

SB 594 Senator Carozza Written Testimony Final.pdf

Uploaded by: Carozza, Senator Mary Beth

Position: FAV

MARY BETH CAROZZA
Legislative District 38
Somerset, Wicomico,
and Worcester Counties

Education, Health, and Environmental Affairs
Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 25, 2021

The Senate Finance Committee

**SB 594 Labor and Employment - Maryland Healthy Working Families Act - Verification
Statement of Support by Bill Sponsor Senator Mary Beth Carozza**

Thank you Chair Kelley and Vice Chair Feldman and members of the Senate Finance Committee for this opportunity to present and request your support for Senate Bill 594, which is a simple bill that allows employers to require verification of the appropriate use of paid sick leave by seasonal employees during the 107th- 120th day of employment.

Like the agricultural exemption to the minimum wage bill that I presented to this committee last week, Senate Bill 594 also is a result of our work together on the bipartisan Senate Small Business Workgroup. During our meetings, I consistently shared the continued request of seasonal employers to extend the current seasonal exemption of the paid sick leave law from 106 to 120 days to reflect the true timeframe of the season to include the shoulder season and the time needed to train workers before the season starts.

When the original Maryland Healthy Working Families Act bill, House Bill 1, passed in 2018, I, along with other members representing seasonal employers, offered amendments to extend the seasonal exemption period of the paid sick leave law from 106 to 120 days to reflect the real timeframe of seasonal employment. Although our amendments were not approved at that time, we were advised by leadership that it was not uncommon for minor revisions to be made after a major law has been in effect for a couple of years and that bringing the issue back to the appropriate committees would be appropriate.

Since the passage of House Bill 1 (Chapter 1), the current seasonal exemption to the sick leave law continues to be challenging to our seasonal employers. As a result, I brought the issue to the bipartisan Senate Small Business Workgroup in 2019 and appreciated working with both the Workgroup Members and senior staff to craft the verification bill before you today.

I bring this legislation back to the committee's attention again this year because of the heightened urgency to provide seasonal employers relief during the pandemic. This legislation would authorize a seasonal employer to require verification that earned sick and safe leave is used appropriately by an employee when the leave is used during the period between the first 107 and 120 calendar days **if the employer provided written notice about the verification requirement at the time the employee was hired.** An employer may deny an employee's request to take earned sick and safe leave during that period if an employee fails or refused to provide any verification required by the employer.

Chair Kelley and members of the Senate Finance Committee, I personally can attest that our seasonal small business operators need this relief as I am a product of growing up in a family-owned seasonal business, Beefy's, the first fast-food, drive-through restaurant in Ocean City. My parents gave hundreds of young people their first summer job and it is where I learned my work ethic. Our seasonal small business operators of today want to continue to hire young people and this bill would allow businesses to keep employees on the payroll longer.

I want to thank all the local seasonal operators who have been sharing information and working with us on the impact of the paid sick leave law on their businesses and hiring practices. It is worth noting that Senate Bill 594 has the strong support of the Maryland Restaurant Association, the Greater Ocean City, Salisbury, Garrett County Chambers of Commerce, the Ocean City Hotel-Motel Restaurant Association, and the National Federation of Independent Business.

I am proud of our work together on the bipartisan Senate Small Business Workgroup in recognizing that our job creators need relief. Senate Bill 594 is a targeted bill that simply allows seasonal employers to require verification of the appropriate use of sick leave used by an employee between 107 and 120 days of employment. It will be a helpful tool to seasonal employers and will help ensure the appropriate use of paid sick leave used by seasonal employees.

This is an important priority for Maryland's seasonal employers especially during the hardship of the COVID-19 pandemic. I respectfully request a favorable report of Senate Bill 594.

GCCC Testimony SB 594 SSL Verification 2-25-2021.p

Uploaded by: Christian, Nicole

Position: FAV



Testimony offered on behalf of:
THE GARRETT COUNTY CHAMBER OF COMMERCE

FAVORABLE:
SB 594 – Labor and Employment – Maryland Healthy Working Families Act - Verification

Finance Committee
February 25, 2021

On behalf of the Garrett County Chamber of Commerce, representing 600 member organizations in Western Maryland, I write to express our support of **SB 594 – Labor and Employment – Maryland Healthy Working Families Act - Verification**.

Now that the Maryland Healthy Working Families Act has been in effect for more than a year, employers have had the opportunity to analyze the impacts of the new law. Unfortunately, many businesses are seeing abuses of the law and it is not being used for the original intent. Specifically, seasonal employees who work for more than 106 days but less than 121 days begin earning Sick and Safe Leave (SSL) after 106 days. Many of those employees are then using SSL as soon as they have earned the hours but they are using SSL to simply take paid time off. This creates staffing challenges for the employers that are very busy during the peak times with seasonal workers are employed. Requiring verification of the reason for using SSL by those seasonal employees will reduce the abuse and preserve the intent of the law.

The Chamber respectfully requests a **FAVORABLE report on SB 594**.

Sincerely,

Nicole Christian, SOIN, CCE

President & CEO

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2021 SB594 Sick Leave Verification OCHMRA Support

Uploaded by: Jones, Susan

Position: FAV



HOTEL • MOTEL • RESTAURANT • ASSOCIATION • INC.

TESTIMONY OFFERED ON BEHALF OF THE OCEAN CITY HOTEL-MOTEL-RESTAURANT ASSOCIATION

IN SUPPORT OF SB594 Labor and Employment - Maryland Healthy Working Families Act – Verification
Before the Finance Committee, February 25, 2021

Dear Chairman Kelley and Members of the Finance Committee,

On behalf of the Ocean City hospitality industry and our 400+ members, I am writing to respectfully request your support of SB594. This bill has been narrowly drafted for a specific purpose to close the loophole previously created. Seventy percent of our tourism businesses are only open seasonally and are not like big corporations. For them, days 107-120 are an extremely critical time. It is time at the end of their season when staffing shortages begin due to seasonal staff returning to school, yet business is still booming.

Maryland tourism businesses are primarily small businesses and every summer, Ocean City tourism businesses offer close to 12,000 seasonal positions. These entry level positions and are filled by teenagers, college students and many are first-time employees. Entry-level jobs are meant to be just that, an entry into the job world. These hospitality job creators provide thousands of people with the opportunity to be part of a team. Entry level jobs teach what it means to show up on time, how to deal with the public and how to budget; skills that need to be learned for survival.

While paid sick leave may have good intentions, it has caused many employers to carefully analyze and evaluate their hiring practices. New regulations have led to a reduction of other benefits, reduction in hours for many positions, caused earlier lay-offs and shifted to businesses that traditionally stayed open in the shoulder seasons to now close earlier to avoid increased payroll costs.

Our members have reported an abuse of the current policy and because verification is not provided until *after* leave is taken, an employer has no rights. Staff members are basically taking leave because it is “owed” to them and walking off the job before the season is over to claim their sick days. This leaves businesses with limited staff to provide the services customer demand. By requiring verification and communicating such upon time of hire, we believe that this will eliminate the abuses.

Please assist Maryland’s seasonal businesses by closing the loophole. Please feel free to contact me directly at 410.726.0334 with any questions. Thank you for considering support of SB594.

Sincerely,

A handwritten signature in black ink that reads "Susan L. Jones".

Susan L. Jones, Executive Director

SB 594 Labor and Employment – Maryland Healthy Wor

Uploaded by: McCulloch, Champe

Position: FAV



SB 594
Labor and Employment – Maryland Healthy Working Families Act – Verification
Finance Committee
Position: Favorable

Maryland AGC, the Maryland Chapter of the Associated General Contractors of America, provides professional education, business development, and advocacy for commercial construction companies and vendors, both open shop and union. AGC of America is the nation’s largest and oldest trade association for the construction industry. AGC of America represents more than 26,000 firms, including over 6,500 of America’s leading general contractors, and over 9,000 specialty-contracting firms, all through a nationwide network of chapters. Maryland AGC supports SB 594 and respectfully urges the bill be given a favorable report.

SB 594 clarifies existing provisions in the Healthy Working Families Act dealing with employers’ right to ask for verification of the reason for a request for leave in a very narrow window. SB 594 deals with one situation only: a request for leave between an employee’s first 107th and 120th calendar day of employment. Current law is ambiguous in referring to a supposed mutual agreement between employer and employee pertaining to a request for verification during that time period but provides no practicable means of documenting the supposed agreement. As the old saying goes, oral agreements aren’t worth the paper they’re printed on. Unfortunately, current law leaves employees and employers in precisely that situation with no tangible way to prove the supposed agreement one way or the other.

SB 594 cures that defect by putting the burden on the employer to provide the employee with written notice about the need to provide verification at the time the employee is first hired. Section 3-1302 of the Healthy Working Families Act states explicitly that nothing in the Act shall be construed to “prohibit an employer from adopting and enforcing a policy that prohibits the improper use of earned sick and safe leave.” The General Assembly recognized that some employees may, out of misunderstanding or deceit, try to use leave inappropriately.

The particular circumstance of a request falling between the 107th and 120th day deserves some attention because no leave can be taken until the 107th day, as provided under §13-1304(c)(4). At the highest accrual rate of 1 hour for every 30 hours worked, a new employee is unlikely to have accumulated more than 3 hours of eligible leave. Since a new employee would have had at least 3 months written notice of the need for verification, it is not unreasonable to give the employer the right to deny leave absent verification. Note that the bill provides the employer MAY deny the request, so that some employers will allow the leave despite the lack of verification if that is their best business judgment.

Accordingly, Maryland AGC respectfully urges the Committee to give SB 594 a favorable report.

Champe C. McCulloch
McCulloch Government Relations, Inc.
Lobbyist for Maryland AGC

SB0594 - MD Healthy Working Fam - FAV - Sal Fasano

Uploaded by: RASMUSSEN, DENNIS

Position: FAV



The Greater Ocean City, Maryland
Chamber of Commerce, Inc.

**TESTIMONY OFFERED ON BEHALF OF
THE GREATER OCEAN CITY CHAMBER OF COMMERCE**

IN SUPPORT OF:

SB0594 – Labor and Employment – Maryland Healthy Working Families – Verification

Senate Finance Committee

Hearing: 2/25/2021 at 1:00 PM

The Greater Ocean City Chamber of Commerce, representing more than 800 regional, seasonal businesses and job creators, **STRONGLY SUPPORTS SB0594 – MD HEALTHY WORKING FAMILIES – VERIFICATION.**

This bill amends the Sick and Safe Leave Act to accommodate seasonal workers and is critical for Ocean City businesses. It requires verification of leave between the 107th and 120th day of employment. This is a critical time, which is often at the end of the season when you need them the most.

Most of our community is comprised of small, family-owned businesses, many whom have existed for generations. Each season, these businesses offer 12,000+ seasonal positions. Many of these jobs are entry level positions and are filled by teenagers, college students and first-time employees. Entry-level jobs are meant to be just that, an entry into the job world. These hospitality job creators provide thousands of people with the opportunity to be part of a team. These entry level jobs also teach what it means to show up on time, how to deal with the public and how to budget.

While the paid sick leave bill had good intentions, it has caused many employers to carefully analyze and evaluate their hiring practices. Paid sick leave regulations have shifted employment and led to a reduction in hours for many positions and caused earlier layoffs. Additionally, businesses that traditionally stayed open in the shoulder seasons have closed in the fall/winter to avoid increased payroll costs. In an increasingly difficult business climate, this bill would allow businesses to keep employees on the payroll longer.

With this bill, we have already seen abuses since its implementation. Young people are taking leave because it is “owed” to them, leaving businesses with limited staff to provide the services require in the industry. This has had an overall negative impact for Ocean City, whose economy is based on service. By requiring verification, we believe that this will eliminate the abuses and entitlement that many businesses have experienced already.

Tightening up this bill would allow the business owners to be more accurate in calculating and disbursing benefits since it is required. Please assist our seasonal businesses with the slight

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change that will ultimately help the full-time year-round staff that the Sick and Safe Leave Act is intended for.

The Greater Ocean City Chamber of Commerce Membership respectfully requests a **Favorable Report for SB 0594 – MD HEALTHY WORKING FAMILIES – VERIFICATION.**

Please feel free to contact me with any questions regarding the position of the Greater Ocean City Chamber of Commerce at 410-213-0144.

Respectfully submitted,

Sal R. Fasano, Sr.
Chairman, Legislative Committee
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Lachelle Scarlato
Executive Director
Greater Ocean City Chamber of Commerce
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SEIU Testimony OPPOSING SB594 Healthy Working Fami

Uploaded by: Cavanagh, Terry

Position: UNF



SEIU MARYLAND & DC STATE COUNCIL

1410 Bush Street, Suite F, Baltimore, Maryland 21230

Testimony in **OPPOSITION to Senate Bill 594**
Labor and Employment – Maryland Healthy Working Families Act - Verification
Senate Finance Committee
February 25, 2021
1:00 PM

Presented to: Delores G. Kelley, Chairman

By: Terry Cavanagh, Executive Director

SEIU Maryland & DC State Council urges a **Unfavorable Report to SB 594.**

We are proud to have been part of the Earned Sick Leave campaign from the outset and worked with many of you to finally make the Maryland Healthy Working Families Act law. At long last, hundreds of thousands of working Marylanders, who would either go to work sick or lose pay when they or a family member was sick, would have the ability to earn a few sick days per year.

SEIU is the largest union in North America. We unite workers in health care, public service, including public education, and property services to improve lives and the services we provide. We represent over 50,000 workers in the Maryland/DC/Virginia region. Many members have been active in passing ***Earned Sick Leave*** laws across the country because, if not for the passage of these laws, many of us would not enjoy the security of having some sick leave on the books.

SB 594 would renege on a promise made to working Marylanders. It is supported by many of the same opponents of the original Earned Sick Leave bill and who having been trying to undermine it ever since.

As you may recall, Healthy Working Families legislation was passed after several years of painstaking review, compromise and amendments, including the verification clause (3-1305. (g) 2.). Under SB 594, what may be promoted as a slight change, could unravel the entire law. If you allow the deletion of “mutually agreed” to “written notice about the requirement” it completely changes the power dynamic that exists in the workplace, and that the General Assembly recognized when it adopted this language.

Proponents of SB 594 may say that the Finance Committee and the Maryland State Senate didn't know what you were doing when you approved this language. We disagree. We believe you understood that by adopting "mutually agreed" you were aware that absent that phrase, employers would be able to thwart workers ability to access the leave they had earned. Why is that?

"Verification" is one of those words that sound good to people in the secure middle-class or with higher incomes, or employers. However, that is not the target of the Healthy Working Families Act.

There has always been a suspicion by employers about whether a worker or worker's family member is actually sick or may be taking a "mental health day" or just using paid sick leave as an unannounced, unscheduled vacation day.

It would not be credible to claim there are not instances of such abuse. However, let's consider more likely scenarios for working families.

- A. You wake up in the middle of the night with a stomach virus. You're up half the night. In the morning you call in to work and let them know you're sick and not able to come to work; or
- B. Your child or elderly parent has a mental or physical health issue in the morning before you leave for work. This has happened before. You are not alarmed, but you must deal with it. You call work and let them know you won't be in and need to take a sick day.

This bill would require workers to get some verification. Do we assume that "verification" in this sense means by a professional health care provider? If so, this could require the worker to contact their doctor or other health professional, though they are far less likely to have a regular doctor. If they do see a doctor or other medical health professional, they are highly likely to be told to take some medication (if so, it may be something they can't afford) and go home and rest – exactly what they would have done absent a verification requirement. And they will get billed.

The very people covered by the Sick and Safe Law are less likely to have health insurance, or, if they do, it may have high deductibles. These are, by and large, lower-wage workers who are least able to afford deductibles.

So, by forcing workers to use money they may not have, to access paid sick leave they once had, effectively takes away this benefit.

Employers, unscrupulous or not, will have gained the ability to deny sick leave to a large number of workers in Maryland. That is not what the General Assembly intended when they passed the **Maryland Healthy Working Families Act**.

We urge you to reject this attack on Maryland workers and give an Unfavorable Report to SB 594. Thank you.

SB 594 Opp MD healthy working Families verf. Finan

Uploaded by: Demchuk, Pete

Position: UNF

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL UNION No. 24

AFFILIATED WITH:

Baltimore-D.C. Metro Building Trades Council — AFL-CIO

Baltimore Port Council

Baltimore Metro Council — AFL-CIO

Central MD Labor Council — AFL-CIO

Del-Mar-Va Labor Council — AFL-CIO

Maryland State - D.C. — AFL-CIO

National Safety Council



AFL-CIO-CLC

BALTIMORE, MARYLAND 21230

JOHN L. RANKIN, President

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PETER P. DEMCHUK, Business Manager

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Written Testimony of

Peter Demchuk, Business Manager, IBEW, LOCAL 24

Before the

Senate Finance Committee on

SB – 594 - Labor and Employment -Maryland Healthy Working Families Act - Verification

Oppose

February 23, 2021

Dear Madame Chair Kelley, and members of the Senate Finance Committee,

Thank you for the opportunity to submit my testimony opposing Senate Bill 594.

For the record, my name is Peter Demchuk. I am a 41-year member, and the Business Manager, of the International Brotherhood of Electrical Workers Local 24, located in Baltimore. Additionally, I am a lifelong resident of Maryland currently residing in District 7 of Baltimore County.

SB 594 would shift too much authority to the employer when seeking verification of an employee's absence. As currently written, the Maryland Healthy Working Families Act allows an employer to require an employee to verify his or her leave. However, the employee retains important control over the terms regarding providing written verification of that leave. Giving an employer the unilateral right to set the written notification could force employees into a position where they do not feel comfortable taking their legally protected leave because they must disclose personal information to do so.

This is why I'm asking you to give SB 594 an unfavorable report.

Thank you,

Peter P. Demchuk

PPD:clr
AFL-CIO
OPEIU # 2

SB 594 - MD DC AFL-CIO - UNFAV.pdf

Uploaded by: Edwards, Donna

Position: UNF



MARYLAND STATE & D.C. AFL-CIO

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President

Donna S. Edwards

Secretary-Treasurer

Gerald W. Jackson

**SB 594 – Labor and Employment – Maryland Healthy Working Families Act – Verification
Senate Finance Committee
February 25, 2021**

OPPOSE

**Donna S. Edwards
President
Maryland State and DC AFL-CIO**

Madam Chair and members of the Committee, thank you for the opportunity to submit testimony in opposition to SB 594 – Labor and Employment – Maryland Healthy Working Families Act – Verification. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of the 340,000 union members, I offer the following comments.

SB 594 is another attempt to weaken protections for workers and to dilute Earned Sick Leave for working Marylanders. Under current law, workers may use their Earned Sick Leave as they need it and are not subject to capricious demands of verification by a mercurial management. Verification of the use of Earned Sick Leave is based on mutually agreed upon terms between the employer and the employee. SB 594 nullifies that, completely, allowing the employer to unilaterally implement their own verification method and to deny a request for Earned Sick Leave. Moreover, there is a logical inconsistency in a worker providing “insufficient” verification – after taking the leave – but still allowing an employer to deny it.

The Maryland Health Working Families Act has directly benefited over 700,000 Maryland workers and their families. The law took more than five years to pass, with input from hundreds of stakeholders. It is a law created through compromise, and, as such, should be allowed to stand, as written. There is no reason to create more carve-outs, exemptions, or to dilute this legislation, any further.

We ask for an unfavorable report on SB 594.

MAP - Unfavorable - SB 594- HWFA Verification.pdf

Uploaded by: Jefferson , Stacey

Position: UNF



TESTIMONY IN OPPOSITION OF SB 594

Labor and Employment – Maryland Healthy Working Families Act – Verification

Senate Finance Committee

February 25, 2021

Submitted by Stacey Jefferson and Julia Gross, Co-Chairs

Member Agencies:

Advocates for Children and Youth
Baltimore Jewish Council
Behavioral Health System Baltimore
CASH Campaign of Maryland
Catholic Charities
Episcopal Diocese of Maryland
Family League of Baltimore
Fuel Fund of Maryland
Health Care for the Homeless
Homeless Persons
Representation Project
Job Opportunities Task Force
League of Women Voters of Maryland
Loyola University Maryland
Maryland Catholic Conference
Maryland Center on Economic Policy
Maryland Community Action
Partnership
Maryland Family Network
Maryland Hunger Solutions
Paul's Place
Public Justice Center
St. Vincent de Paul of Baltimore
Welfare Advocates

Marylanders Against Poverty

Stacey Jefferson, Co-Chair
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Julia Gross, Co-Chair
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E: jgross@mdhungersolutions.org

Marylanders Against Poverty (MAP) strongly opposes SB 594, which authorizes an employer to require verification that earned sick and safe leave is used appropriately when the leave is used during the period between the first 107 and 120 calendar days that an employee was employed by the employer

As of February 11, 2018, more than 700,000 Maryland workers now have access to earned sick leave - and we should not go backwards. Nearly four in ten private-sector workers – and 80% of low-wage workers – were previously unable to earn a single sick day to recover from common, short-term illnesses. Families that are already living in or near poverty can least afford to lose income due to illness, yet half of Maryland workers earning less than \$35,000 couldn't earn sick days in Maryland prior to February 2018. For our most vulnerable neighbors, just a few days of lost pay is often equivalent to an entire month's grocery budget or rent payment, thus rolling back the Healthy Working Families Act could be financially catastrophic for low-income Marylanders.

Even seemingly "minor" changes to the Healthy Working Families Act – like SB 594 - could negatively impact our state's workers, families, and the health of our communities. In particular, SB 594 would roll back negotiations that were agreed to regarding when earned sick leave can be utilized without additional hurdles for Maryland workers. The Maryland Healthy Working Families Act was introduced at 90 days before employees could utilize their leave, opposition wanted 120 days, and 107 days was agreed to by both sides as a compromise. Requiring additional procedural hurdles for days 107-120 goes against the spirit of the compromise. The current law reflects a reasonable balance between requiring verification and acknowledging that not every sick day can be confirmed by a doctor's note.

Access to earned sick leave provides economic security for working Marylanders, and ultimately creates the stability necessary for low-income families to move out of poverty. Changing and reducing access to earned sick leave is short-sighted and potentially detrimental. Maryland workers have waited years for access to earned sick leave, and should not bear the burdens of harmful new exemptions and changes.

MAP appreciates your consideration and urges an unfavorable report on SB 594.

Marylanders Against Poverty (MAP) is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.

SB594 MHWFA- Verification (1).pdf

Uploaded by: Johnson, Korey

Position: UNF

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN OPPOSITION OF SENATE BILL 594:

Labor and Employment-Maryland Healthy Working Families Act- Verification

TO: Hon. Delores Kelley, Chair, and Members of the Senate Finance Committee

FROM: Korey T. Johnson, Esq., Senior Policy Researcher

DATE: February 25, 2021

JOTF is an independent, non-profit organization that has worked hard serving low-wage workers and job seekers in Maryland. Our mission is to develop policies and programs that increase the skills, job opportunities, and incomes for individuals who seek to become economically self-reliant. JOTF opposes Senate Bill 594 as a means of ensuring that hardworking Marylanders can continue to access our paid sick and safe leave law without having to risk their job, paycheck, or financial security.

In 2018, JOTF worked with over 150 partners to pass the Maryland Healthy Working Family Act (MHWFA), ensuring that the majority of the hard-working Marylanders have access to five business days of paid or unpaid sick and safe leave. This was a heavy lift in the 2017 legislature and many negotiations were made in a bi-partisan fashion. Senate Bill 594 now seeks to restrict the use of sick and safe leave to the verifications and regulations of the employer which is counter to the bill's purpose- to give employees their due rights.

Below please find, the negatively impacted demographics:

Religious Communities: Some religious practices do not allow the use of certain western/traditional medications or psychological treatments. Therefore, a promissory note from a certified physician may not be obtainable. E.g. (Jehovah's Witnesses, The Amish, Muslims, and Christian Scientist)

Low Wage Workers: Many low-income families do not have the funds to obtain affordable healthcare. This causes individuals to spend an excessive amount on conditions/illnesses that can be treated holistically or at home.

Coronavirus Testers: Although, tests for the coronavirus are free to the public, scheduling an appointment may be difficult. Appointments are scheduled days in advance and walk-in testing is not allowed. This process may require over two consecutive days.

Asthmatics: During this pandemic, certain individuals are more susceptible to COVID-19. Asthmatics, especially, conduct forms of self-medication that do not require verification from certified physicians.

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

JOTF stands firm on protecting sick and safe leave for workers. This bill will restrict leave rights to workers unnecessarily during a global pandemic and we see this to be wholly unnecessary. The MHWFA confirmed that for every 30 hours worked, one hour of paid leave is to be honored to the employee by law. There is no solid reasoning to cripple these rights at this critical time. If the employee puts the work in, he/she has earned that time to use. For these reasons, we oppose Senate Bill 594.

SB594_PJC_UNF.pdf

Uploaded by: Robinson, Tyra

Position: UNF



Tyra Robinson, Attorney
Public Justice Center
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410-625-9409, ext. 223
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SB 594 – Labor and Employment – Maryland Healthy Working Families Act - Verification

Hearing before the House Economic Matters Committee, February 25, 2021

Position: OPPOSE

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 **OPPOSES SB 594** and requests an **UNFAVORABLE** report.

SB 594 Undermines the Purpose of the Healthy Working Families Act (HWFA) by Allowing Employers to Deny an Employee Their Earned Leave the Very First Time They Need to Use It.

- SB 594 will further restrict employees' ability to use rightfully earned and correctly requested sick and safe leave. The HWFA recognizes that sickness and domestic violence are unpredictable. For that reason, the HWFA does not permit an employer to require verification or deny leave the very first time an employee calls out sick. SB 594 would change that and weaken the HWFA. SB 594 would allow an employer to unilaterally demand (via notice at the time of hire) that an employee who takes *any* leave between their 107 and 120th day of employment verify that the leave is for a legitimate purpose *even if it is the first time that employee needs to use their earned leave*.
- Worse yet, SB 594 would empower employers to *deny* an employee their earned sick or safe leave between the 107th and 120th day – again, even if it is the first time they have used leave – for failure to provide the verification demanded.
- Allowing employers to deny an employee their earned sick and safe leave for lack of verification the very first time they seek to use it – or any time they seek to use it during a random 13-day window – will sow confusion, chill the legitimate use of leave, and undermine the intent of the HWFA.

SB 594 is Unnecessary and Unworkable.

- SB 594 is unworkable. Employees frequently do not have verification at the very instant they need to take leave. The HWFA recognizes this, and for that reason only permits a denial of leave where an employee fails to provide verification for past leave and then *subsequently* seeks to take leave for the same reason.
- By way of example, an employee is a domestic violence survivor who flees to a friend's house with her kids in the middle of the night. She calls the employer the next morning to say she can't work, but because she is on her 110th day of employment and does not have verification right then, the employer

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

denies the leave. The employee is now in a bind because she cannot produce verification immediately. She must then choose between her personal safety by going to work, or, not going to work and possibly losing her pay or her job.

- Information obtained from various Maryland Public Information Act requests does not suggest employees are abusing leave between the 107th and 120th day such that employers require *additional* power to deny leave.
- The HWFA already recognizes the nature of unpredictability in needing to take sick or safe leave and balances that with the employer's need to verify that leave was appropriately used. Therefore, amendments proposed by this bill are unnecessary because the Act already safeguards against inappropriate use of sick and safe leave.

SB 594 Would Create Inconsistencies and Increase Administrative Burdens

- Currently, employers may require verification after two consecutive shifts, – e.g., working “a double” in the restaurant industry. The law further allows an employer to request verification of any leave taken between the 107th and 120th day of employment, provided that the employee and employer mutually agreed to that policy at the time of hire. Where an employee fails to supply verification in either case, the employer is empowered to deny a *subsequent* leave request for the same reason.
- Maryland's law is already more business-friendly than most other jurisdictions, which only permit an employer to request verification after *three days*, rather than just two missed shifts. And no other jurisdiction grants additional power to employers between 107 and 120 days. Maryland employers' power to deny sick or safe leave on just the second or third attempt to take such leave is more restrictive to employees and more business-friendly than other jurisdictions and does not need to be expanded.
- SB 594 would create inconsistencies and additional administrative burdens. It would permit an employer to deny leave, even for the first requested instance, if verification is not provided for 13 particular days of employment (i.e., between the 107th and 120th day). Meanwhile, for all other days, an employer may only deny a *subsequent* request for sick or safe leave if the employee has already missed two consecutive shifts for the same reason and failed to provide verification. With SB 594 then, employers will have to track – for each employee – whether they seek to use *any* earned leave during the 13 days between each person's 107th and 120th day of employment, whether they have provided the required verification for any leave during that particular 13-day period, and if not, whether the leave was denied and whether the employee worked their shift or will be docked their pay. Separately, the employer will track absences not within that 13-day period and monitor verification and leave denial of *subsequent* leave requests for the same reason, increasing the administrative burden in tracking HWFA usage.

For the foregoing reasons, the PJC **OPPOSES SB 594** and urges an **UNFAVORABLE** report. Should you have any questions, please call Tyra Robinson at 410-625-9409 ext. 223.

SB594_MDCEP_UNF.pdf

Uploaded by: Schumitz, Kali

Position: UNF

Weakening Sick and Safe Leave Protections Would Move Maryland Backward

Position Statement in Opposition to Senate Bill 594

Given before the Senate Finance Committee

Maryland made great strides in 2018 when the General Assembly set basic standards that ensure most Marylanders have access to paid sick days. The Healthy Working Families Act provided paid sick days for about 488,000 Marylanders and extended important job protections to thousands of additional employees at small businesses.ⁱ Paid sick days are essential for working families, public health, and the economy. Weakening workers' existing protections by imposing onerous verification requirements would move Maryland backward. For these reasons, the Maryland Center on Economic Policy opposes Senate Bill 594.

Senate Bill 594 would allow employers to unilaterally impose onerous verification requirements for certain workers to use accrued sick and safe leave. Today, an employer and an employee may mutually agree to verification standards during this period, which an employer may enforce by denying a worker's next sick leave request following a violation. Senate Bill 594 would deny workers any say, allowing employers to unilaterally impose verification requirements. The bill would render sick and safe leave protections meaningless in some situations by requiring a worker to verify the need for leave *before* taking it. No one can predict when they will get sick—or when they may face a threat to their safety—making the prior verification requirement impossible to fulfill.

While the direct harm to workers should be reason enough to reject Senate Bill 594, the bill also poses a threat to public health. Workers with paid sick leave are more likely to receive preventive care that will lead to the early detection and treatment of illnesses.ⁱⁱ Cities and states that guarantee earned sick days have lower rates of flu infection. The reduced health care costs associated with paid sick leave (due to less contagious disease, less reliance on emergency rooms, and fewer short-term stays in nursing home) are expected to save Marylanders an estimated \$23 million each year. Moreover, the bill's onerous prior verification requirement would force employees into the workplace precisely when they are most likely to spread an illness—when they unexpectedly become sick.

Guaranteeing access to paid sick days supports a vibrant and growing economy. Guaranteeing earned sick days saves Maryland employers up to \$13 million per year through improved productivity. On average, cities and states that passed earned sick days guarantees had equivalent or stronger job growth in comparison to the United States overall 12 months after implementation. A majority of business owners and executives support earned sick days, even when polled by anti-regulation political consultants.ⁱⁱⁱ

After decades of stagnant wages and eroding power, Maryland workers won an important victory when lawmakers passed the Healthy Working Families Act. Senate Bill 594 would weaken workers' existing protections, impose onerous requirements on employees without their input, and promote the spread of infectious disease.

For these reasons, the Maryland Center on Economic Policy respectfully requests that the Senate Finance Committee make an unfavorable report on Senate Bill 594.

Equity Impact Analysis: Senate Bill 594

Bill summary

Senate Bill 594 would enable employers to unilaterally impose verification requirements on workers who take earned sick or safe leave between their 107th and 120th day at an employer, taking away workers' right under current law to reach a mutual agreement on this matter with the employer. The bill also allows the employer to deny a request to take sick leave without verification, before the worker takes leave—essentially giving the employer veto power over any unexpected leave.

Background

The General Assembly in 2018 passed the Healthy Working Families Act, overriding Gov. Hogan's veto of the bill when it originally passed in 2017. The bill guarantees most Maryland workers the ability to earn paid time off work for when they or a family member have medical needs or face an unsafe home environment.

Equity Implications

Senate Bill 594 poses significant equity concerns. Taking away legal protections would likely most seriously harm workers who previously lacked paid sick days altogether. As of 2015, 58 percent of Latinx workers were unable to earn paid sick days, as were 77 percent of part-time workers and 70 percent of full-time workers taking home less than \$15,000 per year.^{iv}

Senate Bill 594 would also disproportionately harm workers experiencing domestic violence. The unpredictable nature of domestic violence and the sensitivity of any related information would render additional verification requirements especially onerous for these workers. Allowing employers to unilaterally impose these verification requirements would also take one more decision out of the hands of people whose choices have already been unjustly limited.

While people of all backgrounds experience intimate partner violence, research shows that women experience higher rates of intimate partner violence than men;^v women and men of color experience higher rates than their white counterparts; and people in LGBTQ communities—especially LGBTQ people of color—face higher rates than their heterosexual, cisgender counterparts.^{vi} People experiencing intimate partner violence are more likely to have low incomes and more likely to struggle to put food on the table or keep a roof over their head than others, and are more likely to experience health problems that could necessitate additional use of earned sick days.

Impact

Senate Bill 594 would likely **worsen racial, gender, and economic equity** in Maryland.

ⁱ Christopher Meyer, "A Strong Earned Sick Days Law Will Bring Major Benefits for Maryland Families and our Economy," Maryland Center on Economic Policy, November 2017. <http://www.mdeconomy.org/sickleave/>

ⁱⁱ Jessica Milli, "Access to Paid Sick Time in Maryland," Institute for Women's Policy Research, January 2017, <https://iwpr.org/wp-content/uploads/2017/02/B364-MD-Paid-Sick-Time-Access-6.pdf>

ⁱⁱⁱ "CMD PRWatch Markup of 01-05-16 State Chambers Topline Poll," Luntz Global via PRWatch, 2015, https://www.prwatch.org/files/cmd_prwatch_markup_of_01-05-16_state_chambers_topline_poll.pdf

^{iv} Milli 2017.

^v "An Overview of Intimate Partner Violence in the United States—2010 Findings," Centers for Disease Control and Prevention, <https://www.cdc.gov/violenceprevention/pdf/ipv-nisvs-factsheet-v5-a.pdf>

^{vi} "NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation," Centers for Disease Control and Prevention, https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf

James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality, <https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>

SB 594 - Healthy Working Families Act - Verificati

Uploaded by: Siri, Michelle

Position: UNF

BILL NO: Senate Bill 594
TITLE: Labor and Employment - Maryland Healthy Working Families Act – Verification
COMMITTEE: Finance
HEARING DATE: February 25, 2021
POSITION: **OPPOSE**

The Maryland Healthy Working Families Act (MHWFA), provides that an employer may require verification from an employee for leave that is used to cover 2 or more consecutive shifts, or for leave taken between the 107th and 120th day. Additionally, if an employee fails to provide the required verification, the employer's recourse is to deny subsequent requests for leave. SB 594 seeks to change the status quo so that employers are able to unilaterally deny a request for sick or safe leave between the 107th and 120th day of employment if the employee fails to provide written verification to the employer, even if it is the employee's first time utilizing leave.

The Women's Law Center whole-heartedly supports the MHWFA because it provides a reasonable and comprehensive approach to ensuring an important benefit that protects the health and safety of families, workers, and the community. The WLC opposes any bill seeking to chip away at those provisions, which were the result of years of negotiations and compromise. Specifically, the WLC opposes SB 594 because domestic violence does not provide advance warning of when it will strike, nor does it always provide opportunities for written verification. Survivors of intimate partner violence should not have to wait until the 121st day of employment in order to avail themselves of the safety provisions available under the MHWFA. HB359 will have a chilling effect on the legitimate use of leave, placing survivors of domestic violence in a vulnerable and unsafe position where they are unable to take the leave they need out of fear of repercussions from their employers.

The "safe leave" provisions in the MHWFA allow an employee to use earned leave days to deal with medical, psychological or legal issues arising from domestic violence. As one in four women is a victim of domestic violence or sexual assault, it is imperative that survivors are able to get treatment for an injury or initiate legal proceedings without fearing they will lose their jobs if they take time off. This applies to all workers – regardless of their status. And the need to utilize safe leave can occur at any time, and without notice, not just after the first 121 days of employment. Furthermore, many activities commonly included in safety planning, such as leaving the area to stay with family or friends, or abruptly leaving to pick children up and take them to a safe place, do not allow for written verification. Nor should a survivor have to provide the intimate details of their safety plan with their employer.

The ability to have legal representation and/or to go to court to obtain a protective order can have a profound effect on a victim's ability to leave an abuser and optimize their safety. But in order to do those things, the victim must first be able to take the time to make those appointments. However, financial insecurity is one of the most common reasons women stay with their abusers, and it should be no surprise to learn that taking unpaid leave to appear at

court, or to make appointments with counselors or lawyers, is a financial burden too many of our clients are unable to bare.

A survey of American employees found that 44% of full-time employed adults personally experienced domestic violence's effect in their workplaces¹, while up to half of employed victims of DV report that they lost their jobs in part due to DV². In addition, as many as 96% experience problems at work due to abuse, 56% are late to work, 28% leave work early, 54% miss entire days of work³, and 47% were specifically prevented from working by the abuser⁴. At the same time, 65% of companies in this country do not have a formal workplace domestic violence prevention policy⁵, and the vast majority do not already provide leave specifically designated for victims of domestic violence. Domestic Violence has a clear and definite impact on the economy and on the Maryland workforce.

The HWFA allows victims to address these important issues that preserve their safety without risking job security. It ensures women do not have to weigh physical health against economic stability because paid sick and safe leave will be available to them. The ability to leave an abuser, and make decisions to ensure one's own safety, should not be limited based upon the start date for employment.

Therefore, the Women's Law Center of Maryland, Inc. urges an unfavorable report on Senate Bill 594.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County, and the statewide Collateral Legal Assistance for Survivors and Multi-Ethnic Domestic Violence Projects.

¹ Corporate Alliance to End Partner Violence, http://www.caepv.org/getinfo/facts_stats.php?factsec=3

² Questions and Answers about DOMESTIC VIOLENCE AND THE WORKPLACE, Sloane Work and Family Research Network, 2008, <https://workfamily.sas.upenn.edu/sites/workfamily.sas.upenn.edu/files/imported/pdfs/DV.pdf>

³ *Id.*

⁴ Judith McFarlane et al, Indicators of Intimate Partner Violence in Women's Employment, 48 Am. Assoc. Occupational Health Nurses J. 217 (May 2000); Employment Law and Domestic Violence, A Practitioner's Guide, American Bar Association, Commission on Domestic Violence, Julie Goldscheid and Robin Runge, (2009)

⁵ The Society for Human Resource Management, *When Domestic Violence Comes to Work*, 2013

Testimony-SB594-Maryland Healthy Working Families

Uploaded by: Stevenson, Christopher

Position: UNF



Testimony on SB594
Maryland Healthy Working Families Act – Verification
Position: UNFAVORABLE

Madam Chair and Members of the Senate Finance Committee,

My name is Ricarra Jones, and I am the Political Director with 1199SEIU- the largest healthcare union in the nation, where we represent over 10,000 healthcare workers in Maryland. Given the vast amount of health and safe-related reasons workers need to utilize to keep themselves healthy, we find SB-594 unnecessarily burdensome to any employee.

For many workers in Maryland, taking any kind of leave from work is a last resort as many workers prefer to work and only take leave when necessary- these occasions range from severe medical treatments such as surgeries, or health crises that they cannot avoid such as a hospitalization by ambulance. On many occasions and rather than risking the high costs of hospital bills, many low-wage workers often cannot afford to go to the hospital and alternatively stay home to try to mend their medical ailments. For workers, this is the best alternative despite suffering from either severe or non-severe medical problems.

For 1199SEIU members, majority of whom are essential workers and earn low wages, this legislation would be devastating. Our members and workers in general, cannot predict when they get sick and in times of health strain, verification of being sick should not be a requirement to have leave become fully accepted by any employer. Moreover, workers should also have the capability of taking health leave for personal reasons and not have to make this information privy to their employers. In practice, forcing workers to provide validation and verification of why they are sick could also implicate heavy conflicts of interest with HIPPA regulations.

Like health leave, safe leave can also be a matter that is very personal for an employee. Workers that take safe leave often utilize it due to reasons such as domestic violence, prostitution, being stalked, or even human trafficking. If this bill is passed, this would further unravel any privacy that a worker may want to maintain when it comes these personal issues/ circumstances.

Combined, both sick and safe leave are circumstances where workers should never be denied nor must explain why they are requesting leave, nor provide validation of how they spent their leave. For these reasons, we ask this Committee to give an unfavorable report on SB594.

Respectfully,

Ricarra Jones
Maryland/DC Political Director
1199SEIU United Healthcare Workers- East
Cell: [443-844-6513](tel:443-844-6513)