



Maryland Motor Truck Association

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HEARING DATE: March 5, 2021

BILL NO/TITLE: **Senate Bill 813: Workers' Compensation – Occupational Disease Presumptions – COVID-19**

COMMITTEE: Finance Committee

POSITION: **Oppose**

Senate Bill 813 assumes that any essential worker, regardless of industry or risk, who tests positive for COVID-19 is presumed to have contracted the virus *in the course of employment* for purposes of awarding workers' compensation benefits if the employee worked outside the home in the previous 14 days.

This legislation fails to consider the differences between high and low risk occupations, which vary even among essential industries, and the likelihood of contraction at work. For example, the Advisory Committee on Immunization Practices recently updated its recommendations of when groups should receive the coronavirus vaccine. As part of that update truck drivers were actually moved further down on the list because it was recognized that they frequently work in an isolated environment that is lower risk than those jobs which are performed inside and involve being in close proximity to the public or to coworkers.

SB813 also does not consider:

- The potential for transmission to have occurred at a location outside of work, such as from a family member, at church, or while shopping.
- Activities that the employee is doing in their personal life that may put them at risk.
- Whether the employee has had an opportunity for vaccination that was declined.

Under guidance from the Occupational Safety and Health Administration, all employers are required to do a mini-investigation to determine whether employees who have COVID-19 contracted it at work. If the employee caught the coronavirus at work or while performing work-related activities, the employer must record the illness on the OSHA Form 300. That should be the basis for determining whether an employee has a compensable workers compensation claim, not the automatic assumption that would be created by SB813.

For the reasons noted above, Maryland Motor Truck Association asks the Committee for an unfavorable report.

About Maryland Motor Truck Association: Maryland Motor Truck Association is a not-for-profit trade association representing the trucking industry since 1935. In service to its 1,000+ members, MMTA is committed to supporting and advocating for a safe, efficient, and profitable trucking industry across all sectors and industry types, regardless of size, domicile, or type of operation.

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