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SB 727– Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave

Hearing before the Senate Finance Committee, March 17, 2021

Position: SUPPORT

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Our Workplace Justice Project works to expand and enforce the right of low-wage workers to receive an honest day's pay for an honest day's work through litigation and public policy. The PJC **SUPPORTS SB 727** and requests a **FAVORABLE** report.

SB 727 Promotes Public Health by Closing Gaps in State Law and Filling Gaps Left by the Expired Federal Sick Leave Law

The PJC received numerous calls from workers since the public health emergency declaration almost one year ago. These calls ranged from uncertainty over whether a worker could use sick leave to get tested for COVID-19, to fear of retaliation if a worker needed to take off work because they had been exposed or were experiencing symptoms of COVID-19. Unfortunately, we had to inform some of these workers that they were not covered under Maryland law; agricultural workers and temporary workers are among those who still cannot earn a single hour of sick leave. Then, on December 31, 2020, the federal emergency sick leave law, mandating sick leave for businesses with 500 or fewer employees, expired and further widened the gap in Marylanders' without *any* access to sick leave. Although the new federal law *recommends* allocation of sick leave, it does not *require* it. Research shows sick leave normally helps prevent illness¹ and helps flatten the curve of COVID-19.² So, gaps in basic coverage further expose Maryland to spikes in COVID-19 cases or other illnesses like the flu, as workers are still forced to choose between a paycheck and their wellbeing. SB 727 increases the availability of this public health and workplace protection to more workers and will also help keep Maryland healthier.

SB 727 Addresses Disparate Outcomes of COVID-19 within Communities of Color

We know that COVID-19 has compounding ramifications and devastating impacts on Black,³ Latino,⁴ and other

¹ Supriya Kumar et al., *The Impact of Workplace Policies and Other Social Factors on Self-Reported Influenza-Like Illness Incidence During the 2009 H1N1 Pandemic* (Jan. 2021). Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3490553/>.

² Stefan Pichler, Katherine Wen, and Nicolas R. Ziebarth, *COVID-19 Emergency Sick Leave Has Helped Flatten The Curve In The United States* (Dec. 2020). Available at: <https://www.healthaffairs.org/doi/pdf/10.1377/hlthaff.2020.00863>.

³ The AFRO, *Black and Brown Health Care Workers More Likely to Get COVID-19* (Jan. 29, 2021). Available at: <https://afro.com/black-and-brown-health-care-workers-more-likely-to-get-covid-19/>.

⁴ Ryan McFadden, *Health Experts Cite Virus's Effect on Md.'s Latino Community* (Oct. 28, 2020). Available at: https://thedailyrecord.com/2020/10/28/health-experts-cite-virus-effect-on-md-s-latino-community/?utm_term=Health.

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communities of color and those in lower socio-economic classes.⁵ Nationally, the unemployment rate in January was 6.3%.⁶ Women of color, however, experienced employment losses well in excess of the general population due to COVID-19.⁷ In January, 8.5% of Black women, 8.8% of Latina women, and 7.9% of Asian women remained unemployed.⁸ At the same time, for white women, the unemployment rate in January was 5.1% and for white men, 5.5%.⁹ Fewer Black, Latino, and other people of color have rights to earned sick days due¹⁰ to occupational segregation.¹¹ Black workers make up a 44% larger share of Maryland's small employer healthcare market, and Asian American and Pacific Islander workers make up a 14% larger share than the total workforce in Maryland.¹² By eliminating provisions that cover fields of employment where people of color are overrepresented¹³, SB 727 amends the Maryland Healthy Working Families Act to better address racially unequal results¹⁴ at play in the COVID-19 pandemic.

SB 727 Promotes Strong Economic and Health Recovery

Businesses experience productivity losses¹⁵ when workers are pressured to work through sickness and do not have enough time to recover, and workers suffer prolonged health consequences, fear of retaliation, and potential job loss.¹⁶ Just as paid sick leave enhances public health and economic stability in times of normalcy,¹⁷ SB 727 ensures these beneficial effects exist during public health emergencies. SB 727 ensures all workers covered by the law have access to and the right to use, when necessary, **and only during a public health emergency**, up to 14 additional days of paid emergency sick leave allowing adequate time to isolate or quarantine as recommended by public health officials. SB 727 establishes a landscape for Maryland's stronger and healthier economic future by extending Maryland's sick leave law to include more workers and allow for paid public health emergency leave.

For the foregoing reasons, the PJC **SUPPORTS SB 727** and urges a **FAVORABLE** report. Should you have any questions, please call Tyra Robinson at 410-625-9409 ext. 223.

⁵ Kim Parker et al., Economic Fallout from COVID-19 Continues to Hit Lower-Income Americans the Hardest (Sept. 24, 2020). Available at: <https://pewrsr.ch/3461Fv2>.

⁶ Elise Gould, Jobs Report: The U.S. Labor Market Remains 9.9 Million Jobs Below Pre-Pandemic Levels (Feb. 5, 2021). Available at: <https://www.epi.org/indicators/unemployment/>.

⁷ Karen Ho, *The US Economic Recovery is Skipping Black and Hispanic Women* (Jan. 11, 2021). Available at: <https://qz.com/1955437/black-and-hispanic-women-continued-to-lose-jobs-in-december/>.

⁸ Claire Ewing-Nelson, *Another 275,000 Women Left the Labor Force in January* (Feb. 2021). Available at: <https://nwlc.org/wp-content/uploads/2021/02/January-Jobs-Day-FS.pdf>.

⁹ Elise Gould, Jobs Report: The U.S. Labor Market Remains 9.9 Million Jobs Below Pre-Pandemic Levels (Feb. 5, 2021). Available at: <https://www.epi.org/indicators/unemployment/>.

¹⁰ Bartel et. al., *Racial and Ethnic Disparities in Access to and Use of Paid Family and Medical Leave: Evidence from Four Nationally Representative Datasets* (Jan. 2019). Available at: <https://www.bls.gov/opub/mlr/2019/article/racial-and-ethnic-disparities-in-access-to-and-use-of-paid-family-and-medical-leave.htm>. See also Kaiser Family Foundation, *Coronavirus Puts a Spotlight on Paid Leave Policies* (Mar. 2020).

¹¹ Washington Center for Equitable Growth, *Occupational Segregation in the United States Fact Sheet* (Oct. 3, 2017). Available at: <https://equitablegrowth.org/fact-sheet-occupational-segregation-in-the-united-states/>.

¹² National Partnership for Women & Families, *All Maryland Workers Must Have Paid Sick Days to Open the Economy Safely*. Available at: <https://www.nationalpartnership.org/our-work/economic-justice/frontline-workers/maryland.html>.

¹³ Ann P. Bartel et al., U.S. Bureau of Labor Statistics Monthly Labor Review, *Racial and Ethnic Disparities in Access to and Use of Paid Family and Medical Leave* *10 (Jan. 2019). See also FSG and Policy Link, *Advancing Frontline Employees of Color* (Jan. 2020).

¹⁴ Will Feuer, *CDC Quietly Adjusted Covid Death Data, Shows Higher Relative Toll on Black, Hispanic People* (Dec. 4, 2020). Available at: <https://www.cnn.com/2020/12/04/health/cdc-covid-death-data/index.html>.

¹⁵ Zoe Ziliak Michel, *The Business Benefits of Paid Sick Days in Maryland* (Jan. 13, 2017). Available at: <https://www.clasp.org/sites/default/files/publications/2017/04/The-Business-Benefits-of-Paid-Sick-Days-in-Maryland-final.pdf>.

¹⁶ Dana Wilkie, *9 in 10 Workers Admit Going to Work Sick* (Nov. 7, 2019). Available at: <https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/coming-to-work-sick.aspx>.

¹⁷ National Partnership for Women & Families, *Paid Sick Days Improve Public Health Fact Sheet* (Oct. 2020). Available at: <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-improve-our-public-health.pdf>.

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