



190 West Ostend St., #201
Baltimore, MD 21230
Phone: 410.547.1515
Fax: 410.837.5436

Patrick Moran - President

Testimony
HB 1199 – Workers’ Compensation – Occupational Disease Presumptions – COVID–19
Economic Matters
March 2, 2021
Support with Amendment

AFSCME Council 3 strongly supports HB 1199. This legislation would provide that employees who are suffering from the effects of severe acute respiratory syndrome coronavirus 2 are presumed to have an occupational disease they suffered in the line of duty or course of employment and is workers’ compensation eligible.

We have never dealt with a challenge like COVID-19 before. Frontline employees across Maryland have fearlessly continued reporting to work even through shortages of PPE and information. As we learned more about the virus, other states identified ‘hot spots’ where the virus was likely to grow out of. In Maryland, frontline staff heard the call and responded to the challenge. Because of the work of frontline employees, we have limited community transmission out of our public congregate care facilities.

This has been done while having to surmount seemingly endless obstacles put before us:

- A lack of Personal Protective Equipment, a fight still ongoing over getting N95 masks to our members and appropriate gowns for those in closest contact of the virus;
- A lack of planning and safety protocols that have led to wildly divergent responses to outbreaks from facility to facility, campus to campus. To this day AFSCME has been unable to bring the University System of Maryland to the table to negotiate health and safety protocols for a virus that cares not whether you’re a Terrapin or a Terrier.
- Our neighbor to the south, Virginia, became the first state in the nation to establish detailed coronavirus-related safety mandates that all companies under the jurisdiction of VOSH must abide by. The General Assembly has seen numerous bills introduced this session to address this situation, and AFSCME is wholeheartedly supporting them.
- But I would be remiss if I didn’t point out that Maryland’s chronic understaffing of its facilities made a bad situation worse.

Every AFSCME Maryland State and University contract guarantees a right to union representation.
An employee has the right to a union representative if requested by the employee.
800.492.1996

Find us: afscmemd.org
Like us: [facebook.com/AFSCMEMD](https://www.facebook.com/AFSCMEMD)
Follow/Tweet us: [@afscmemaryland](https://twitter.com/afscmemaryland)

All of this has come with a horrible cost: thousands of state employees have contracted the virus while continuing to serve Marylanders, particularly those in crisis. And to date, we are *aware* of ten deaths in the Division of Corrections, the Department of Health, the Department of Transportation and within the campuses of the University System.

We applaud Delegate Valderrama and the other General Assembly members who have championed workers' compensation eligibility for those stricken by the pandemic. The long-term effects of COVID-19 are still being discovered, and while we are still learning of these effects, we know that a fair and equitable starting point for presumption of eligibility should be the date of declared emergency, March 5, 2020. We respectfully request that the bill be amended to retroactively apply to that date.

We thank you, and strongly urge a favorable report of HB 1199 with amendment.