

# **Signed SB 1061 Testimony.pdf**

Uploaded by: Arthur Ellis

Position: FAV

ARTHUR ELLIS, CPA  
Legislative District 28  
Charles County

ASSISTANT DEPUTY MAJORITY LEADER

Finance Committee

Senate Chair  
Joint Committee on the  
Management of Public Funds

Chair, Charles, St. Mary's and Calvert  
Counties' Senate Delegation



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

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March 11, 2024

**Testimony of Senator Arthur Ellis in Support of Senate Bill 1061: Employee Autoimmune Disorder Protection Act**

Dear Chair Beidle, Vice Chair Klausmeier, and members of the Finance Committee:

The purpose of Senate Bill 1061 is to prohibit an employer from requiring an employee to work on-site at the employer's workplace if the employee provides documentation from a physician or other licensed health care practitioner that the employee has been diagnosed with an autoimmune disorder or other qualifying illness and certain other conditions are met; and generally relating to employment of individuals with autoimmune disorders.

I urge your favorable report on Senate Bill 1061.

Yours in Service,

  
Arthur Ellis – District 28

# **Autoimmune Disorder Testimony Protection Act.pdf**

Uploaded by: Michelle Pickens

Position: FAV

## Autoimmune Disorder Testimony Protection Act

Written Testimony by: Michelle Pickens of Annapolis, MD - Human Resources Specialist, Patient Advocate, Industrial & Organizational Psychology Master's Candidate

I was officially diagnosed with Crohn's Disease (an Inflammatory Bowel Disease) in 2015 after many years of misdiagnosis. At the time of my diagnosis I was unable to work due to the severity of my symptoms. Once starting on a biologic medication, my symptoms improved to the point where I was able to work, but being in an on site environment still was a challenge. I struggled working in a fully on site capacity from late 2015 until the beginning of 2020. I had some flexibility based on my manager's discretion, but no formal remote work policy. This led me to feel increasingly ashamed of my condition as well as "less than" in the workplace. At the start of the pandemic in 2020 I transitioned to fully remote work. I have been with two different companies since, both allowing me to work remotely. Being in a remote environment has helped me manage my condition because I am better able to control anxiety around having symptoms while at work. I am able to perform my job more effectively because I am able to be in an environment conducive to my condition. I have access to a more comfortable work setup that helps control my chronic pain. I have access to my own bathroom. I am able to avoid the stress of having to make bathroom stops during my commute. I am also able to take medication easily when I need it.

Not only does remote work make managing my condition more doable, it also helps me protect myself. The treatment for my Crohn's Disease is a medication I get through an infusion every 6-8 weeks. The medication (Remicade) lowers my immune system which leaves me at risk for more severe illness. Even before Covid, when I was required to be in the office I would wear a mask to protect myself during cold/flu season. Many times though this was not enough to protect myself since I was the only person wearing one. Many of my coworkers would come to work with non severe symptoms of an illness and I would end up developing a more severe illness that actually kept me out of work and from fulfilling my duties at home. Being able to work remotely has changed my life in a sense that I do not have to be involuntarily exposed to illness in order to keep my job.

It is indisputable that I have done the best work of my career thus far and contributed significantly to the companies I have worked for during the time since I have been able to work remotely. I believe all those living with autoimmune conditions should have the right to work at home in an environment that is safe and comfortable for them. I believe having formal legislation and policies around remote work will help to decrease the stigma of differently abled workers and will protect employees from backlash when seeking out necessary accommodations.

I can be reached for further questions or comments - 443-812-1956.

# **SB 1061\_MDCC\_Employee Autoimmune Disorder Protecti**

Uploaded by: Hannah Allen

Position: UNF



**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**.



# **ABC\_UNFAV\_SB1061.pdf**

Uploaded by: Martin Kraska

Position: UNF



*The Voice of Merit Construction*

March 12, 2024

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To: Senate Finance Committee  
From: Associated Builders & Contractors  
RE: SB 1061 - Employee Autoimmune Disorder Protection Act  
Position: Unfavorable

Associated Builders and Contractors (ABC) represent more than 1500 construction and construction-related companies through its four Maryland chapters. Our members believe in the tenets of free enterprise, investing in their workforce and giving back to the communities in which they live, work and play.

Senate Bill 1061 prohibits an employer, including a governmental unit, from requiring an employee to work on site at the employer's workplace if the employee's duties may reasonably be fulfilled at the employee's home and the employee provides documentation that (1) the employee has been diagnosed with an autoimmune disorder or any other qualifying illness, and (2) on-site work or travel to and from the workplace would be unsafe for the employee.

ABC opposes SB 1061; the bill imposes undue burdens on employers by mandating remote work arrangements without considering the operational needs and requirements specific to each workplace. By prohibiting employers from requiring on-site work unless certain medical criteria are met, the bill undermines employers' flexibility in managing their workforce efficiently and effectively. Additionally, the bill fails to adequately define key terms such as "unsafe" and "essential industry," leaving room for ambiguity and potential misuse. Without clear definitions, employers may face difficulties in determining whether their operations fall within the scope of the bill, leading to confusion and potential legal disputes.

ABC appreciates your consideration and, for these reasons, respectfully requests a **unfavorable** report on Senate Bill 1061.

*Martin "MJ" Kraska  
Government Affairs Director  
Chesapeake Shores Chapter*



# **SB 1061 Letter of Information.docx.pdf**

Uploaded by: Dana Phillips

Position: INFO

WES MOORE  
*Governor*

ARUNA MILLER  
*Lieutenant Governor*



DEPARTMENT OF  
BUDGET & MANAGEMENT

HELENE GRADY  
*Secretary*

MARC L. NICOLE  
*Deputy Secretary*

## **SENATE BILL 1061 Employee Autoimmune Disorder Protection Act**

### **STATEMENT OF INFORMATION**

**DATE:** March 12, 2024

**COMMITTEE:** Finance

**SUMMARY OF BILL:** Senate Bill 1061 would prohibit an employer in the State from requiring an employee diagnosed with an autoimmune disorder to work on-site at the employer's workplace. To be eligible, an employee must be diagnosed with an autoimmune disorder or any other qualifying illness and provide documentation from a physician or other licensed healthcare practitioner to their employer. The documentation must include an assessment by the physician that on-site work, or travel to and from the workplace, would be unsafe for the employee. To be eligible, an employee must further be able to reasonably do their work from home and not be deemed an essential worker as defined in this bill.

**EXPLANATION:** The Department of Budget and Management (DBM) and, more broadly, the State as an employer would be subject to the provisions of Senate Bill 1061. The bill would prohibit the State from mandating certain employees with autoimmune disorders or another qualifying illness to report to work on-site if the employee provides documentation from a physician. The bill's language does not apply to an employer in an "essential industry" that has on-site work as part of its core operation (3-1802, pg. 4). In the instance of the State, it is not clear if an entire agency with on-site work as part of its core operation would be determined to be an essential industry or if the agency would have to categorize its units as essential industries.

The bill would require the State to allow certain employees to telework indefinitely 100% of the time. The legislation does not permit an employer to request or obtain recertification documentation. This legislation removes the interactive process from the evaluation of a request to telework and allows a physician to unilaterally determine if an employer's workplace is unsafe without any substantive assessment of the workplace or employer's input. The result is that a physician can fundamentally alter an employer's operations by certifying that an employee is diagnosed with a condition and that onsite work would be unsafe.

The legislation also expands the definition of a workplace by including travel to and from the workplace. Courts have consistently held that the commute from an employee's home to the work site does not require accommodation. This legislation will permit a physician to implement

indefinite, full-time telework based on an employee's commute, which is neither an essential function nor part of the employee's job responsibilities.

This legislation may further require the reworking of the State's telework policy, which would have to subsequently be renegotiated with the State's bargaining units.

Agencies also could face additional grievances around the implementation of this bill and be subject to fines up to \$10,000 dollars per incident as outlined in 1-1804(c)(2) of this bill.

From an EEO perspective, an autoimmune disorder is a disability recognized under the federal Americans with Disabilities Act (ADA), ADA Amendment Act; Title 20, subtitle 6 of the Md. Code, State Government Article; SPP 2-302 Discrimination, harassment prohibited; Executive Order 01.01.2007.16 Code of Fair Employment Practices and the State of Maryland, Reasonable Accommodation Policy and Procedure. As such, existing laws and policy provide an employee, with an autoimmune disorder, the right to request a reasonable accommodation, including telework. A reasonable accommodation is defined as modifications, adjustments, or changes to a job or work environment or the manner or circumstances under which the position held or desired is customarily performed, enabling a qualified individual with a disability to perform the essential functions of their position. The employee's designated agency ADA Coordinator will engage the employee and their supervisor in an interactive process to determine whether the request for an accommodation (e.g., modified work location) is deemed reasonable and effective to approve without causing an undue hardship on business operations. An undue hardship is a significant difficulty or expense incurred by the employer to provide a reasonable accommodation. The employer must prove that reasonable accommodation would impose such an undue hardship.

In addition to the existing right to request and receive reasonable accommodation, there are existing channels by which an employee can file a complaint against an employer. If an employer fails to provide a reasonable accommodation or the employee believes they are being subjected to discrimination, they may file an EEO complaint with their agency's EEO Officer or an external EEO agency, such as the federal EEOC or the Maryland Commission on Civil Rights (MCCR).

**For additional information, contact Dana Phillips at  
(410) 260-6371 or [dana.phillips@maryland.gov](mailto:dana.phillips@maryland.gov)**

# **SB1061\_LOI\_MedChi\_Employee Autoimmune Disorder Pro**

Uploaded by: Drew Vetter

Position: INFO



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*The Maryland State Medical Society*

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TO: The Honorable Pamela Beidle, Chair  
Members, Senate Finance Committee  
The Honorable Arthur Ellis

FROM: Andrew G. Vetter  
Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
Christine K. Krone  
410-244-7000

DATE: March 12, 2024

RE: **LETTER OF INFORMATION** – Senate Bill 1061 – *Employee Autoimmune Disorder Protection Act*

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The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, is pleased to submit this **letter of information** on Senate Bill 1061, which would prohibit an employer from requiring an employee to work on-site if the employee provides documentation from a physician or other licensed health care practitioner that the employee has been diagnosed with an autoimmune disorder or other qualifying illness.

MedChi supports the intent of this legislation and has seen that there are patients with many types of diseases and conditions that would benefit from being able to work from home. Particularly in light of improvements to remote work since the COVID-19 pandemic, patients with certain diseases should be afforded this opportunity as it would be most beneficial to their course of treatment.

We submit this letter of information to note, however, that consideration should be given to modifying or expanding the list of disorders included in the bill. As drafted, the list appears to be a somewhat arbitrary list of disorders, when there are other disorders and diseases, such as cancer, where a patient would benefit from working from home. MedChi would recommend striking the list and developing broad criteria for qualifying conditions or expanding the list to capture more diseases, specifically. MedChi would be pleased to provide feedback on such an amendment.

Thank you for your consideration.

## **UPDATED\_Position Statement\_SB 1061 - Employee Auto**

Uploaded by: Jordan BaucumColbert

Position: INFO



THE MARYLAND-NATIONAL CAPITAL  
Park and Planning Commission

## **POSITION STATEMENT**

### **Informational**

**Bill:** SB 1061 Employee Autoimmune Disorder Protection Act

**Position:** Informational

**Date:** March 12, 2024

**Contact:** Debra Borden, General Counsel

Jordan Baucum Colbert, Government Affairs Liaison

Dear Chair Pamela Beidle and Vice Chair Katherine Klausmeier

The Maryland-National Capital Park and Planning Commission (M-NCPPC or “the Commission”) has authorized Commission staff to prepare an informational statement. The Commission respectfully requests that the Finance committee consider this information and include it in the record.

**What this bill Does.** This bill seeks to prohibit an employer from requiring an employee to work on-site at the employer’s workplace if the employee provides documentation from a physician or other licensed health care practitioner that the employee has been diagnosed with an autoimmune disorder or other qualifying illness and certain other conditions are met; and generally relating to employment of individuals with autoimmune disorders. This bill also subjects an employer to a civil penalty for non-compliance of this bill.

**Americans with Disabilities Act (ADA) Accommodations.** As pandemic public health measures wind down, the Commission understands the importance of considering how people with compromised immune system might keep themselves safe and healthy in the workplace. For example, the Commission treats a request for ADA accommodations for an individual with a compromised immune system the same as any other request for ADA accommodations and considers the essential functions of that person’s position. However, if their essential job functions require

them to work onsite, or work with equipment/materials that are only found onsite, the analysis would be quite different than an employee who solely works at a computer and can more readily work remotely.

**Costs and Benefits.** This bill in its current form has the potential to increase administrative costs to review requests and determine appropriate accommodations for staff who believe they have a qualifying illness. While the Commission has a good process in place for ADA accommodations, this law would add to that complexity legally and in practice. Additionally, considering aggregated medical insurance plan data, more employees may have these conditions than are currently requesting ADA accommodations, so we anticipate an increase in administrative workload if this bill becomes law.

**Non-Remote Jobs.** Many Commission staff members are already equipped to work from home due to the Pandemic. However, the Commission has several positions that require staff to work onsite. For example, we employ individuals to perform courier services. That courier would not be able to do his job remotely. This bill does not provide information on whether this type of position would qualify to work from home. Another example of concern would be a Park Maintenance worker. It is unclear how this law could be implemented for those types of positions, some of which are covered by collective bargaining agreements. The intersection of this law, with current federal requirements in the ADA, the Rehabilitation Act and other disability laws and existing collective bargaining agreements is hard to ascertain. Also, this bill lacks information on how long someone would need to telework. Would the option to telework be indefinite? What if we had to hire another person to handle the onsite duties of the person on indefinite telework? This seems to contradict the ADA which requires an employee to be able to perform the essential functions of the job with or without accommodation.