



HOUSE ECONOMIC MATTERS COMMITTEE

House Bill 1199

Workers' Compensation – Occupational Disease Presumptions – COVID-19

March 2, 2021

Urging an Unfavorable Report

Carolyn Skolnik, Associate Vice Chancellor, Human Resources

Chair Davis, Vice Chair Dumais, and members of the committee, thank you for the opportunity to share our thoughts regarding House Bill 1199. The bill adds all employees of higher education institutions to the current list of first responders who are presumed eligible for worker's compensation benefits under certain circumstances. Under the bill's provisions, all higher education employees who test positive for COVID-19 within 14 days of working on campus are presumed to have an occupational disease that was suffered in the course of employment.

Sound factual and public policy reasons exist for legally presuming that certain conditions or injuries suffered by first-responders such as police officers and firefighters were incurred in the line of duty. No such reasons support a legal presumption that every higher education employee who works on campus contracted COVID-19 during the course of their employment. Many on-campus employees working during the pandemic have extremely limited contact with any members of the public, students, or other employees. Extensive health and safety equipment and protocols have been put in place to limit employees' potential exposure to COVID-19 and, as a result, the positivity rate on many campuses is lower than the rate in surrounding communities.

The fiscal impact of House Bill 1199 is indeterminate, but it could prove costly for University System of Maryland (USM) institutions. Because the bill covers all employees of higher education institutions, except those who telework from home, USM institutions would be legally presumed responsible for the medical expenses, lost wages, and disability payments of every employee on campus who contracts COVID-19.

Without the foresight of a cost-determination, and the possible negative impact to the budgets of USM institutions, we respectfully urge an unfavorable report.