

FEBRUARY 20, 2020

# Weakening Sick and Safe Leave Protections Would Move Maryland Backward

## Position Statement in Opposition to Senate Bill 404

*Given before the Senate Finance Committee*

Maryland made great strides in 2018 when the General Assembly set basic standards that ensure most Marylanders have access to paid sick days. The Healthy Working Families Act provided paid sick days for about 488,000 Marylanders and extended important job protections to thousands of additional employees at small businesses.<sup>i</sup> Paid sick days are essential for working families, public health, and the economy. Weakening workers' existing protections by imposing onerous verification requirements would move Maryland backward. For these reasons, the Maryland Center on Economic Policy opposes Senate Bill 404.

Senate Bill 404 would allow employers to unilaterally impose onerous verification requirements for certain workers to use accrued sick and safe leave. Today, an employer and an employee may mutually agree to verification standards during this period, which an employer may enforce by denying a worker's next sick leave request following a violation. Senate Bill 404 would deny workers any say, allowing employers to unilaterally impose verification requirements. The bill would render sick and safe leave protections meaningless in some situations by requiring a worker to verify the need for leave *before* taking it. No one can predict when they will get sick—or when they may face a threat to their safety—making the prior verification requirement impossible to fulfill.

While the direct harm to workers should be reason enough to reject Senate Bill 404, the bill also poses a threat to public health. Workers with paid sick leave are more likely to receive preventive care that will lead to the early detection and treatment of illnesses.<sup>ii</sup> Cities and states that guarantee earned sick days have lower rates of flu infection. The reduced health care costs associated with paid sick leave (due to less contagious disease, less reliance on emergency rooms, and fewer short-term stays in nursing home) are expected to save Marylanders an estimated \$23 million each year. Moreover, the bill's onerous prior verification requirement would force employees into the workplace precisely when they are most likely to spread an illness—when they unexpectedly become sick.

Guaranteeing access to paid sick days supports a vibrant and growing economy. Guaranteeing earned sick days saves Maryland employers up to \$13 million per year through improved productivity. On average, cities and states that passed earned sick days guarantees had equivalent or stronger job growth in comparison to the United States overall 12 months after implementation. A majority of business owners and executives support earned sick days, even when polled by anti-regulation political consultants.<sup>iii</sup>

After decades of stagnant wages and eroding power, Maryland workers won an important victory when lawmakers passed the Healthy Working Families Act. Senate Bill 404 would weaken workers' existing protections, impose onerous requirements on employees without their input, and promote the spread of infectious disease.

**For these reasons, the Maryland Center on Economic Policy respectfully requests that the Senate Finance Committee make an unfavorable report on Senate Bill 404.**

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## **Equity Impact Analysis: Senate Bill 404**

### *Bill summary*

Senate Bill 404 would enable employers to unilaterally impose verification requirements on workers who take earned sick or safe leave between their 107th and 120th day at an employer, taking away workers' right under current law to reach a mutual agreement on this matter with the employer. The bill also allows the employer to deny a request to take sick leave without verification, before the worker takes leave—essentially giving the employer veto power over any unexpected leave.

### *Background*

The General Assembly in 2018 passed the Healthy Working Families Act, overriding Gov. Hogan's veto of the bill when it originally passed in 2017. The bill guarantees most Maryland workers the ability to earn paid time off work for when they or a family member have medical needs or face an unsafe home environment.

### *Equity Implications*

Senate Bill 404 poses significant equity concerns. Taking away legal protections would likely most seriously harm workers who previously lacked paid sick days altogether. As of 2015, 58 percent of Latinx workers were unable to earn paid sick days, as were 77 percent of part-time workers and 70 percent of full-time workers taking home less than \$15,000 per year.<sup>iv</sup>

Senate Bill 404 would also disproportionately harm workers experiencing domestic violence. The unpredictable nature of domestic violence and the sensitivity of any related information would render additional verification requirements especially onerous for these workers. Allowing employers to unilaterally impose these verification requirements would also take one more decision out of the hands of people whose choices have already been unjustly limited.

While people of all backgrounds experience intimate partner violence, research shows that women experience higher rates of intimate partner violence than men;<sup>v</sup> women and men of color experience higher rates than their white counterparts; and people in LGBTQ communities—especially LGBTQ people of color—face higher rates than their heterosexual, cisgender counterparts.<sup>vi</sup> People experiencing intimate partner violence are more likely to have low incomes and more likely to struggle to put food on the table or keep a roof over their head than others, and are more likely to experience health problems that could necessitate additional use of earned sick days.

### *Impact*

Senate Bill 404 would likely **worsen racial, gender, and economic equity** in Maryland.

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<sup>i</sup> Christopher Meyer, "A Strong Earned Sick Days Law Will Bring Major Benefits for Maryland Families and our Economy," Maryland Center on Economic Policy, November 2017. <http://www.mdeconomy.org/sickleave/>

<sup>ii</sup> Jessica Milli, "Access to Paid Sick Time in Maryland," Institute for Women's Policy Research, January 2017, <https://iwpr.org/wp-content/uploads/2017/02/B364-MD-Paid-Sick-Time-Access-6.pdf>

<sup>iii</sup> "CMD PRWatch Markup of 01-05-16 State Chambers Topline Poll," Luntz Global via PRWacth, 2015, [https://www.prwatch.org/files/cmd\\_prwatch\\_markup\\_of\\_01-05-16\\_state\\_chambers\\_topline\\_poll.pdf](https://www.prwatch.org/files/cmd_prwatch_markup_of_01-05-16_state_chambers_topline_poll.pdf)

<sup>iv</sup> Milli 2017.

<sup>V</sup> "An Overview of *Intimate Partner Violence in the United States—2010 Findings*," Centers for Disease Control and Prevention, <https://www.cdc.gov/violenceprevention/pdf/ipv-nisvs-factsheet-v5-a.pdf>

<sup>vi</sup> "NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation," Centers for Disease Control and Prevention, [https://www.cdc.gov/violenceprevention/pdf/cdc\\_nisvs\\_victimization\\_final-a.pdf](https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf)

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