

House Bill 581: Maryland Essential Workers Protection Act
House Economic Matters and Appropriations Committees
February 5, 2021

Position: Oppose

Honorable chairperson members of the committee; it is with reluctance that The Arc Maryland, one of Maryland's largest grassroots advocacy organizations dedicated to protecting the rights of individuals with intellectual and/or developmental disabilities stands in respectful opposition to this legislation.

While we appreciate the sponsor's intention to support Maryland workers, we have the following concerns that we do not believe can be resolved simply with amendments.

The definition of what constitutes an emergency is overly broad.

There is no funding mechanism to supplement state funding provided to the Medicaid providers such as those funded through the Developmental Disabilities Administration, therefore, any pay or benefit increases represent a serious, unfunded mandate that would place further strain on an already strained community system.

The definition of what constitutes dangerous work also needs to be clarified; people with disabilities and their families rely on essential supports in order for them to complete day-to-day tasks that those without disabilities take for granted. Some of these tasks include but are not limited to bathing, assistance with feeding, assistance with dressing, assistance with toileting etc. The work is often of an intimate nature and does not allow for social distancing. To empower an employee to determine that his or her job constitutes a danger in a particular moment in time may leave an individual with a disability extremely vulnerable. You see, I write this testimony not only in my professional capacity as the Director of Public Policy for the Arc Maryland, but as someone who relies on these essential supports for my day-to-day survival.

I would like to take the opportunity to relay and experience that I never thought would occur during the pandemic, I had a personal support staff whom I had worked with for many years. Part of her job tasks were to assist me with doing my laundry. One day recently, she told me that she was uncomfortable going up to the laundry room. I had offered and provided personal protective equipment for her to don, but she just did not feel comfortable doing my laundry in the middle of the pandemic. I did not want to lose essential staff in the middle of the health crisis so I had no choice but to go without this basic need for a time. This provision within the legislation that allows the worker to define their work is dangerous is therefore not acceptable and will likely result in losses of support for people with disabilities who rely on them to live in the community.

There is also the issue of funding for temporary staffing should an essential covered employee take the leave included in the bill. It should be noted that there is a growing segment of the population of those with intellectual and/or developmental disabilities in the state utilizing what is referred to as the Self-Direction service model many of these individuals have extremely small staff and extremely limited budgets which vary in size as

provided by the Developmental Disabilities Administration. There is no allowance in this budget for the proposed benefits, the increased hourly rate of pay, or to hire relief staff to work in place of the employee on leave.

There is also language within the bill that states that an essential employer is required to provide a working environment that is not mentally stressful on the essential employee. How is this defined? And how realistic is it to have the expectation that an employer can provide a stress-free work environment during the types of emergencies under which this legislation would apply.

To be clear, The Arc Maryland is not opposed to the intent of the legislation which we understand is to honor essential workers. We would very much appreciate having funding to provide a higher hourly wage to our essential DSP workforce during states of emergency and yet, we did not have access to this state funding. We oppose the way the bill is constructed: while providing latitude for employees it offers little to no protection for essential employers, including people with disabilities who employ direct support professionals, to ensure there will be continuity of care.

Should you have any questions, please contact:

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