

Hearing Date: 2/15/2022

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TESTIMONY ON SB#0275 - POSITION: FAVORABLE WITH AMENDMENTS

Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)

TO: Chair D. Kelley, Vice Chair B. Feldman, and members of the Sdenate Finance Committee

FROM: Richard Keith Kaplowitz

OPENING: My name is Richard Kaplowitz. I am a resident of District 3B. I am submitting this testimony in support with amendments to SB#0275, Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022).

I wish to thank Senator Hayes for sponsoring this vital legislation. I am a member of progressive organizations such as Progressive Maryland and Our Revolution Western Maryland. I want to tell you why I find this bill and the actions it would take to be both necessary and required.

Prior to my retirement in 2018, I t worked in Food Service positions from 2007-2018. I was paid \$3.63 an hour plus tips. My last employer offered insurance, but it was very expensive. Since the cost of those benefits took most of my paycheck, I had to work a certain number of hours to cover them plus rely almost completely on tip income to struggle to pay my bills. My co-workers were in a similar status. So, when we got sick, we had the choice to come to work sick or forfeit our income. I worked with fellow servers with high fevers, cold and flu, and stomach issues. They and I should have stayed home to avoid infecting the public and each other. The times I stayed home, and my hours needed to cover benefits were not achieved I received a paycheck of \$0.00 and had to write a check to the insurer to keep my insurance in effect! And snowstorms could mean driving in unsafe conditions to work a five-hour shift and take home only \$12 in tips still needing to have those hours worked for benefits coverage.

I want to see employer contributions on a sliding scale where employers cover from 1005 to a minimum of 50% of the cost of creating the benefit to make this affordable for all income levels of employees. The definition of gender and or family must be all encompassing so no one is left out due to a non-traditional definition applied to them. The benefit should be available for situations such as caring for a new child by birth, foster or adoption. It should assist persons unable to work because they are the caregiver for family member with a serious health condition or disability. It should permit an individual to care for their own health situations in serious circumstances or where their attendance at a job while sick risks other's health from exposure to them. It must also cover situations where a military family member is deployed elsewhere. The goal should be at least 12 weeks replacement of a substantial share of worker's wages indexed to the wages level of payment. And retaliation for using this benefit, such as job loss for taking leave must be strictly prohibited.

I urge passage of the bill with an amendment that will cover tipped workers at 100% of the minimum wage due to loss of the primary income source when they need to take the paid leave. The employer who is claiming that tip credit should pay 100% of the premium for the leave benefit. Unless and until the sub-minimum wage is eliminated basic fairness says the penalty for working those jobs with tip dependent income should not result in impoverishment if the paid leave benefit is utilized.

Too often in dining out you may be served a side of flu, or even Covid with your French fries; Paid Family and Medical Leave can increase public health for the worker and their co-workers and the customers of the affected individual. **I respectfully urge this committee to return a favorable with amendments report on SB0275!**