

Sen Carozza_FAV_SB 404

Uploaded by: Carozza, Senator Mary Beth

Position: FAV

MARY BETH CAROZZA
Legislative District 38
Somerset, Wicomico,
and Worcester Counties

Education, Health, and Environmental Affairs
Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Statement of Support by Bill Sponsor Mary Beth Carozza
Senate Bill 404 Labor and Employment –
Maryland Healthy Workers Families Act – Verification
Senate Finance Committee Hearing
February 20, 2020**

Thank you, Chair Kelley and Vice Chair Feldman and members of the Senate Finance Committee for this opportunity to present and request your support for Senate Bill 404, which is a simple bill that allows employers to require verification of the appropriate use of paid sick leave by seasonal employees during the 107th-120th day of employment.

Like the agricultural exemption to the minimum wage bill that you just heard, Senate Bill 404 is also a result of our work together on the bipartisan Senate Small Business Workgroup. During our meetings, I consistently shared the continued request of seasonal employers to extend the current seasonal exemption of the paid sick leave law from 106 to 120 days to reflect the true timeframe of the season to include the shoulder season and the time needed to train workers before the season starts.

Last year, this Senate Finance Committee held a hearing on my bill, Senate Bill 681, which would have increased the period of time from 106 days to 120 days of employment before seasonal workers could use earned sick and safe leave. It did not move forward.

In the absence of legislative approval of the 120 day seasonal exemption, I have been working with the members of the Senate Small Business Workgroup on other legislative options to provide some relief to our seasonal employers during their busiest times of the year when they are often short staffed during peak weekends.

One of the options to provide relief to our seasonal employers has resulted in the introduction of this bill, Senate Bill 404. This legislation would authorize a seasonal employer to require verification that earned sick and safe leave is used appropriately by an employee when the leave is used during the period between the first 107 and 120 calendar days if the employer provided written notice about the verification requirement at the time the employee was hired. An employer may deny an employee's request to take earned sick and safe leave during that period if an employee fails or refused to provide any verification required by the employer that the leave was used appropriately.

Chair Kelley and members of the Finance Committee, I personally can attest that our seasonal small business operators need this relief as I am a product of growing up in a family-owned seasonal business, Beefy's, the first fast-food, drive-through restaurant in Ocean City. My parents gave hundreds of young people their first summer job and it's where I learned my work

ethic. Our seasonal small business operators of today want to continue to hire young people and this bill would allow businesses to keep employees on the payroll longer.

I want to thank all the local seasonal operators who have been sharing information and working with us on the impact of the paid sick leave law on their businesses and hiring practices. It is worth noting that SB 404 has the strong support of the Maryland Restaurant Association, the Ocean City and Salisbury Chambers of Commerce, the Ocean City Hotel-Motel Restaurant Association, the National Federation of Independent Business and the Maryland Department of Labor.

I am proud of our work together on the bipartisan Senate Small Business Workgroup in recognizing that our job creators need relief. Senate Bill 404 is a targeted bill that simply allows seasonal employers to require verification of the appropriate use of sick leave used by an employee between 107 and 120 days of employment. It will be a helpful tool to seasonal employers and will help ensure the appropriate use of paid sick leave used by seasonal employees.

This is an important priority for Maryland's seasonal employers, and I respectfully request a favorable report of Senate Bill 404.

HMRA_FAV_SB 404

Uploaded by: Jones, Susan

Position: FAV



IN SUPPORT OF SB404
HEALTHY WORKING FAMILIES VERIFICATION ACT

BEFORE THE FINANCE COMMITTEE – FEBRUARY 20, 2020

On behalf of the Ocean City hospitality industry, I am writing to express our support of SB404 Healthy Working Families Verification Act. This bill would offer the much needed clarification that employers are seeking. As a seasonal resort community, there is limited time to make profits. We have noticed many employees abuse the current law and leave employers without employees to service customers. By requiring written verification, employers would be able to have proof of the employee being sick and this would prevent inappropriate use of sick time. Further, this requirement could easily be communicated to the employee at time of hire.

The Ocean City Hotel-Motel-Restaurant Association **respectfully requests a favorable report** for SB404. Please feel free to contact me with any questions regarding our position. I can be reached at 410-289-6733.

Sincerely,

Susan L. Jones, Executive Director

GarrettChamber_FAV_SB0404

Uploaded by: Lane, Holly

Position: FAV



Testimony offered on behalf of:
THE GARRETT COUNTY CHAMBER OF COMMERCE

IN SUPPORT OF:
SB 404 – Labor and Employment – Maryland Healthy Working Families Act - Verification

Finance Committee
February 20, 2020

On behalf of the Garrett County Chamber of Commerce, representing 600 member organizations in Western Maryland, I write to express our support of **SB 404 – Labor and Employment – Maryland Healthy Working Families Act - Verification**.

Now that the Maryland Healthy Working Families Act has been in effect for more than a year, employers have had the opportunity to analyze the impacts of the new law. Unfortunately, many businesses are seeing abuses of the law and it is not being used for the original intent. Specifically, seasonal employees who work for more than 106 days but less than 121 days begin earning Sick and Safe Leave (SSL) after 106 days. Many of those employees are then using SSL as soon as they have earned the hours but they are using SSL to simply take a paid time off. This creates staffing challenges for the employers that are very busy during the peak times with seasonal workers are employed. Requiring verification of the reason for using SSL by those seasonal employees will reduce the abuse and preserve the intent of the law.

The Chamber respectfully requests a **FAVORABLE committee report on SB 404**.

Sincerely,

Nicole Christian, SON, CCE

President & CEO

Garrett County Chamber of Commerce, Inc.

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nicole@garrettchamber.com

MarylandAGC_Favorable_SB404

Uploaded by: McCulloch, Champe

Position: FAV

**SB 404****Labor and Employment – Maryland Healthy Working Families Act - Verification
Finance Committee****Position: Favorable**

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 26,000 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 supports SB 404 and respectfully urges the bill be given a favorable report.

SB 404 clarifies existing provisions in the Healthy Working Families Act dealing with employers' right to ask for verification of the reason for a request for leave in a very limited number of circumstances. SB 404 deals with one situation only: a request for leave between an employee's first 107th and 120th calendar day of employment. Current law is ambiguous in referring to a supposed mutual agreement between employer and employee pertaining to a request for verification during that time period but provides no practicable means of documenting the supposed agreement.

As the old saying goes, oral agreements aren't worth the paper they're printed on. Unfortunately, current law leaves employees and employers in precisely that situation with no tangible way to prove the supposed agreement one way or the other. SB 404 cures that defect by putting the burden on the employer to provide the employee with written notice about the need to provide verification at the time the employee is first hired.

Section 3-1302 of the Healthy Working Families Act states explicitly that nothing in the Act shall be construed to "prohibit an employer from adopting and enforcing a policy that prohibits the improper use of earned sick and safe leave." The General Assembly recognized that some employees may, out of misunderstanding or deceit, try to use leave inappropriately. The particular circumstance of a request falling between the 107th and 120th day deserves some attention because no leave can be taken until the 107th day, as provided under §13-1304(c)(4). At the highest accrual rate of 1 hour for every 30 hours worked, a new employee is unlikely to have accumulated more than 3 hours of eligible leave. Since a new employee would have had at least 3 months written notice of the need for verification, it is not unreasonable to give the employer the right to deny leave absent verification. Note that the bill provides the employer MAY deny the request, so that some employers will allow the leave despite the lack of verification if that is their best business judgment.

Accordingly, Maryland AGC respectfully urges the Committee to give SB 404 a favorable report.

Champe C. McCulloch
McCulloch Government Relations, Inc.
Lobbyist for Maryland AGC

OCChamber_FAV_SB0404

Uploaded by: Pursel, Melanie

Position: FAV



**The Greater Ocean City, Maryland
Chamber of Commerce, Inc.**

**TESTIMONY OFFERED ON BEHALF OF
THE GREATER OCEAN CITY CHAMBER OF COMMERCE**

IN SUPPORT OF

SB404 Labor and Employment MD HEALTHY WORKING FAMILIES – VERIFICATION

BEFORE THE SENATE FINANCE COMMITTEE– February 20, 2020

The Greater Ocean City Chamber of Commerce, representing more than 900 regional, seasonal businesses and job creators, strongly supports **SB 404 MD HEALTHY WORKING FAMILIES – VERIFICATION**.

This bill amends the Sick and Safe Leave Act to accommodate seasonal workers and is critical for Ocean City businesses. It requires verification of leave between the 107th and 120th day of employment. This is a critical time, which is often at the end of the season when you need them the most.

The vast majority of our community is comprised of small, family owned businesses, many whom have existed for generations. Each season, these businesses offer 12,000+ seasonal positions. Many of these jobs are entry level positions and are filled by teenagers, college students and first time employees. Entry-level jobs are meant to be just that, an entry into the job world. These hospitality job creators provide thousands of people with the opportunity to be part of a team. These entry level jobs also teach what it means to show up on time, how to deal with the public and how to budget.

While the paid sick leave bill had good intentions, it has caused many employers to carefully analyze and evaluate their hiring practices. Paid sick leave regulations have shifted employment and led to a reduction in hours for many positions and caused earlier lay-offs. Additionally, businesses that traditionally stayed open in the shoulder seasons have closed in the fall/winter to avoid increased payroll costs. In an increasingly difficult business climate, this bill would allow businesses to keep employees on the payroll longer.

With this bill, we have already seen abuses since its implementation. Young people are taking leave because it is “owed” to them, leaving businesses with limited staff to provide the services require in the industry. This has had an overall negative impact for Ocean City, whose economy is based on service. By requiring verification, we believe that this will eliminate the abuses and entitlement that many businesses have experienced already.

Tightening up this bill would allow the business owners to be more accurate in calculating and disbursing benefits since it is required. Please assist our seasonal businesses with the slight change that will ultimately help the full-time year-round staff that the Sick and Safe Leve Act is intended for.

Eunice Q. Sorin Visitor & Conference Center

12320 Ocean Gateway, Ocean City, Maryland 21842 • 410-213-0144 • Fax 410-213-7521

www.oceancity.org • info@oceancity.org

The Greater Ocean City Chamber of Commerce Membership respectfully requests a Favorable Report for **SB 404** MD HEALTHY WORKING FAMILIES – VERIFICATION. Please feel free to contact me with any questions regarding the position of the Greater Ocean City Chamber of Commerce at 410-213-0144 ext 102.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Melanie A. Pursel'.

Melanie A. Pursel, M.S.

President & CEO

MD Dept of Labor_Letter of Support_Senate Bill 404

Uploaded by: Robinson, Tiffany

Position: FAV

Senate Bill 404

Date: February 20, 2020
Committee: Finance
Bill Title: Labor and Employment - Maryland Healthy Working Families Act - Verification
Re: Letter of Support

Senate Bill 404 clarifies and modifies the circumstances under which employers may require verification of the appropriate use of sick and safe leave between the first 106 and 121 calendar days of employment and requires the employer to now provide written notice of this requirement to employees upon hire.

The provisions of this bill will help ensure employees understand sick and safe leave usage verification during this 14 day time frame, provide a tangible document the Commissioner of Labor and Industry can inspect to ensure employers are providing the required information for enforcement purposes, and provide a method for employers to ensure leave is used appropriately.

The Maryland Healthy Working Families Act is a complex statute that in certain situations presents challenges for employers and employees that seek to comply with its provisions. The intent of the law is to provide an employee with the opportunity to earn leave that they can use to attend to a specific set of uses - for illness to themselves or a family member, or for time to attend to a safety issue due to domestic violence, sexual assault or stalking. The employer needs to allow the employee to use their earned leave, but also needs the ability to ensure the leave is used appropriately. It is imperative that this information be provided in writing upon hire.

Under current law, employers may require employees to provide verification that sick and safe leave was used appropriately between 106 and 121 calendar days after employment. If the employee fails to provide the verification, the employer may deny a subsequent request for the same reason. SB404 modifies that provision and allows an employer to deny the first, not subsequent, request of the employee to take earned sick and safe leave if the employee does not provide verification that the leave was used appropriately.

The Department anticipates that local governments and small employers will welcome the clarification of a written policy and the ability to verify appropriate use of sick and safe leave during this 14-day time frame. SB404 will simplify and clarify the sick and safe leave law regarding verification of used leave during a 14 day window and potentially assist both employers and employees in understanding the correct application of the law. **For these reasons the Department respectfully requests a favorable report from the committee.**

National Partnership_Unfav_SB404

Uploaded by: Baptiste, Alex

Position: UNF



Testimony in Opposition to Maryland Healthy Working Families Act – Verification

Senate Bill 404, House Bill 908

To: Members of the Senate Finance Committee

From: The National Partnership for Women & Families

Date: February 20, 2020

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy organization dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the demands of work and family. The National Partnership has provided assistance and guidance to nearly every jurisdiction that has passed a paid sick days law in the United States, including Maryland's Healthy Working Families Act.

When passed, Maryland's Healthy Working Families Act guaranteed approximately 750,000 Maryland workers the right to earn and use paid sick and safe days.¹ Workers who previously had to choose between caring for a sick child or family member and their paycheck could now take care of their family while not worrying about the consequences they might face at work. Workers and businesses in jurisdictions with paid sick and safe days laws have seen improved public health, stronger economies, lower unemployment rates and increased productivity – all without any significant impact on businesses.²

Since passing paid sick time, this body has considered various additional restrictions on worker's use of that time. Senate Bill 404 would impose unnecessary restrictions on a worker's ability to use their accrued sick time and undermine the purpose of the Healthy Working Families Act. SB 404 would allow an employer to unilaterally demand that any employee who takes leave between their 107th and 120th day of employment provide verification that the leave is for a legitimate purpose – even if it is the first time the employee needs to use their earned sick leave. Additionally, the bill would allow employers to deny further requests for leave if verification is not provided. The National Partnership is strongly opposed to SB 404 and the proposed changes the bill would make to the Maryland Healthy Working Families Act.

The Maryland Healthy Working Families Act already contains provisions to protect employers and safeguard against the abuse of paid sick days. For example, Section 3-1305(G) allows an employer to request verification after just two missed shifts.³ This is more stringent than most paid sick days law in the country as nearly every other law does

not allow an employer to request verification of a worker's use of paid sick days until the worker has taken three or more consecutive days from work.⁴ Additionally, Section 3-1305(B)(3) allows an employer to deny leave in certain situations where proper notice has not been provided,⁵ while Section 3-1305(G)(2) allows the denial of leave where proper verification has not been provided.⁶ And finally, Section 3-1302(b)(5) preserves businesses' rights to adopt and enforce policies that prohibit patterns of leave abuse. These provisions show that the Healthy Working Families Act provides any protection employers need – the additional limitations imposed by SB 404 are gratuitous.

Demands for verification and subsequent consequences for not providing such verification would severely undermine the purpose of the Healthy Working Families Act and reduce the benefits Maryland workers are entitled to under the law. Allowing employers to deny an employee their earned sick and safe leave for lack of verification the very first time they seek to use it will create confusion and chill the legitimate use of leave. If workers face these additional requirements, they will be less likely to use their accrued and protected time and force them to work even when they need to tend to their of their families' health. When workers are faced with demands for instant verification or fear of denial of subsequent leave requests, they are less likely to use their accrued time and more likely to come into work sick, forgo medical appointments, send a sick child to school, and tell others to do the same. This undermines the law and will have harmful effects on public health and businesses.

Paid sick days help to reduce the productivity lost when employees work sick – known as presenteeism. Presenteeism is estimated to cost the national economy \$160 billion annually, far surpassing the cost of a worker calling out sick.⁷ The need for instant verification can also put lives in danger if the need for using leave is because of an incident related to domestic violence, stalking or sexual assault. Denying workers use of their accrued sick days for not being able to instantly provide verification invalidates the benefit for many of the most vulnerable workers. Women, people of color and women of color face more discrimination and job instability generally, and SB 404 would only add to that burden. Black workers, for example, are more likely to report fears of penalties or disciplinary action for taking paid sick days than either white or Hispanic workers.⁸

Allowing employers to demand instant verification for the use of earned sick and safe time during a thirteen-day window would severely diminish the rights of Maryland workers. It would restrict a benefit that is critical to helping workers balance the demands of work and family and put the health and well-being of hundreds of thousands of Maryland workers and their families at risk. The Maryland Healthy Working Families Act already has strong protections in place that enable employers to supervise their workers' use of paid sick and safe days – and there is nothing to suggest that implementing this restriction would serve any meaningful protection or service to employers or workers.

We appreciate the opportunity to submit testimony on Senate Bill 404. If you have any questions, please contact Alex Baptiste, Policy Counsel (abaptiste@nationalpartnership.org or 202.238.4861) at the National Partnership for Women & Families.

Sincerely,

The National Partnership for Women & Families

1 National Partnership for Women & Families (2019, March). *Paid Sick Days – State and District Statutes*. Retrieved 19 February, 2020, from <http://www.nationalpartnership.org/our-work/resources/workplace/paid-sick-days/paid-sick-days-statutes.pdf>

2 National Partnership for Women & Families (2019, March). *Paid Sick Days are Good for Business*. Retrieved 19 February 2020, from <http://www.nationalpartnership.org/our-work/resources/workplace/paid-sick-days/paid-sick-days-good-for-business-and-workers.pdf>

3 MD. Code. Ann., § 3-103, § 3-1305(G) The Maryland Healthy Working Families Act (2018). Retrieved 19 February 2020 from http://mgaleg.maryland.gov/2017RS/Chapters_noln/CH_1_hb0001e.pdf

4 See note 1.

5 See note 2 at § 3-1305(B)(3).

6 Ibid. at § 3-1305(G)(2).

7 See note 1. When adjusted for inflation, presenteeism costs businesses approximately \$218 billion annually.

8 Miller, K., Drago, R., Williams, C., (2011, July). *Paid Sick Days and Employer Penalties for Absence*. Institute for Women's Policy Research. Retrieved 19 February 2020, from <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/D297.pdf>

SB 404 MHWF-Verification Alex

Uploaded by: Baptiste, Alex

Position: UNF



Testimony in Opposition to Maryland Healthy Working Families Act – Verification

Senate Bill 404, House Bill 908

To: Members of the Senate Finance Committee

From: The National Partnership for Women & Families

Date: February 20, 2020

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy organization dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the demands of work and family. The National Partnership has provided assistance and guidance to nearly every jurisdiction that has passed a paid sick days law in the United States, including Maryland's Healthy Working Families Act.

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Since passing paid sick time, this body has considered various additional restrictions on worker's use of that time. Senate Bill 404 would impose unnecessary restrictions on a worker's ability to use their accrued sick time and undermine the purpose of the Healthy Working Families Act. SB 404 would allow an employer to unilaterally demand that any employee who takes leave between their 107th and 120th day of employment provide verification that the leave is for a legitimate purpose – even if it is the first time the employee needs to use their earned sick leave. Additionally, the bill would allow employers to deny further requests for leave if verification is not provided. The National Partnership is strongly opposed to SB 404 and the proposed changes the bill would make to the Maryland Healthy Working Families Act.

The Maryland Healthy Working Families Act already contains provisions to protect employers and safeguard against the abuse of paid sick days. For example, Section 3-1305(G) allows an employer to request verification after just two missed shifts.³ This is more stringent than most paid sick days law in the country as nearly every other law does

not allow an employer to request verification of a worker's use of paid sick days until the worker has taken three or more consecutive days from work.⁴ Additionally, Section 3-1305(B)(3) allows an employer to deny leave in certain situations where proper notice has not been provided,⁵ while Section 3-1305(G)(2) allows the denial of leave where proper verification has not been provided.⁶ And finally, Section 3-1302(b)(5) preserves businesses' rights to adopt and enforce policies that prohibit patterns of leave abuse. These provisions show that the Healthy Working Families Act provides any protection employers need – the additional limitations imposed by SB 404 are gratuitous.

Demands for verification and subsequent consequences for not providing such verification would severely undermine the purpose of the Healthy Working Families Act and reduce the benefits Maryland workers are entitled to under the law. Allowing employers to deny an employee their earned sick and safe leave for lack of verification the very first time they seek to use it will create confusion and chill the legitimate use of leave. If workers face these additional requirements, they will be less likely to use their accrued and protected time and force them to work even when they need to tend to their of their families' health. When workers are faced with demands for instant verification or fear of denial of subsequent leave requests, they are less likely to use their accrued time and more likely to come into work sick, forgo medical appointments, send a sick child to school, and tell others to do the same. This undermines the law and will have harmful effects on public health and businesses.

Paid sick days help to reduce the productivity lost when employees work sick – known as presenteeism. Presenteeism is estimated to cost the national economy \$160 billion annually, far surpassing the cost of a worker calling out sick.⁷ The need for instant verification can also put lives in danger if the need for using leave is because of an incident related to domestic violence, stalking or sexual assault. Denying workers use of their accrued sick days for not being able to instantly provide verification invalidates the benefit for many of the most vulnerable workers. Women, people of color and women of color face more discrimination and job instability generally, and SB 404 would only add to that burden. Black workers, for example, are more likely to report fears of penalties or disciplinary action for taking paid sick days than either white or Hispanic workers.⁸

Allowing employers to demand instant verification for the use of earned sick and safe time during a thirteen-day window would severely diminish the rights of Maryland workers. It would restrict a benefit that is critical to helping workers balance the demands of work and family and put the health and well-being of hundreds of thousands of Maryland workers and their families at risk. The Maryland Healthy Working Families Act already has strong protections in place that enable employers to supervise their workers' use of paid sick and safe days – and there is nothing to suggest that implementing this restriction would serve any meaningful protection or service to employers or workers.

We appreciate the opportunity to submit testimony on Senate Bill 404. If you have any questions, please contact Alex Baptiste, Policy Counsel (abaptiste@nationalpartnership.org or 202.238.4861) at the National Partnership for Women & Families.

Sincerely,

The National Partnership for Women & Families

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2 National Partnership for Women & Families (2019, March). *Paid Sick Days are Good for Business*. Retrieved 19 February 2020, from <http://www.nationalpartnership.org/our-work/resources/workplace/paid-sick-days/paid-sick-days-good-for-business-and-workers.pdf>

3 MD. Code. Ann., § 3-103, § 3-1305(G) The Maryland Healthy Working Families Act (2018). Retrieved 19 February 2020 from http://mgaleg.maryland.gov/2017RS/Chapters_noln/CH_1_hb0001e.pdf

4 See note 1.

5 See note 2 at § 3-1305(B)(3).

6 Ibid. at § 3-1305(G)(2).

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8 Miller, K., Drago, R., Williams, C., (2011, July). *Paid Sick Days and Employer Penalties for Absence*. Institute for Women's Policy Research. Retrieved 19 February 2020, from <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/D297.pdf>

Advocates for Children and Youth_UNF_SB404

Uploaded by: Bevan-Dangel, Jennifer

Position: UNF

EQUITY FOR ALL KIDS



To: Finance Committee
From: Jennifer Bevan-Dangel, Executive Director
Re: SB 404, Maryland Healthy Working Families Act - Applicability
Date: February 20, 2020
Position: Oppose

Advocates for Children and Youth strongly opposes SB 404, which would create a potentially significant loophole in the state's Sick and Safe Leave Act.

We know that paid sick days protect children and families. For a typical family without paid sick days, just 3.5 sick days without pay is equivalent to losing an entire month's grocery budget. With most families working one and two jobs, all of us have faced the challenge of a sick child needing to stay home. And I imagine many, feeling guilty, have dropped a sick child off at school when the child and those at school would be better off with that child at home. For parents without paid sick days, their children are more than twice as likely as parents with paid sick leave to be sent to school or daycare sick.

ACY opposes any changes to the state's Sick and Safe Leave Act. The legislation already includes compromise decisions that limit the impact of this critical safety net. SB 404 would shift too much unilateral authority to the employer when seeking verification of an employee's absence. As currently written, the Act allows an employer to require an employee to verify his or her leave. However, the employee retains important control over the terms regarding providing written verification of that leave.

This provision is important because employees may have personal reasons for needing leave, whether a health or safety concern, and they should retain the ability to mutually agree with an employer over what written notification should include. Giving an employer the unilateral right to set the written notification could force employees into a position where they do not feel comfortable taking their legally protected leave because they must disclose personal information to do so.

Providing paid earned sick and safe leave is an important step toward family economic stability. It results in healthier and stronger children, families and communities. We urge this committee to vote unfavorable on SB 404.

1 North Charles Street Suite 2400 | Baltimore, MD 21201 | www.acy.org | 410-547-9200 |

Advocates for Children and Youth builds a strong Maryland by advancing policies and programs to ensure children and families of every race, ethnicity, and place of birth achieve their full potential.

PJC-UNF_SB404

Uploaded by: Dworak-Fisher, Sally

Position: UNF



Sally Dworak-Fisher, Attorney
Public Justice Center
1 North Charles Street, Suite 200
Baltimore, Maryland 21201
410-625-9409, ext. 273
dworak-fishers@publicjustice.org

SB 404 -Labor and Employment – Healthy Working Families Act – Verification Hearing before the Senate Finance Committee, February 20, 2020

Position: Oppose

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization that 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 and other basic protections. The PJC **opposes SB 404 and urges an unfavorable report.**

1. SB 404 Undermines the Purpose of the Healthy Working Families Act (HWFA) by Allowing Employers to Deny an Employee Their Earned Leave the Very First Time They Need to Use It.

- ✓ The HWFA recognizes that sickness and domestic violence are unpredictable. For that reason, the HWFA does not permit an employer to require verification or deny leave the very first time an employee calls out sick. SB 404 would change that and weaken the HWFA. It would allow an employer to unilaterally demand (via notice at the time of hire) that an employee who takes *any* leave between their 107 and 120th day of employment verify that the leave is for a legitimate purpose even if it is the first time that employee needs to use their earned leave.
- ✓ Worse yet, SB 404 would empower employers to deny an employee their earned sick or safe leave between the 107th and 120th day –again, even if it is the first time they have used leave—for failure to provide the verification demanded.
- ✓ Allowing employers to deny an employee their earned sick and safe leave for lack of verification the very first time they seek to use it – or any time they seek to use it during a random 13-day window – will sow confusion, chill the legitimate use of leave, and undermine the intent of the HWFA.

2. SB 404 is Unnecessary and Unworkable.

- ✓ SB 404 is unworkable. Employees frequently will not have verification at the very instant they need to take leave. The HWFA recognizes this, and for that reason only permits a denial of leave where an employee fails to provide verification for past leave and then *subsequently* seeks to take leave for the same reason.

- ✓ By way of example, an employee is a domestic violence survivor who flees to a friend's house with her kids in the middle of the night. She calls the employer the next morning to say she can't work, but because she is on her 110th day of employment and does not have verification right then, the employer denies the leave. The employee is now in a bind because she cannot produce verification immediately. She must then choose between her personal safety, going to work, or not going to work and possibly losing pay or losing her job.
- ✓ Information obtained from various Maryland Public Information Act requests does not suggest that employees are abusing leave between the 107th and 120th day such that employers require additional power to deny leave.

3. SB 404 Would Upset Carefully Crafted Legislative Compromises, Create Inconsistencies, and Increase Administrative Burdens.

- ✓ The HWFA already reflects compromises worked out over several years to protect employers' concerns regarding leave abuse. Employers may require verification after just *two consecutive shifts*, -- e.g., working "a double" in the restaurant industry. The law further allows an employer to request verification of any leave taken between the 107th and 120th days of employment, provided that the employee and employer mutually agreed to that policy at the time of hire. Where an employee fails to supply verification in either case, the employer is empowered to deny a *subsequent* leave request for the same reason.
- ✓ Maryland's law is already more business-friendly than most other jurisdictions, which only permit an employer to request verification after 3 days, rather than just 2 shifts. And no other jurisdiction grants additional power to employers between 107 and 120 days. Maryland employers' power to deny sick or safe leave on just the second or third attempt to take earned leave is already more restrictive to employees and business-friendly than other jurisdictions.
- ✓ SB 404 would create inconsistencies and additional administrative burdens. It would permit an employer to deny even the first instance of leave if verification is not provided for 13 particular days of employment, -- i.e., between the 107th and 120th days. Meanwhile, for all other days, an employer may only deny a *subsequent* request for sick or safe leave if the employee has already missed two consecutive shifts for the same reason and failed to provide verification. Employers will have to track -- for each employee -- whether they seek to use *any* earned leave during the 13 days between each person's 107th and 120th days of employment, whether they have provided the required verification for any leave during that particular 13-day period, and if not, whether the leave was denied and whether the employee worked their shift or will be docked their pay. Separately, the employer will track absences not within that 13-day period and monitor verification and leave denial of *subsequent* leave requests for the same reason.

MDDCAFLCIO_UNF_SB404

Uploaded by: Edwards, Donna

Position: UNF



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

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President
Donna S. Edwards

Secretary-Treasurer
Gerald W. Jackson

**SB 404 – Labor and Employment – Maryland Healthy Working Families Act – Verification
Senate Finance Committee
February 20, 2020**

OPPOSE

**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 in opposition to SB 404 – Labor and Employment – Maryland Healthy Working Families Act – Verification. My name is Donna S. Edwards and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of the 340,000 union members, I offer the following comments.

With the introduction of SB 404, we are faced with another attempt to weaken protections for workers and to dilute Earned Sick Leave for working Marylanders. Under current law, workers may use their Earned Sick Leave as they need it, and aren't subject to capricious demands of verification by a mercurial management. Verification of the use of Earned Sick Leave is based on mutually agreed upon terms between the employer and the employee. SB 404 nullifies that, completely, allowing the employer to unilaterally implement their own verification method and to deny a request for Earned Sick Leave. Moreover, the Fiscal and Policy Note of the bill notes the logical inconsistency in a worker providing "insufficient" verification – after taking the leave – but still allowing an employer to deny it.

The Maryland Health Working Families Act has directly benefited over 700,000 Maryland workers and their families. The law took more than five years to pass, with input from hundreds of stakeholders. It is a law created through compromise, and, as such, should be allowed to stand, as written. There is no reason to create more carve-outs, exemptions, or to dilute this legislation, any further.

We ask for an unfavorable report on SB 404.

PJC_Unfav_SB404

Uploaded by: Fisher, Sally

Position: UNF



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SB 404 -Labor and Employment – Healthy Working Families Act – Verification Hearing before the Senate Finance Committee, February 20, 2020

Position: Oppose

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization that 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 and other basic protections. The PJC **opposes SB 404 and urges an unfavorable report.**

1. SB 404 Undermines the Purpose of the Healthy Working Families Act (HWFA) by Allowing Employers to Deny an Employee Their Earned Leave the Very First Time They Need to Use It.

- ✓ The HWFA recognizes that sickness and domestic violence are unpredictable. For that reason, the HWFA does not permit an employer to require verification or deny leave the very first time an employee calls out sick. SB 404 would change that and weaken the HWFA. It would allow an employer to unilaterally demand (via notice at the time of hire) that an employee who takes *any* leave between their 107 and 120th day of employment verify that the leave is for a legitimate purpose even if it is the first time that employee needs to use their earned leave.
- ✓ Worse yet, SB 404 would empower employers to deny an employee their earned sick or safe leave between the 107th and 120th day –again, even if it is the first time they have used leave—for failure to provide the verification demanded.
- ✓ Allowing employers to deny an employee their earned sick and safe leave for lack of verification the very first time they seek to use it – or any time they seek to use it during a random 13-day window – will sow confusion, chill the legitimate use of leave, and undermine the intent of the HWFA.

2. SB 404 is Unnecessary and Unworkable.

- ✓ SB 404 is unworkable. Employees frequently will not have verification at the very instant they need to take leave. The HWFA recognizes this, and for that reason only permits a denial of leave where an employee fails to provide verification for past leave and then *subsequently* seeks to take leave for the same reason.

- ✓ By way of example, an employee is a domestic violence survivor who flees to a friend's house with her kids in the middle of the night. She calls the employer the next morning to say she can't work, but because she is on her 110th day of employment and does not have verification right then, the employer denies the leave. The employee is now in a bind because she cannot produce verification immediately. She must then choose between her personal safety, going to work, or not going to work and possibly losing pay or losing her job.
- ✓ Information obtained from various Maryland Public Information Act requests does not suggest that employees are abusing leave between the 107th and 120th day such that employers require additional power to deny leave.

3. SB 404 Would Upset Carefully Crafted Legislative Compromises, Create Inconsistencies, and Increase Administrative Burdens.

- ✓ The HWFA already reflects compromises worked out over several years to protect employers' concerns regarding leave abuse. Employers may require verification after just *two consecutive shifts*, -- e.g., working "a double" in the restaurant industry. The law further allows an employer to request verification of any leave taken between the 107th and 120th days of employment, provided that the employee and employer mutually agreed to that policy at the time of hire. Where an employee fails to supply verification in either case, the employer is empowered to deny a *subsequent* leave request for the same reason.
- ✓ Maryland's law is already more business-friendly than most other jurisdictions, which only permit an employer to request verification after 3 days, rather than just 2 shifts. And no other jurisdiction grants additional power to employers between 107 and 120 days. Maryland employers' power to deny sick or safe leave on just the second or third attempt to take earned leave is already more restrictive to employees and business-friendly than other jurisdictions.
- ✓ SB 404 would create inconsistencies and additional administrative burdens. It would permit an employer to deny even the first instance of leave if verification is not provided for 13 particular days of employment, -- i.e., between the 107th and 120th days. Meanwhile, for all other days, an employer may only deny a *subsequent* request for sick or safe leave if the employee has already missed two consecutive shifts for the same reason and failed to provide verification. Employers will have to track -- for each employee -- whether they seek to use *any* earned leave during the 13 days between each person's 107th and 120th days of employment, whether they have provided the required verification for any leave during that particular 13-day period, and if not, whether the leave was denied and whether the employee worked their shift or will be docked their pay. Separately, the employer will track absences not within that 13-day period and monitor verification and leave denial of *subsequent* leave requests for the same reason.

JOTF_UNF_SB404

Uploaded by: Frazier, Derrell

Position: UNF

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF HOUSE BILL 679:

Earned Income Tax Credit - Individuals Without Qualifying Children – Eligibility

TO: Madame Chair Anna R. Kaiser, and Members of the House Ways & Means Committee

FROM: Derrell Frazier, Policy Advocate

DATE: February 20, 2020

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that advocates for better jobs, skills training, and wages for low-income workers and job seekers in Maryland. JOTF Supports House Bill 679 as a means to expand access to the Earned Income Tax Credit, a critical anti-poverty tool that provides critical support to low-wage workers, particularly non-custodial parents.

Across the country, Earned Income Tax Credit (EITC) has proven to be an effective method in lifting wages and individuals out of poverty, with studies showing that a \$1,000 increase in the EITC led to a 7.3 percentage point increase in employment and a nearly 10 percentage-point reduction in the share of families in poverty¹. In Maryland alone, one in every ten individuals – almost 600,000 people – live below the federal poverty line. The Maryland Earned Income Tax Credit (EITC) is a common-sense tax credit that helps these individuals make ends meet and stay in their jobs despite low wages. Families use the EITC to pay back bills, such as rent and utilities, catch up on their debts, and meet their family's basic needs, such as food, clothing, and childcare. EITC funds are spent in communities around the state, boosting economic output, jobs, and tax revenue.

EITC recipients utilize the credit for an average of only 2-3 years until they begin to earn higher wages. The EITC also boosts local economies because the credit puts money back in taxpayers' pockets that is spent locally on basic necessities such as groceries, housing, transportation, and paying down their debt. For every dollar the state spends on the EITC, \$1.24 comes back to the economy.

However, currently, the EITC does not fully match the federal EITC and should be expanded to increase the benefit for low-wage workers who are single filers. If enacted, HB 679 would add, in some instances, an extra \$519.

By increasing the value of the EITC for single filers, Maryland has the opportunity to invest in Marylanders who need it most. Doing so would provide much-needed tax relief to a struggling demographic. The passage of HB 679, along with its companion bill SB 717, would reduce taxes for approximately 280,000 Marylanders, putting them on a path to long-term financial stability.

Therefore, as House Bill 679 strives to reward work, fight poverty, and stimulate the economy, we strongly encourage a **favorable** report.

¹ <https://www.theatlantic.com/business/archive/2018/01/eitc-getting-people-to-work/549416/>

MD Center on Economic Policy_UNF_SB404

Uploaded by: Orr, Benjamin

Position: UNF



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.ⁱ 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.ⁱⁱ 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.ⁱⁱⁱ

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.

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.^{iv}

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;^v 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.^{vi} 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.

ⁱ 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/>

ⁱⁱ 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>

ⁱⁱⁱ "CMD PRWatch Markup of 01-05-16 State Chambers Topline Poll," Luntz Global via PRWatch, 2015, https://www.prwatch.org/files/cmd_prwatch_markup_of_01-05-16_state_chambers_topline_poll.pdf

^{iv} Milli 2017.

^v "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>

^{vi} "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

James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality, <https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>

WomensLawCenterofMD_FAV_SB#404

Uploaded by: Siri, Michelle

Position: UNF

BILL NO: Senate Bill 404
TITLE: Labor and Employment - Maryland Healthy Working Families Act – Verification
COMMITTEE: Finance
HEARING DATE: February 20, 2020
POSITION: **OPPOSE**

The Maryland Healthy Working Families Act (MHWFA), provides that an employer may require verification from an employee for leave that is used to cover 2 or more consecutive shifts, or for leave taken between the 107th and 120th day. Additionally, if an employee fails to provide the required verification, the employer's recourse is to deny subsequent requests for leave. SB241 seeks to change the status quo so that employers are able to unilaterally deny a request for sick or safe leave between the 107th and 120th day of employment if the employee fails to provide written verification to the employer, even if it is the employee's first time utilizing leave.

The Women's Law Center whole-heartedly supports the MHWFA because it provides a reasonable and comprehensive approach to ensuring an important benefit that protects the health and safety of families, workers, and the community. The WLC opposes any bill seeking to chip away at those provisions, which were the result of years of negotiations and compromise. Specifically, the WLC opposes SB241 because domestic violence does not provide advance warning of when it will strike, nor does it always provide opportunities for written verification. Survivors of intimate partner violence should not have to wait until the 121st day of employment in order to avail themselves of the safety provisions available under the MHWFA. SB404 will have a chilling effect on the legitimate use of leave, placing survivors of domestic violence in a vulnerable and unsafe position where they are unable to take the leave they need out of fear of repercussions from their employers.

The "safe leave" provisions in the MHWFA allow an employee to use earned leave days to deal with medical, psychological or legal issues arising from domestic violence. As one in four women is a victim of domestic violence or sexual assault, it is imperative that survivors are able to get treatment for an injury or initiate legal proceedings without fearing they will lose their jobs if they take time off. This applies to all workers – regardless of their status. And the need to utilize safe leave can occur at any time, and without notice, not just after the first 121 days of employment. Furthermore, many activities commonly included in safety planning, such as leaving the area to stay with family or friends, or abruptly leaving to pick children up and take them to a safe place, do not allow for written verification. Nor should a survivor have to provide the intimate details of their safety plan with their employer.

The ability to have legal representation and/or to go to court to obtain a protective order can have a profound effect on a victim's ability to leave an abuser and optimize their safety. But in order to do those things, the victim must first be able to take the time to make those appointments. However, financial insecurity is one of the most common reasons women stay with their abusers, and it should be no surprise to learn that taking unpaid leave to appear at

court, or to make appointments with counselors or lawyers, is a financial burden too many of our clients are unable to bare.

A survey of American employees found that 44% of full-time employed adults personally experienced domestic violence's effect in their workplaces¹, while up to half of employed victims of DV report that they lost their jobs in part due to DV². In addition, as many as 96% experience problems at work due to abuse, 56% are late to work, 28% leave work early, 54% miss entire days of work³, and 47% were specifically prevented from working by the abuser⁴. At the same time, 65% of companies in this country do not have a formal workplace domestic violence prevention policy⁵, and the vast majority do not already provide leave specifically designated for victims of domestic violence. Domestic Violence has a clear and definite impact on the economy and on the Maryland workforce.

The HWFA allows victims to address these important issues that preserve their safety without risking job security. It ensures women do not have to weigh physical health against economic stability because paid sick and safe leave will be available to them. The ability to leave an abuser, and make decisions to ensure one's own safety, should not be limited based upon the start date for employment.

Therefore, the Women's Law Center of Maryland, Inc. urges an unfavorable report on Senate Bill 404.

The Women's Law Center of Maryland is a private, non-profit, membership 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. The Women's Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County, and the statewide Collateral Legal Assistance for Survivors and Multi-Ethnic Domestic Violence Projects.

¹ Corporate Alliance to End Partner Violence, http://www.caepv.org/getinfo/facts_stats.php?factsec=3

² Questions and Answers about DOMESTIC VIOLENCE AND THE WORKPLACE, Sloane Work and Family Research Network, 2008, <https://workfamily.sas.upenn.edu/sites/workfamily.sas.upenn.edu/files/imported/pdfs/DV.pdf>

³ *Id.*

⁴ Judith McFarlane et al, Indicators of Intimate Partner Violence in Women's Employment, 48 Am. Assoc. Occupational Health Nurses J. 217 (May 2000); Employment Law and Domestic Violence, A Practitioner's Guide, American Bar Association, Commission on Domestic Violence, Julie Goldscheid and Robin Runge, (2009)

⁵ The Society for Human Resource Management, *When Domestic Violence Comes to Work*, 2013

MAP_UNF_SB404

Uploaded by: Vaughn, Regan

Position: UNF



Member Agencies:

Advocates for Children and Youth
Baltimore Jewish Council
Behavioral Health System Baltimore
CASH Campaign of Maryland
Catholic Charities
Episcopal Diocese of Maryland
Family League of Baltimore
Fuel Fund of Maryland
Health Care for the Homeless
Homeless Persons
Representation Project
Job Opportunities Task Force
League of Women Voters of Maryland
Loyola University Maryland
Maryland Catholic Conference
Maryland Center on Economic Policy
Maryland Community Action
Partnership
Maryland Family Network
Maryland Hunger Solutions
Paul's Place
Public Justice Center
St. Vincent de Paul of Baltimore
Welfare Advocates

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TESTIMONY IN OPPOSITION TO SB 404

Labor and Employment - Maryland Healthy Working Families Act – Verification

Senate Finance Committee

February 20, 2020

Submitted by Stacey Jefferson and Margo Quinlan, Co-Chairs

Marylanders Against Poverty (MAP) strongly opposes SB 404, which authorizes an employer to require verification that earned sick and safe leave is used appropriately when the leave is used during the period between the first 107 and 120 calendar days that an employee was employed by the employer

As of February 11, 2018, more than 700,000 Maryland workers now have access to earned sick leave - and we should not go backwards. Nearly four in ten private-sector workers – and 80% of low-wage workers – were previously unable to earn a single sick day to recover from common, short-term illnesses. Families that are already living in or near poverty can least afford to lose income due to illness, yet half of Maryland workers earning less than \$35,000 couldn't earn sick days in Maryland prior to February 2018. For our most vulnerable neighbors, just a few days of lost pay is often equivalent to an entire month's grocery budget or rent payment, thus rolling back the Healthy Working Families Act could be financially catastrophic for low-income Marylanders.

Even seemingly “minor” changes to the Healthy Working Families Act – like SB 404 - could negatively impact our state's workers, families, and the health of our communities. In particular, SB 404 would roll back negotiations that were agreed to regarding when earned sick leave can be utilized without additional hurdles for Maryland workers. The Maryland Healthy Working Families Act was introduced at 90 days before employees could utilize their leave, opposition wanted 120 days, and 107 days was agreed to by both sides as a compromise. Requiring additional procedural hurdles for days 107-120 goes against the spirit of the compromise. The current law reflects a reasonable balance between requiring verification and acknowledging that not every sick day can be confirmed by a doctor's note.

Access to earned sick leave provides economic security for working Marylanders, and ultimately creates the stability necessary for low-income families to move out of poverty. Changing access to earned sick leave before we've had time to analyze its impact is short-sighted and potentially detrimental. Maryland workers have waited years for access to earned sick leave, and should not bear the burdens of harmful new exemptions and changes.

MAP appreciates your consideration and urges an unfavorable report on SB 404.

Marylanders Against Poverty (MAP) is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.