

SenatorBailey_FAV_SB165.pdf

Uploaded by: Bailey, Jack

Position: FAV

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Judicial Proceedings Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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January 21, 2021

Senate Bill 165 – Maryland Healthy Working Families Act – Applicability

Dear Chair Kelley and Members of the Committee,

I am writing to introduce Senate Bill 165 - Maryland Healthy Working Families Act – Applicability. This bill would exempt our local school systems from the requirement to provide sick leave to substitute employees.

Senate Bill 165 gives three specific conditions for this exemption. The employee must be called to work by a county board of education on an as-needed basis, must be able to reject or accept the shift offered by the county board of education, and must not be guaranteed to be called on to work by the county board of education.

When the General Assembly passed this law, it included an exemption for employees who work on an as-needed basis in the health and human services industry. This bill corrects an oversight in the paid sick leave law by enacting a similar exemption for substitute employees of local school systems. The current requirement to provide paid sick leave is an unfunded mandate on our local school systems, and the requirement has generated a significant cost as our schools are effectively being required to hire substitutes for substitutes. For some school systems, the savings could be substantial. As stated in the fiscal note for this bill when I introduced it last year, the Montgomery County Public School System and the Baltimore County Public School System each estimate savings of at least \$1.1 million per year. At this time when all of us are focused on the amount of money that our local school systems receive, I believe that this funding would be better spent on other educational needs.

I respectfully request a favorable report on Senate Bill 165. Thank you for your consideration.

Sincerely,

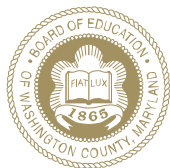
A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey
District 29
Calvert and St. Mary's Counties

SB 165 testimony (final) 1 21 21.pdf

Uploaded by: Brown, Jamie

Position: FAV



BILL: Senate Bill 165
TITLE: Maryland Healthy Working Families Act - Applicability
HEARING DATE: January 21, 2021
POSITION: SUPPORT
COMMITTEE: Finance Committee
CONTACT: Mrs. Ardath Cade, Legislative Representative (410-991-9383)

The Washington County Board of Education fully supports Senate Bill 165.

Notwithstanding the best of intentions, the adoption of the Maryland Healthy Working Families Act ("Act") put local school systems in a difficult situation. It is the practice of local school systems in Maryland to utilize the services of a substitute whenever a teacher is not available. The Act, which provides paid sick leave to substitutes, creates a situation where school systems must secure a substitute for the original substitute who calls out at the last minute.

Senate Bill 165, if enacted, would amend the law by specifically providing that an individual who is called to work by a local school system on an as-needed basis is not subject to the provisions of Section 3-1303 of the Labor and Employment Article of the Annotated Code of Maryland.

We urge the committee to issue a favorable report on Senate Bill 165.

Thank you.

cc: Washington County Board of Education Members
Washington County Delegation to the Maryland General Assembly
Dr. Boyd J. Michael, III, Superintendent
Dr. Peggy Pugh, Associate Superintendent for Administration and Leadership
Dr. Gary Willow, Associate Superintendent for Curriculum and Instruction
Mr. Jeffrey Proulx, Chief Operating Officer
Ms. Patricia Ursprung, Deputy Legal Counsel
Mr. John Woolums, Director of Governmental Relations, Maryland Association of Boards of Education

SB 241 Maryland Healthy Working Families Act - App

Uploaded by: Johnson, Korey

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN OPPOSITION OF SENATE BILL 165:

Maryland Healthy Working Families Act – Applicability

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

FROM: Korey Johnson, Esq., Senior Policy Research Analyst

DATE: January 21, 2021

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. We oppose Senate Bill 165 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.

On February 1, 2018, over 700,000 Marylanders began to accrue earned sick and safe leave under the Maryland Healthy Working Families Act (HB 1 of 2017) after a long six (6) year fight. This long fight involved much negotiation and compromise to make sure that both businesses and workers are considered equitably when it comes to earned sick and safe leave. However, when it comes to earned sick leave, state-by-state we know that working families are the most vulnerable. No one should have to choose between their health and their job, yet an absence or delay of earned sick leave makes this choice ever-present for working families. Most importantly though, the absence or delay of earned sick leave means the increasing pressure and fear of losing income, which for a low-wage working family can ultimately mean the loss of stability on a variety of levels: family, economic, health, and more. Any alteration of earned sick and safe leave for Marylanders will only cause more harm and ultimately becomes counterproductive to the six years of progress Maryland has already made.

SB 165 seeks to exempt from the Maryland Healthy Working Families Act an employee who is called to work by a local board of education on an as-needed basis can reject or accept the shift offered and is not guaranteed to be called on to work by the local board of education.

JOTF is committed to opposing any legislation that seeks to undermine the hard work of countless legislators and advocates across the state to ensure that the Maryland Healthy Working Families Act continues as current law. We believe that what is proposed in Senate Bill 165 only serves to disrupt low-wage workers access to better job security. SB 165, as it would limit the millions of hard-working Marylanders, in particular low-income workers who are least able to lose even a single paycheck, can take necessary time off for family and medical life events without the risk of falling into poverty. For these reasons, we respectfully urge an unfavorable report of Senate Bill 165.

AACPS SB165 Maryland Healthy Working Families Act

Uploaded by: Ortiz, Jeanette

Position: FAV



SB165 MARYLAND HEALTHY WORKING FAMILIES ACT – APPLICABILITY

January 21, 2021

FINANCE COMMITTEE

SUPPORT

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

Anne Arundel County Public Schools (AACPS) supports **SB165 Maryland Healthy Working Families Act - Applicability**. This bill exempts from the Maryland Healthy Working Families Act an employee who is called to work by a local board of education on an as-needed basis, can reject or accept the shift offered, and is not guaranteed to be called on to work by the local board of education.

This bill clarifies that the Maryland Healthy Working Families Act does not apply to employees of a county board of education who are called to work on an as-needed basis, can reject or accept the shift offered by the county board of education, and are not guaranteed to be called on to work by the county board of education.

The Maryland Healthy Working Families Act has required school systems to provide paid sick leave to substitute teachers. We have essentially been required to hire substitutes for substitutes and this has made covering classes during teacher absences even more difficult. The proposed legislation would align county boards of education with other industries in the law that are exempt from providing paid sick leave to employees who receive an invitation to work and have the ability to accept or reject the assignment based upon their needs and interests. There is already a shortage of substitute teachers available in Anne Arundel County and the current law further limits our ability to find substitute teachers to ensure class coverage. Accordingly, the legislation addresses AACPS opposition and concerns regarding the implementation of the Maryland Healthy Working Families Act. The current law has cost AACPS over \$500,000 since its enactment.

Accordingly, AACPS respectfully requests a **FAVORABLE** committee report on SB165.

SB 165.Earned Sick Leave Exemption for Daily Subst

Uploaded by: Woolums, John

Position: FAV

BILL: Senate Bill 165
TITLE: Maryland Healthy Working Families Act – Applicability
DATE: January 21, 2021
POSITION: SUPPORT
COMMITTEE: Finance Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) strongly supports Senate Bill 165.

MABE strongly supports this bill in order to treat daily, on-call as-needed, employees in the public school setting in the same manner as daily on-call as-needed employees in the health and human services industries.

This bill would make a very meaningful amendment to the section of the Healthy Working Families Act governing substitute teachers and other similarly situated school employees. A section of the Labor and Employment Article, as amended by the Healthy Working Families Act (House Bill 1, Chapter 1 of 2018) already exempts daily substitute employees under the very broad umbrella of the “health or human services industry.” MABE believes a logical extension of the exemption already applying to employees in health and human services industries would be to similarly include daily on-call temporary employees in local school systems.

The exemption being requested would be only for those school employees who: (1) are called to work on an as-needed basis, (2) can reject or accept the shift offered, and (3) are not guaranteed to be called on to work. Again, these are the same criteria in the law used since 2018 to exempt employees in the health or human service industries.

Local school systems value the services provided by substitute teachers, some of whom are full-time, or long-term substitutes, and others who provide more limited daily services as needed, and entirely at the employee’s discretion. This bill would limit the application of the law governing earned sick-leave for the latter group, on par with the law’s treatment of on-call staff with the discretion to work or not within the health care and human service industries.

For these reasons, MABE urges a favorable report on Senate Bill 165.

SB 165 - MHWFA - Applicability.pdf

Uploaded by: Edwards, Donna

Position: UNF



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

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President

Donna S. Edwards

Secretary-Treasurer

Gerald W. Jackson

**SB 165 - Maryland Healthy Working Families Act - Applicability
Senate Finance Committee
January 21, 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 provide testimony in opposition to SB 165 - Maryland Healthy Working Families Act - Applicability. My name is Donna Edwards, President of the Maryland State and DC, AFL-CIO. On behalf of the 340,000 union members in the state of Maryland, I offer the following comments.

SB 165 is an attempt to weaken protections for workers and to dilute Earned Sick Leave for working Marylanders. Under current law, substitute teachers are eligible for Earned Sick Leave. SB 165 exempts them from receiving Earned Sick Leave, leaving more workers unprotected when they are sick or have a sick loved one that they need to care for.

In Maryland, we have roughly 8,700 substitute teachers currently employed. Many substitute teachers work full-time, and rely on their job for their primary source of income. Exacerbating this is the fact that the median wage for substitutes is \$32,360/year¹, according to the most recent Bureau of Labor Statistic information from 2018. Therefore, the people affected by SB 165 already earn a lower wage and would suffer a greater negative impact by having to choose between paying the bills and their health.

For the protection and health of Maryland workers, we urge an unfavorable report.

¹ <https://www.bls.gov/oes/2018/may/oes253098.htm>

MAP - Unfavorable - SB 165 - HWFA Applicability .p

Uploaded by: Jefferson , Stacey

Position: UNF



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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TESTIMONY IN OPPOSITION OF SB 165

Maryland Healthy Working Families Act – Applicability

Senate Finance Committee

January 21, 2021

Submitted by Stacey Jefferson and Julia Gross, Co-Chairs

Marylanders Against Poverty (MAP) strongly opposes SB 165, which exempts an employee from the Healthy Working Families Act who is called to work by a local board of education on an as-needed basis, can reject or accept the shift offered, and is not guaranteed to be called on to work by the local board of education

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 165 - could negatively impact our state’s workers, families, and the health of our communities. In particular, SB 165 would eliminate the ability for substitutes to earn sick and safe leave, and Maryland should not adopt policies that would force *any* school employees - regular or substitute - to show up for work sick. Additionally, the Healthy Working Families Act already exempts any employee who “regularly works less than 12 hours a week for an employer,” so substitutes who only work occasionally are already exempt. The current law reflects a reasonable balance between enabling substitutes with more regular contact with the school community to earn leave, while exempting those who don't regularly work.

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 access to earned sick leave before we've had time to analyze its impact 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 165.

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.

SB165_MDCEP_UNF.pdf

Uploaded by: Schumitz, Kali

Position: UNF

Employment Protections Should be Consistent Across Maryland's Workforce

Position Statement in Opposition to Senate Bill 165

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. Taking these benefits away from substitute teachers would be especially misguided during a deadly pandemic. For these reasons, the Maryland Center on Economic Policy opposes Senate Bill 165.

Senate Bill 165 would narrow the scope of the Maryland Healthy Working Families Act by exempting substitute teachers from earning paid sick leave. Doing so would harm Maryland and lead to no material fiscal gain. Earned sick days promote 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. For both remote and in-person learning, earned sick days enable educators to do what is best for their students, their communities, and themselves.

Substitute teachers play an instrumental role in Maryland's education system. Despite this, they are typically among the lowest paid public workers in the state, often earning salaries barely above the minimum wage. Due to this, not only is it more difficult for them to prepare for the economic shock of a serious medical need, but they are among those most harmed by taking an unpaid day off. Without the state's requirement for earned sick days, substitute teachers will be far less likely than high-income earners to have access to paid sick time.ⁱⁱⁱ If Senate Bill 165 is implemented, we will be taking earned sick days from the Maryland workers who need it the most.

Guaranteeing access to paid sick days supports a vibrant and growing economy. MDCEP's prior analysis of paid sick leave proposals in Maryland has found that 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.^{iv}

Employers in Maryland should be held to consistent standards under Maryland’s labor laws. Unequal policies can contribute to income inequality and wage gaps for marginalized groups within Maryland. While the current law does have different standards for smaller businesses, which are allowed to provide unpaid sick leave instead of paid sick leave, it is not reasonable to exempt substitute teachers from provisions of our labor laws.

For these reasons, the Maryland Center on Economic Policy respectfully requests that the Senate Budget and Tax Committee make an unfavorable report on Senate Bill 165.

Equity Impact Analysis: Senate Bill 165

Bill Summary

Senate Bill 165 would eliminate substitute teachers’ right to earn paid sick days under the Healthy Working Families Act of 2017.

Background

The Healthy Working Families Act of 2017 provided paid sick days for about 488,000 Marylanders and extended important job protections to thousands of additional employees at small businesses.^v

Research shows that workers with paid sick leave are more likely to receive preventive care that will lead to the early detection and treatment of illnesses.^{vi} Cities and states that guarantee earned sick days have lower rates of flu infection. The reduced health care costs associated with paid sick leave are expected to save Marylanders an estimated \$23 million each year.

Equity Implications

- Senate Bill 165 would take away protections from a disproportionately low-income group of education professionals. As of 2019, substitute teachers in Maryland took home \$40,900 per year on average, just over half of average earnings for other K-12 teachers.^{vii}
- Guaranteeing earned sick days improves racial equity. Before passage of the Healthy Working Families Act of 2017, 58 percent of Latinx workers in Maryland did not have paid sick days at their jobs, compared to only 37 percent of white workers.^{viii}

Impact

Senate Bill 165 would likely **worsen racial, gender, and economic inequity 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/2020/10/B364.pdf>

ⁱⁱⁱ Kendal Orgera and Samantha Artiga, “Disparities in Health and Health Care,” Kaiser Family Foundation, August 2018, <http://files.kff.org/attachment/Issue-Brief-Disparities-in-Health-and-Health-Care-Five-Key-Questions-and-Answers>

^{iv} “CMD PRWatch Markup of 01-05-16 State Chambers Topline Poll,” Luntz Global via PRWach, 2015, https://www.prwatch.org/files/cmd_prwatch_markup_of_01-05-16_state_chambers_topline_poll.pdf

^v Meyer, 2017

^{vi} Milli, 2017

^{vii} MDCEP analysis of 2019 Occupational Employment Statistics data.

^{viii} Milli, 2017

SB 165 - Healthy Working Families Act.pdf

Uploaded by: Siri, Michelle

Position: UNF

BILL NO: Senate Bill 165
TITLE: Maryland Healthy Working Families Act – Applicability
COMMITTEE: Finance
HEARING DATE: January 21, 2021
POSITION: **OPPOSE**

In 2017 the Legislature passed The Maryland Healthy Working Families Act (“MHWFA”). The MHWFA finally grants workers the right to earn safe and sick leave so that they no longer must choose between their jobs and their health and safety. After overcoming several hurdles, including the Governor’s veto, the bill went into law and into effect in February 2018. Now, with the COVID-19 pandemic continuing to ravage our communities, this legislation is being proposed to undermine, delay, and erode the benefits of that hard-won piece of legislation.

The Women’s Law Center whole-heartedly supported 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. Now is not the time to roll back those benefits and for the reasons below, the WLC opposes all of the bills seeking to chip away at those provisions, including attempts to exclude application of the law to County Board of Education employees.

Of particular importance to the Women’s Law Center are the provisions of MHWFA regarding “Safe Leave”. These provisions 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 the victim of domestic violence or sexual assault, it is imperative that survivors be 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 or 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.

The HFWA will allow 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. Its implementation should remain fully in effect.

Therefore, the Women’s Law Center of Maryland, Inc. urges an unfavorable report on Senate Bill 165.

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.