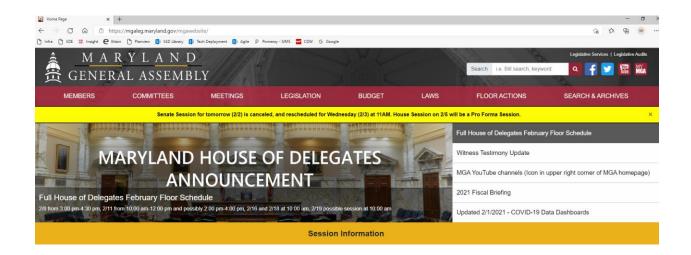
**BEFORE you begin**, Save the PDF attachment titled "SB0486Harris Teeter Letter of Opposition" in a location that you can easily retrieve to upload later.

Go to the Maryland General Assembly website using the Edge Browser

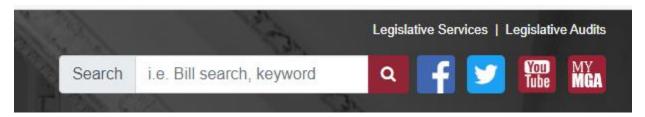


### INTERNET EXPLORER IS NOT A COMPATIBLE BROWSER – USE EDGE

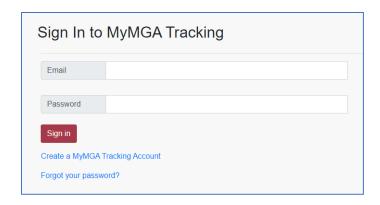
Home Page (https://mgaleg.maryland.gov/mgawebsite/)



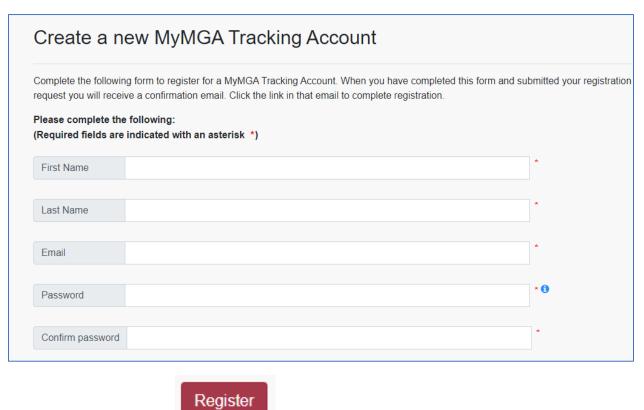
Click on the Corner



Click on Create MyMGA Tracking Account



Complete all of the required fields which are indicated with the red \* (asterisk)



Once complete click on the

button at the bottom

You will receive a message indicating your registration confirmation has been sent to your email

### **Tracking Registration**

A confirmation email has been sent to your email account.

Please follow the instructions in the email to complete your registration.

You will have 24 hours to retrieve the email and complete the registration process. The email will come from the following.

no-reply@mlis.state.md.us MyMGA - Confirm Your Email

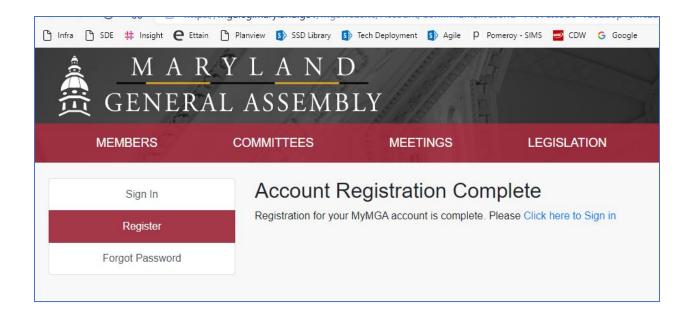
Click on the link within the email to complete your registration.

Priority: Normal

Attachments | Print |

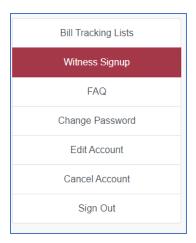
To complete the registration of your MyMGA account please click here (link valid for 24 hours).

After clicking on the link you will receive the following screen

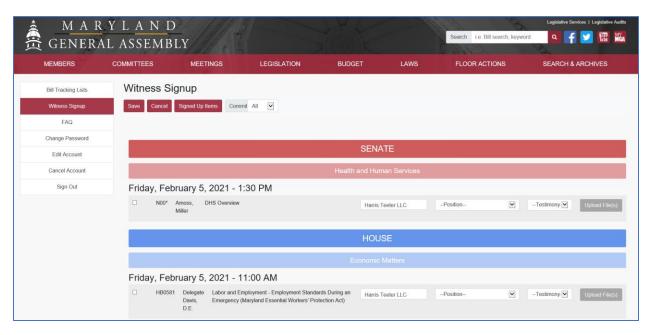


Click on Sign In and enter your email address and password that you used to create your account.

Once you have created your account and signed in Click on Witness Signup



You will see all of the available bills to comment on for both Senate & House.



Scroll down and find SB0486 and select the bill by placing a check in the box.

NOTE: These instructions were created when we were opposing the House Bill – we are now opposing the Senate Bill so the images will not match exactly, but the directions are the same.



### Select your position on the bill from the dropdown



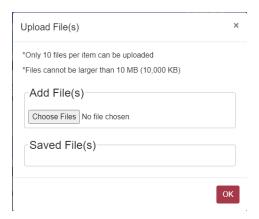
### Select your form of testimony from the dropdown



If you chose to provide a written testimony Click on the Upload File button. If the Upload File button does not become clickable, it is because you are using an unsupported internet browser. Use the Edge browser and try again.

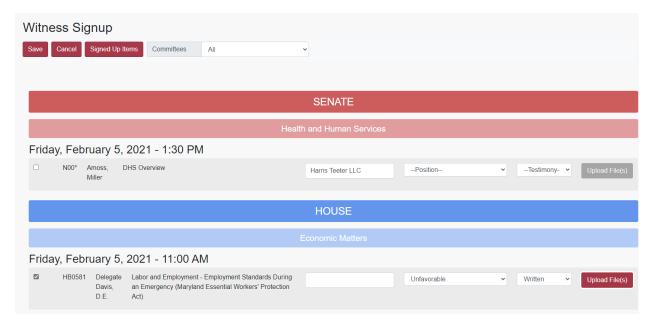


#### Navigate to your saved testimony and attach it to your entry



Once complete save your response by clicking on the





To confirm your voice was heard, please click "Signed Up Items icon and you should be able to see your completed submission:



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### **SB 486- Essential Workers Protection- Oppose.pdf** Uploaded by: Stallings, Nicole



### Senate Bill 486 - Labor and Employment - Employment Standards During an Emergency

Position: Oppose February 11, 2021 Senate Finance Committee

### **MHA Position**

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment in opposition to Senate Bill 486. While we agree with many of the concerns raised by the Chamber of Commerce, the requirements of SB 486 pose unique challenges to hospitals.

### Unique Nature of Hospital Field & Regulatory Oversight

Health care is a labor-intensive field, requiring 24-hour-per-day/seven-days-per-week staffing to achieve optimal quality outcomes. Hospitals and health systems need compassionate, skilled, trained, and dedicated professionals to meet these demands. The operations of a hospital, both in and outside of a declared public emergency are extensively governed by myriad state and federal regulations and subject to extensive enforcement mechanisms.

Safety standards are regulated by multiple state and federal regulatory agencies, including the Maryland Department of Health's Office of Health Care Quality, the Centers for Medicare & Medicaid Services (CMS), the Centers for Disease Control and Prevention (CDC), the Joint Commission, and the Occupational Safety and Health Administration (OSHA). These standards include requirements to ensure the safety of staff and patients that are science and evidence based. The standards are constantly evolving and more nimble than state statute.

There are existing standards that govern infection control, PPE, and require hospitals to establish and make public emergency preparedness plans. In summary, many of the requirements of this bill are governed by existing standards due to the unique role of the acute care hospital industry, which must be accounted for.

### **Hospitals Provide Essential Health Care Safety Net**

Considering the unique role of hospitals in their communities, we are very concerned with provisions that provide the right for an employee to refuse work. This provision is dangerous to patient care, as it removes caregivers from the bedside and puts patients' lives at risk. We also believe this provision is unnecessary as there are existing policies that address a health care worker's right to refuse unsafe work when certain conditions are met.<sup>1</sup> These standards will soon

<sup>1</sup> www.osha.gov/right-to-refuse.html

be evaluated by the Biden administration as part of a comprehensive review of OSHA standards to respond to the COVID-19 pandemic.<sup>2</sup>

Hospital work by nature includes some amount of risk of transmission due to proximity with patients. Hospitals follow strict, evidence-based safety protocols to limit this risk, but full evacuation of patient care areas, as would be required in this bill, would be impossible. Further, the requirement for notification under this section may also conflict with HIPAA in cases where the employer is also the health care provider. We ask members of this committee to consider the unintended consequences of these requirements. Would hospitals need to close a unit, or a floor, or the facility and not care for their patients? This would be devastating for health and health care, particularly during a public health emergency.

### **Hazard Pay & Benefits**

In addition to the 117,000 people hospitals directly employ, they also indirectly support another 113,000 related jobs. As the largest employers in most communities, and the largest private sector employers in the state, hospitals have consistently demonstrated the value we place in our employees through the compensation and benefits we deliver; however, we have significant concerns about the provisions related to hazard pay and the retroactivity. MHA's conservative estimates are this mandate alone could cost our hospitals between \$350-450 million. Because hospitals are already subject to a capped global budget and do not have a mechanism to increase revenue, this would require the Health Services Cost Review Commission to issue a 2.2% rate increase immediately upon passage of this legislation. This raises the cost of care.

In the first six months of COVID-19, nonprofit hospitals—which already operate on thin margins—absorbed more than \$200 million or 50% incremental losses, over the prior year. This is *after* the infusion of CARES Act funding and state support. Overall, the additional costs of this legislation could be catastrophic.

Hospitals' top priority is the safety and well-being of their workforce, who are essential to fulfill the mission of care. Maryland hospitals and their dedicated caregivers have been on the front lines of the battle against COVID-19 for nearly a year. They answered the call quickly and with full force to save lives and care for their communities—treating about 32,000 COVID patients since March.

The hospital field added roughly 6,000 beds in just the first months of the pandemic and created much-needed space for surge capacity. They tested hundreds of thousands of community members, patients, and staff. They shored up supplies of scarce protective gear, to keep patients and their workforce safe. And to help maintain social distancing while caring for patients, hospitals quickly expanded telehealth services. When novel vaccines were made available in late 2020, hospitals stepped in to support one of the most ambitious vaccination efforts in our country's history—prioritizing the vaccination of their health care workers and staff.

 $<sup>^2\</sup> www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/executive-order-protecting-worker-health-and-safety/$ 

All of this was done while continuing to care for patients during an acute care surge. None of this would be possible without the dedication of the more than 117,000 caregivers in Maryland hospitals, who have rightly been celebrated as heroes.

This is demonstrated in the way hospitals went to extraordinary lengths at the beginning of the pandemic to ensure access to the most needed supplies as global supply chains for personal protective equipment (PPE) shut down. Maryland hospitals quickly mobilized to deploy new strategies—working with local vendors that could pivot production to these vital items, partnering with other hospitals to increase purchasing power, seeking overseas vendors, and even producing their own PPE. Spending on PPE in the first six months of the pandemic alone increased by over \$125 million compared to the previous year's spending, according to an MHA survey of member hospitals.

In addition, recognizing the additional support needed during this unprecedented time, hospitals and health systems helped their dedicated workers cope with the additional stressors of providing life-saving care during a global pandemic. Our hospitals provided wellness and resiliency support for staff, transportation and childcare assistance, meals, lodging and more to support our employees as they respond to this pandemic. Hospitals procured these resources and provided those supports, not because they were mandated, but because they care for the people who care for their communities.

**COVID-19** has been unprecedented, but our commitment to the safety and wellbeing of our staff is steadfast. MHA's top legislative priority this session is ensuring the safety of our health care heroes. MHA is strongly supporting legislation that provides the opportunity for an employer to request a peace order on behalf of an employee who is threatened while on the job (Senate Bill 105), and legislation to extend protections from unsubstantiated malpractice suits to apply to those essential hospital workers who played a vital role in this public health emergency (Senate Bill 311).

The broad reach of SB 486 fails to recognize the unique nature of acute care hospital operations and care delivery, creates duplicative or conflicting requirements on a highly regulated industry, and erects unnecessary barriers between hospital administrators and staff. In our view, the bill creates vague requirements on a health care field that will not only be difficult to implement but could threaten the very safety net that hospitals provide. **For these reasons we urge an unfavorable report.** 

For more information, please contact: Nicole Stallings, Senior Vice President, Government Affairs & Policy Nstallings@mhaonline.org

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**No to SB0486.pdf** Uploaded by: Stowman, W E

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Sutton, Stephen

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### **SB486 - MoCo Chamber - Maryland Essential Workers'** Uploaded by: Swanson, Tricia



### To Lead, Advocate, and Connect as the Voice of Business

### Senate Bill 486 - Maryland Essential Workers' Protection Act

Finance Committee Appropriations Committee

February 5, 2021

#### **OPPOSE**

Senate Bill 486 creates a number of requirements for employers across the state during a State of an Emergency including 1) an additional \$3/hour of hazard pay, 2) employer reimbursement of healthcare and other costs, 3) a new leave program for bereavement and health leave, 4) employee right to refuse work, 5) workplace safety standards, and 6) health emergency preparedness plans.

While the Montgomery County Chamber of Commerce (MCCC) agrees with the intent of this legislation - that every employee should go to a safe workplace – this bill has many concerning requirements and associated costs which would be devastating to Maryland's job creators. These businesses are already struggling with a global pandemic and compounding financial implications of other state mandates like increased minimum wage and paid sick and safe leave. Our small businesses struggling to stay afloat also effect our larger companies as they are seeing impacts in supply chains.

### **Definitions**

The definitions of "emergency," "essential employer" and "essential employee" are very broad and allencompassing. To the extent that a business may not fall under one of the specific sectors or named industries, so long as the business has been ordered to remain open during an emergency, they would fall under the definition of an employer. Additionally, clarity is needed as to whether non-profits are meant to be included as an essential employer, depending on the industry they fall within.

Significantly, essential workers are limited to those who perform duties that cannot be performed remotely and that must be completed at a worksite. In addition, it is important to note that essential employer is one that "employs" an essential worker, but essential worker is defined to include a contractor or subcontractor, who are not employed by the essential employer.

Continuing, the way that emergency is defined is ambiguous. Based on this definition, a snowstorm, a day of high winds, or even a stock market crash could be interpreted as an "emergency," subjecting all employers defined as essential to the rest of the provisions contained within the bill.

### **Employer Requirements**

There are ambiguous and/or incredibly burdensome employer requirements throughout the bill. First, there are undefined terms that are either difficult to define, up for interpretation or exist on a spectrum. For example, it is unclear what is meant by "physical harm," "mental distress," and "physical health and safety."

This section of the bill also includes a provision which requires employers to provide personal protective equipment (PPE) to workers at no cost. Again, this section lacks clarity in its definitions and results in many open questions. For example, what does "necessary amount" mean and who determines that? Who determines what PPE is necessary based on the definition of the declared emergency? For example, PPE necessary for a public health emergency will be different than that needed for a flood or hurricane. In the beginning of the COVID-19 pandemic, PPE was challenging to procure as manufacturers scrambled to produce enough supply. As a result, we believe that language needs to be added to this section to clarify that PPE is procured and provided to essential workers "subject to availability."

Another requirement placed on employers are the Emergency Preparedness plans. The Chamber has concerns about the burden this provision might place on small businesses, as they are less likely to have the in-house resources or expertise to comply. In addition, this section requires "mechanisms for notifying essential workers of positive test results for illness," yet it does not specify what type of illness. For example, are employers to be required to issue such notification for the flu or a common cold? Does this requirement still exist if the declared state of emergency is not related to a health pandemic?

### **Hazard Pay and Additional Financial Assistance**

The hazard pay component of this legislation is also concerning. This provision requires employers to provide hazard pay for each pay period that the essential worker works at a rate of \$3/hour. First, there is confusion regarding how this provision is to be applied. The bill is intended to apply prospectively (as noted in the uncodified section of the legislation) yet there is a provision in this section that states that an essential worker is eligible for hazard pay dating back to the start of the emergency. In addition, there is no scale or table for the amount of provided hazard pay based on industry-sector or specific job.

This legislation would require employers to provide financial assistance for unreimbursed healthcare costs including co-pays, insurance premiums, and out of pocket costs for healthcare or transportation. It is unreasonable for employers to be compelled to pay for healthcare costs for undefined illnesses that are not likely to have been contracted in the workplace nor impacted by the emergency itself. Further, it is not clear that this provision would not also apply to teleworking employees. Again, simply put, the cost implications of this provision alone would be devastating to Maryland's job creators, who are already struggling with a global pandemic and compounding financial implications of other state mandates like increased minimum wage and paid sick and safe leave.

### **Right to Refuse Work**

The bill also includes a provision which affords an essential worker the right to refuse work. It provides this decision-making power to the employee, in the moment, and without review. This is problematic for many reasons, not the least of which is the potential for abuse without verification. Beyond this, the reasonableness requirement is dropped for an employee refusing to work.

For the aforementioned reasons, the Chamber opposes Senate Bill 486 and respectfully urges an unfavorable report.

The Montgomery County Chamber of Commerce (MCCC) accelerates the success of our nearly 500 members by advocating for increased business opportunities, strategic investment in infrastructure, and balanced tax reform to advance Metro Maryland as a regional, national, and global location for business success. Established in 1959, MCCC is an independent non-profit membership organization and is proud to be a Montgomery County Green Certified Business.

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# Harris Teeter Letter of Opposition.pdf Uploaded by: Tan, Thomas Position: UNF

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### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Taylor, Jennifer

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# Harris Teeter Letter of Opposition.pdf Uploaded by: Thompson, David Position: UNF

Harris Teeter is strongly opposed to SB0486 and urges Maryland's elected leaders to undertake a complete economic impact assessment to fully understand consequences of any proposed mandatory essential worker wage-increase bill before moving forward.

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### **SB486, MGPA, OPPOSED.pdf** Uploaded by: Thompson, Lindsay



Maryland Grain Producers Association 123 Clay Drive, Queenstown, MD 21658 Lindsay.mdag@gmail.com (p) 443-262-8491 www.marylandgrain.com

Date: February 11, 2021

Senate Bill 486 Labor and Employment - Employment Standards During an Emergency (Maryland Essential

Workers' Protection Act)

Committee: Finance

MGPA Position: OPPOSED

The Maryland Grain Producers Association serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. On an annual basis, nearly a million acres of these crops are grown in Maryland.

Senate Bill 486 would have devastating impacts on Maryland's grain farmers. This spring, the COVID-19 pandemic and stay-at-home order hit right at the beginning of spring planting season. Farmers and their employees were designated as "essential" so they could continue preparing their fields and planting their crops. Unfortunately, farming is very time sensitive, planting, managing and harvesting crops cannot wait. Grain farmers and their employees put the necessary precautions in place and did what they needed to do to continue to produce food, fuel and fiber for Marylanders.

As an "essential employer" this bill would require farmers to many things which would be difficult for such a small employer. The two most concerning requirements are the retroactive and proactive hazard pay and the ability of an employee to refuse to fulfill their work responsibilities.

Grain farmers are beholden to commodity markets for the price they receive for their crops. There is no way for a farmer to charge a "COVID surcharge" or any other fee in order to recoup the additional cost of providing hazard pay to their employees. Requiring \$3 per hour hazard pay for grain farm workers represents a potentially insurmountable cost to overcome, especially retroactively.

As mentioned, farming is time sensitive. If an employee does not show up for work and there is no recourse for the farmer employer until a Commission investigation is done, farmers could experience significant disruptions in their operation.

Grain farmers stepped up and implemented necessary protocols to keep their employees safe and their employees willingly continued to work through the COVID-19 pandemic. Additionally, grain farmers and employees often work almost entirely by themselves in separate, tractors, trucks or areas where social distancing is possible.

MGPA respectfully asks for an UNFAVORABLE report on Senate Bill 486.

### **TESTIMONY OF RAM - SB 486 OPPOSE Essential Workers**

Uploaded by: Thompson, Melvin



#### Senate Bill 486

Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

February 11, 2021

**Position: Oppose** 

Madame Chair and Members of the Finance Committee:

The Restaurant Association of Maryland opposes Senate Bill 486 if it is intended to apply to restaurants and similar foodservice employers.

According to the bill language, this legislation applies only to the essential employers in the specified industries and sectors, and it appears to closely follow the critical infrastructure sectors of the federal Cybersecurity and Infrastructure Security Agency (CISA). Restaurants are included as part of the CISA Food and Agriculture sector, and this sector is included in the bill. However, restaurants are not mentioned in the list of specific industries in this bill.

If restaurants are intended to be included, we would oppose this legislation because of the additional burden it would place on the struggling restaurant industry as we try to recover from the catastrophic impact of the COVID pandemic.

Subjecting restaurant employers to the additional financial burdens proposed in this legislation could drive many out of business, or force them to close their businesses during declared emergencies.

The costs of hazard pay and other proposed benefits would be difficult for restaurant employers to absorb, given our industry's narrow profit margin and customer aversion to price increases. These additional burdens would be on top of higher labor costs associated with Maryland's sick/safe leave law and annual minimum wage increases phased in through 2026.

If this bill were to pass and apply to restaurants now, during the current COVID emergency, most restaurants would not be able to afford compliance because of the government-imposed operating restrictions that have significantly reduced revenue and have put many on the brink of permanent closure.

For these reasons, we oppose this legislation as currently drafted.

Sincerely,

Melvin R. Thompson Senior Vice President

Mehic R. Shory

Government Affairs and Public Policy

### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Thompson, Ray

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### HB0581 Harris Teeter Letter of Opposition (002).pd Uploaded by: Torrence, Eli

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### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Tucholsky, Julie

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## **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Wall, Mason

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## **SB 486--AOBA--UNF final.pdf** Uploaded by: Washington, Ryan



Bill No: SB 486-- Employment Standards During an Emergency

(Maryland Essential Worker Protection Act)

Committee: Finance

Date: 2/11/2021

Position: Oppose

The Apartment and Office Building Association of Metropolitan Washington (AOBA) opposes SB 486 as unduly burdensome on the rental housing and commercial real estate industry as well as related businesses. AOBA's members own or manage more than 23 million square feet of commercial office space and more than 133,000 rental units in Maryland. AOBA also represents landscapers, exterminators and janitorial firms as associate members.

This bill would create several new employer mandates that come at significant costs including: (1) \$3 per hour in hazard pay dating back to the start of a state of emergency; (2) financial assistance for unreimbursed health care costs to each essential worker who becomes sick or is injured if the sickness or injury is related to the emergency; (3) a new leave program requiring at least 3 days of bereavement leave and 14 days of health leave; and (4) allowing employees the right to refuse to work.

AOBA members have gone above and beyond to ensure that they provide working conditions that reduce harm and ensure physical safety for employees. From changing staffing schedules to limit exposure, procuring personal protection equipment (PPE), increased sanitation regimes and modifying the physical building structure, AOBA members have invested heavily in providing a safe work environment.

The bill designates employees of lodging, building and property maintenance companies and the related businesses that AOBA represents, as essential employees at a time when the State refuses to acknowledge and prioritize these same employees' status as essential for purposes of receiving the COVID-19 vaccine. As noted, property management companies and commercial building owners worked tirelessly and invested hundreds of thousands of dollars into procuring PPE, modifying HVAC systems and other upgrades to increase employees' ability to safely conduct their work during

the COVID-19 pandemic. These costs will not be reimbursed and were necessitated during a period when rent income is drastically reduced.

Allowing essential employees to refuse work creates serious concerns for an employer. In the case of rental housing, if a building maintenance professional decides they do not feel comfortable entering a residential building to remediate a mold issue or other health and safety violation, the housing provider is subject to fines and penalties and the resident is required to live in hazardous conditions. While the bill allows employees to work at their discretion it does not detail any mechanism for employers to address abuse of this policy or to seek verification.

Further, retroactively applying hazard pay of \$3 per hour to staff will have a devastating impact on property management companies and the companies that serve commercial real estate. AOBA members were very deliberate in taking steps to ensure they did not reduce their workforce; they have made many concessions to keep their employees working and paid during the pandemic. However, requiring employers to pay a minimum hazard pay of \$3 per hour dating back to early March may force struggling businesses, who did their best for their employees, to permanently close shop. Additionally, a requirement that employers reimburse for co-pays would add a significant financial burden to employers when they can ill afford additional costs. The bill does not require an employee to prove that they became sick at work. In practice, these provisions serve to punish employers that fought to keep their full staff employed. If SB 486 passes, these provisions may incentivize employers to reduce staff to barest requirements in future emergencies.

Finally, the retroactivity of hazard pay would jeopardize all reporting and quarterly financial statements housing providers submitted to their lenders. Revenue projections that have been submitted to lenders will also be inaccurate because of new mandates in SB 486. Ultimately, housing providers would need to file revised tax returns as their revenue and earnings would be drastically different once personnel expenses increase dramatically.

#### For these reasons AOBA urges an unfavorable report on SB 486.

For further information contact Erin Bradley, Vice President of Government Affairs, at 301-904-0814 or <a href="mailto:ebradley@aoba-metro.org">ebradley@aoba-metro.org</a>.

### **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Washington, Tinisha

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# Senate statement final 020921.pdf Uploaded by: Willey, Richard



We Believe In Responsible Food and Agriculture®

February 9, 2021

<u>To</u>: Senate Committee Chair Delores G. Kelley

From: Perdue Farms

<u>Bill</u>: <u>SB 486 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)</u>

Position: OPPOSE

Position Statement on Maryland Senate Bill 486: Labor and Employment-Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

The COVID-19 pandemic has led to numerous unprecedented challenges for essential employers and our frontline workforce, with substantial impacts to our food supply chain. As an employer of nearly 2,200 people in Maryland and a proud member of this community for more than 100 years, Perdue understands legislators' desire to put in place new measures to ensure our state economy is resilient and workers are protected in the event of another catastrophic event of this magnitude. We share this desire and strive to support these same goals in our everyday operations.

That's why, when this pandemic began nearly a year ago, Perdue Farms acted quickly by taking the following measures and more:

- Extending the hours of our onsite Wellness Centers, which are available at our processing facilities, staffed with local healthcare providers, and available to all associates and their families free of charge.
- Conducting COVID-19 testing at all Perdue facilities, managed through our Wellness Centers in partnership with local health officials and/or healthcare providers, depending on the location.
- Checking the temperature of everyone entering any of our locations, using infrared non-contact temperature devices.

- Providing disposable masks at all of our locations to our own associates, contractors, federal food safety inspectors, and anyone permitted to enter our facilities.
- Investing more than \$2 million in extensive incremental safety measures at our production facilities to protect associates.
- Installing **temporary plexiglass or plastic dividers** between associates on production lines, where social distancing is more difficult.
  - The stainless elements are welded versus bolted to minimize potential pathogen harborage points.
  - The dividers are cleaned or replaced, depending on design, during breaks and between every shift.
- Increasing our stringent cleaning and sanitation protocols.
- **Encouraging associates to stay home** if they are not feeling well or think they might have been exposed to the virus.
- Waiving the 5-day waiting period of short-term disability for any associate who contracts COVID-19, so that he or she can receive immediate benefits.
- Temporarily raised pay by \$1-per-hour for associates and added a \$40-per-week pay increase for truck drivers and other piece rate associates.
- Paying annual bonuses to eligible employees two months early, and adjusting the criteria to allow even more associates to receive a bonus.
- Our company Vice Presidents, Senior Vice Presidents, Presidents, CEO and Chairman took a 10% salary reduction, which was repurposed to assist associates with reduced hours due to production changes and farmers who had reduced numbers of flocks.
- Temporarily removing the PTO accrual maximum for all associates.
  - This allows associates to continue accruing PTO weekly/biweekly past the maximum amount, and extending the deadline to utilize the days over their PTO maximum.
- Hosting CDC tours of multiple facilities; received <u>"best-in-class" reviews</u>
- Providing associates weekly meals that they could take home to their families.
- Donated approximately one million pounds of protein to the Maryland food bank during the pandemic. Donated more than 200,000 pounds of protein to communities in Baltimore and Annapolis struggling with food insecurity.

Unfortunately, we have significant concerns about Maryland Senate Bill 486 and whether it would in fact achieve the intended outcomes. We welcome a conversation with legislators and the community about learnings from this pandemic and how they might inform other policies.

For more information, please contact Dick Willey at (410) 430-5628 or dick.willey@perdue.com.

# **SB0486 Harris Teeter Letter of Opposition.pdf** Uploaded by: Williams III, Robert

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## SB0486\_UNF\_MedChi\_Labor and Employment - Employmen Uploaded by: Wise, Steve

### MedChi

The Maryland State Medical Society

1211 Cathedral Street Baltimore, MD 21201-5516 410.539.0872 Fax: 410.547.0915

1.800.492.1056

www.medchi.org

TO: The Honorable Delores G. Kelley, Chair

Members, Senate Finance Committee The Honorable Malcolm Augustine

FROM: J. Steven Wise

Pamela Metz Kasemeyer Danna L. Kauffman

DATE: February 11, 2021

RE: **OPPOSE** – Senate Bill 486 – Labor and Employment - Employment Standards During an

Emergency (Maryland Essential Workers' Protection Act)

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **opposes** Senate Bill 486.

Senate Bill 486 imposes several requirements upon employers in Maryland which become effective during an emergency. These include requiring employers to provide essential employees, defined as those who must come to a worksite despite the emergency, with the following: 1) an increase in hazard pay of \$3/hour; 2) employer reimbursement of healthcare costs; 3) a new program for bereavement and health leave; 4) the right of an employee to refuse work; and 5) a plan addressing workplace safety standards.

Among the employers affected by the legislation are "offices of health care providers, including physicians...". Physician practices, most of which are small businesses, understand that health care workers have been asked during the COVID-19 pandemic to face greater risks and work in very challenging environments. However, the sheer magnitude of what is required by Senate Bill 486 is daunting to these practices, in part because these new requirements would be layered on top of those contained in the litany of Executive Orders and Health Care Orders that have been issued, most at the State level but also by federal and local agencies. These Orders address many of the items contained in this bill, such as proper hygiene practices, the provision of protective equipment and so forth.

Preparing the plans required by the bill would take a significant amount of time, and as an emergency measure the bill would divert these critical employees away from their core mission of providing health care to instead preparing the required plans. The required plans also cannot possibly anticipate the particular "emergency" at hand, as evidenced by the COVID-19 pandemic, and inevitably contradictory or supplementary government orders will be issued.

Finally, many private practices have suffered financially because of the pandemic, with patient visits greatly reduced due to safety considerations or public orders, and practice revenues falling as a result. While telehealth visits have helped practices with their revenues, most have suffered significantly over the last year. Paying higher wages is something many would like to do, but simply cannot afford to. The higher wage requirement contained in the bill could not come at a worse time for many practices.

For these reasons, MedChi urges the Committee to oppose this legislation.

### For more information call:

J. Steven Wise Pamela Metz Kasemeyer Danna L. Kauffman 410-244-7000

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### **HB0581 Harris Teeter Letter of Opposition.pdf** Uploaded by: Wortham, Jessica

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# SB0486 Letter of Opposition.pdf Uploaded by: Wright, David Position: UNF

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**5 - FIN -SB 486 - MHBE - LOI.pdf**Uploaded by: Bennardi, Maryland Department of Health /Office of Governmen

Position: INFO



February 11, 2021

The Honorable Delores G. Kelley Senate Finance Committee 3 East Miller Senate Office Building Annapolis, MD 21401

Re: Letter of Information— Senate Bill 486 — Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Dear Chair Kelley,

The Maryland Health Benefit Exchange (MHBE) respectfully submits this letter of information for Senate Bill (SB) 486 – Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act). SB 486 would require the MHBE to provide for a special enrollment period (SEP) for health insurance coverage for certain essential workers during certain emergencies. The MHBE supports the opportunity to provide coverage for as many individuals as possible, particularly during emergencies, but would like to take the opportunity to provide additional information on the agency's policies and procedures to clarify matters with the legislation, as proposed.

The statutory authority already exists for the MHBE to open SEPs under "exceptional circumstances." Following the Governor's declaration of a state of emergency on March 5, 2020, the agency opened a COVID-SEP to all uninsured Maryland residents. The SEP was extended several times throughout the course of the pandemic and remains in effect. Nearly 107,000 Marylanders have enrolled in health coverage through the SEP, nearly 35,000 in private health plans and 72,000 in Medicaid.<sup>1</sup>

Moreover, if an emergency were declared, it would generally be more operationally efficient to open an SEP for all uninsured individuals in the affected area – rather than only essential workers – to simplify public messaging regarding SEP availability and streamline the enrollment experience. The legislation does not state if the MHBE is required to verify if an individual is considered an "essential worker." If verification beyond self-attestation were required, it would be an added barrier to enrollment and an additional operational expense to modify the Maryland Health Connection system.

The MHBE also wishes to make the General Assembly aware that if an employer pays an employee's individual market plan premium, that payment may be considered taxable income for the employee. However, the federal government has established two health reimbursement arrangements (HRAs), Qualified Small Employer HRAs and Individual Coverage HRAs, as tax-advantaged vehicles for employers to pay an employee's individual market plan premiums. The General Assembly may want to consult tax and benefit administrator experts on the potential implications of employers paying individual market premiums and may want to make sure that employers and employees are aware of potential tax consequences of, and vehicles for, employers paying individual market premiums. It is also important to note that it may be more financially beneficial for the employee - depending on the employee's financial situation and their eligibility for Medicaid, advanced premium tax credits, and/or cost-sharing reductions - if the employer does not contribute to their health coverage. The MHBE advises that the language be modified to create an option for employees to opt out of employer contributions.

The MHBE staff can be made available to provide additional assistance on the implications of SB 486. For further discussions or questions please contact Johanna Fabian-Marks, Director of Policy and Plan Management at johanna.fabian-marks@maryland.gov.

Sincerely,

Michele Eberle
Executive Director

<sup>&</sup>lt;sup>1</sup> Maryland Health Connection Data Report, December 31, 2020, https://www.marylandhbe.com/wp-content/uploads/2021/01/Executive-Report\_12312020.pdf

### **2021 Testimony SB486 Essential Workers.pdf** Uploaded by: Lanzarotto, Kathryn

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An Exelon Company

February 11, 2021

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### Senate Bill 486 Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Senate Bill 486 requires the Maryland Health Benefit Exchange to provide for a special enrollment period for health insurance coverage for essential workers during emergencies. The bill also requires an essential employer to give a written statement regarding hazard pay paid to essential workers at various intervals. In addition, the bill requires the Maryland Emergency Management Agency and a local organization of emergency services to periodically evaluate and determine whether an emergency is occurring or has occurred and requires an essential employer to take actions related to occupational safety and health during an emergency.

The COVID-19 pandemic has significantly affected Maryland's essential workers, placing them squarely on the frontlines across many sectors of the workforce. Because of this, Pepco and Delmarva Power took many steps to protect our employees, who remained out in the field maintaining our electric infrastructure in order to continue to bring our customers safe and reliable service. However, Senate Bill 486 is extremely broad and does not provide enough guidance on a variety of employer requirements and includes nearly every type of employer in Maryland across 15 different industries.

Despite concerns about the broad strokes of this legislation, Pepco and Delmarva Power would welcome the opportunity to be a part of a larger workgroup discussion, with all relevant stakeholders, to address our concerns with the legislation. We look forward to continuing the discussion to ensure that essential workers are protected.

### Contact:

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### MSCCA testimony SB 486 Feb. 11, 2021 f.pdf Uploaded by: Peusch, Christina

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## Maryland State Child Care Association

2810 Carrollton Road Annapolis, Md. 21403 Phone: (410) 820-9196 Email: info@mscca.org www.mscca.org

The Maryland State Child Care Association (MSCCA) is a non-profit, statewide, professional association incorporated in 1984 to promote the growth and development of child care and learning centers in Maryland. MSCCA has over 4500 members working in the field of early childhood. We believe children are our most important natural resources and work hard to advocate for children, families and for professionalism within the early childhood community.

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Thanks to Chairs and the esteemed members of the Finance Committee for the opportunity to share testimony.

Maryland State Child Care Association (MSCCA) is concerned about SB 486 as written to include child care businesses.

Requiring an essential employer to give a written statement regarding certain hazard pay paid to certain essential workers at certain intervals; requiring an essential employer to take certain actions related to occupational safety and health during an emergency; authorizing an essential worker to refuse to fulfill a certain responsibility under certain circumstances; prohibiting an essential employer from retaliating or taking other adverse action against an essential worker or other worker for certain actions.

Child care businesses are already struggling and function on the narrowest of margins as they are private businesses providing a public service with almost no public investment. An emergency, such as the COVID 19 pandemic has impacted our community of close to 8000 businesses with over 1200 not reopened.

Insufficient child care negatively impacts not only parents, but employers, and taxpayers when families do not have the child care they need, parents' work productivity falls, resulting in costs to parents, their employers, and, ultimately, taxpayers. Insufficient child care also leads to increases in illegal, unlicensed child care which result in poor outcomes for children. Child care small businesses are already struggling to stay afloat. We adhere to 50 pages of strict regulations, Covid 19 crisis has disproportionately fallen on the shoulders of women in the workforce due to the pandemic and child care related issues, critical workforce shortage in child care which leads to insufficient access for parents to much needed child care programs. Maryland is also experiencing the workforce shortage in this critical need area. The COVID 19 pandemic has impacted the child care workforce as the risk of exposure has been too great for some teachers, therefore causing even more shortages in the field. Critical workforce shortages impact parent's access to child care. Child care businesses do not have a pool of substitutes nor can they automate, and children should not have inconsistent caregivers, teachers as it is not best practice.

How will child care businesses be able to provide hazard pay without raising costs to parents? How can we allow all of this criteria proposed in SB 486 when parents and children depend on consistency to work and to prepare children for kindergarten and life through quality childhood experiences in child care programs? We will lose more child care businesses.

Finally, MSCCA's goal is to be sure children and families have access to choices for quality child care programs. MSCCA believes this bill will cause undue hardship to struggling child care businesses and the burden of costs will be passed onto parents, who bare the already unaffordable cost of child care.