



LEGISLATIVE POSITION:

Unfavorable

Senate Bill 1061 - Employee Autoimmune Disorder Protection Act

Senate Finance Committee

Tuesday, March 12, 2024

Dear Chairwoman Beidle 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 6,800 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

SB 1061 would prohibit an employer from requiring an employee to work on-site at the employer's workplace if the employee provides documentation from a physician that they have been diagnosed with an autoimmune disorder and on-site work or travel to and from the workplace would be unsafe for the employee.

This issue is already covered by state disability laws and the Americans with Disabilities Act (ADA), which makes it unlawful to discriminate in employment against a qualified individual with a disability, including an autoimmune disease. SB 1061 also requires work from home as opposed to other feasible working options that an employee and employer may prefer, like a hybrid schedule, an employee choosing their own flexible hours, staggering shifts, or job-sharing arrangements. This legislation dictates what the accommodation should be (work from home), however under the ADA there are multiple options to provide an employee with accommodation.

SB 1061 defines a "small employer" as an employer with 20 or less employees. Does that apply to employees working only in Maryland, or does that apply to those working remotely in other states? We recommend uniformity across laws, as the ADA applies to businesses that have 15 or more employees. Including small businesses in this legislation may unfairly impact these businesses as they don't typically have as much flexibility to maintain efficient operations.

Lastly, there are several autoimmune disorders that don't prevent an employee from reporting to work. SB 1061 fails to consider the wide spectrum of autoimmune conditions and their varying impacts on individuals. It may create ambiguity and subjectivity in determining which conditions warrant remote work accommodations.

For these reasons, the Chamber respectfully requests an **unfavorable report** on **SB 1061**.