



**SB860 WORKERS' COMPENSATION - COVID-19 OCCUPATIONAL DISEASE PRESUMPTION -
PUBLIC SCHOOL EMPLOYEES**

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FINANCE COMMITTEE

OPPOSE

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Anne Arundel County Public Schools (AACPS) opposes **SB860 Workers' Compensation - COVID-19 Occupational Disease Presumption - Public School Employees**. This bill establishes that, under certain circumstances, public elementary and secondary school employees in the State are presumed to have an occupational disease that is compensable under workers' compensation law after a certain positive test or diagnosis for COVID-19. It also provides that the presumption may be rebutted with certain evidence. The Act terminates after July 31, 2022.

While well intentioned, this legislation is problematic in a couple of ways. First, the bill does not specify how a public elementary and secondary school employee is to prove that the employee contracted COVID-19 while on the job. Unlike occupational hazards specifically associated with other jobs and identified in existing State law, COVID-19 is not unique to public school employees. In fact, as the growing number of cases in the United States indicate, COVID-19 can be contracted anywhere and at any point in time. Because the legislation presumes that a public school employee has an occupational disease, COVID-19, that is compensable under current law, the employee is not required to prove that the employee contracted COVID-19 while at work. The presumption is that the employee did, in fact, contract the virus at work. AACPS would then be forced to somehow prove, with substantial evidence, to the contrary that demonstrates that the employee tested positive for or was diagnosed with COVID-19 for reasons not arising out of and in the course of employment. This would be difficult to prove at best.

AACPS takes the health and safety of students and employees seriously. The school system has a comprehensive process in place to assist employees who have contracted COVID-19 or have been in contact with someone with COVID-19. For example, if an employee must quarantine due to exposure to someone in the workplace with COVID-19, that employee is able to quarantine without the need to use leave. AACPS has a team of education professionals that assists families, employees, schools, satellite offices, and central office with the rapid and efficient collection of information regarding positive COVID-19 cases in school system buildings. AACPS will continue to work with employees as we all navigate through these unprecedented times.

Finally, this legislation creates an unfunded mandate on school systems. AACPS opposes unfunded mandates. It is difficult, at this time, to project what the fiscal impact would be on AACPS but we believe that the fiscal impact would be significant.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on SB860.