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**Testimony in SUPPORT of SB 727
Maryland Healthy Working Families Act – Revisions and Public Health Emergency
Leave
Finance Committee**

Paulina Arnold, On Behalf of CASA

Honorable Chairman Kelley and Members of the Finance Committee:

CASA is pleased to provide testimony in support of Senate Bill 727. CASA is the largest membership-based immigrant rights organization in Maryland and in the Mid-Atlantic region, with a membership of over 100,000 Black and Brown immigrants and working families. This legislation is critical to ensure that CASA members, and all Maryland workers, are able to take the essential sick leave necessary to protect their workplaces and communities during an emergency like the COVID-19 pandemic.

Many CASA members have contracted COVID-19 and been unable to take paid sick or quarantine leave. In Maryland, 25% of all healthcare workers are immigrants.¹ Despite being exposed on the front lines of the pandemic, many health care workers have been excluded from protection under either Maryland law or the Families First Coronavirus Response Act. When these workers are unable to take paid sick or quarantine leave, they must face a choice between losing money and potentially their job or exposing their patients and coworkers.

Bisrat,² a CASA member from Montgomery County, Ethiopian immigrant and registered nurse, was working at an urgent care at the beginning of the pandemic. After being exposed to COVID-19, she received a test and told her employer that she had to quarantine until her test results came back. Her employer told her to report to work and, when she refused, she was fired. Her test result came back positive. Bisrat's courageous decision to quarantine at home likely prevented further infection among her coworkers and patients, but was not protected under Maryland or federal law.

SB 727 would protect workers like Bisrat during a public health emergency. Our medical workers deserve the same access to sick leave as all workers as they must put themselves at unique risk every day. These workers are disproportionately Black and Brown, and

¹ New American Economy Research Fund, *Immigrant Healthcare Workers Are Critical in the Fight Against Covid-19*, Figure 1 (Apr. 9, 2020), <https://research.newamericaneconomy.org/report/covid-19-immigrant-healthcare-workers/>

² Name changed to protect privacy.

their repeated exposure without adequate protection contributes to the disparate impact the public health emergency has had upon communities of color.

With the expiry of the Families First Coronavirus Response Act, all Maryland workers are in Bisrat's position, without access to quarantine leave when they are exposed to or contract COVID-19. It is essential to codify sick leave protections into Maryland law so that employers are familiar with the provisions and understand employer obligations during a public health emergency.

CASA members, as immigrant workers, are on the frontlines providing essential services to Marylanders. SB 727 would protect these workers, their workplaces, and the Maryland community by allowing them to take the sick leave necessary during a dangerous pandemic.

For all of these reasons, CASA supports SB 727 and urges a favorable report from the committee.

[Paulina Arnold](#)

Employment Staff Attorney, CASA

SB 727 - MD DC AFL-CIO - SUPPORT.pdf

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President

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**SB 727 – Maryland Healthy Working Families Act –
Revisions and Public Health Emergency Leave
Senate Finance Committee
March 17, 2021**

SUPPORT

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

Madam Chair and members of the Committee, thank you for the opportunity to testify in support of SB 727 – Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave. 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 in the state of Maryland, I offer the following comments.

Working Marylanders are struggling. The COVID-19 pandemic has upended the lives of all of us, but for working people who were already living paycheck-to-paycheck in 2019, this public health emergency has been particularly challenging. Between job-losses, caring for sick loved ones, and struggling to pay the bills, workers need breathing room right now, more than ever. SB 727 amends the Maryland Health Working Families Act (MHWFA) to provide some of that breathing room. The bill expands earned sick leave to more workers, and, most importantly, provides for additional earned sick leave in the event of a public health emergency, while also expanding the definition of a “family member” for the purposes of taking off work to care for someone.

It took six years to pass the MHWFA in Maryland, with numerous rounds of negotiations and concessions. Some of these concessions by the advocates of the law were exemptions for certain classifications of workers. We have never been happy that Maryland has created a tiered system for workers, and SB 727 removes some of those exemptions. Regardless of your job, you deserve earned sick leave. Sick and health issues do not ignore agriculture workers and temp workers simply because they have been exempted from earned sick leave. They can and do suffer with health problems like any other worker, so they should be afforded the same rights.

The definition of “family” is constantly changing, and who I consider part of my family – to whom I am closest – may not be the same definition you use for yours. SB 727 expands the definition of “family member” for the purposes of using earned sick leave to provide care or legal services for more individuals. This allows all of us to better honor the bonds that we have

with those whom we hold most dear in our lives, and to not penalize Marylanders for having non-traditional familial bonds.

Providing for expanding sick leave during a health emergency is both the right thing to do for workers, and for businesses. Clearly, we need to ensure that workers can take more time off during a pandemic due to more infections, more sickness, and more need to tend to family. However, businesses benefit in the long run by retaining quality workers – thus reducing their retraining and retention costs – and realizing higher average productivity through increased esprit de corps of their workforce. SB 727 does not permanently set a new expansion of earned sick leave hours and applicability, but it does provide for a mechanism for us to address the current pandemic, as well as future health emergencies, for working Marylanders.

We ask for a favorable report on SB 727.

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

Hearing before the Senate Finance Committee, March 17, 1:00 pm

The Maryland Healthy Working Families Act was a hard fought but important victory. United Workers, along with countless organizations and workers, pushed to secure this significant advancement in worker's rights in Maryland. People should never have to choose between their health or their jobs. Far too often, workers without Sick and Safe Leave have had to make difficult choices. No one should have to fear retaliation or losing employment simply because they need time to care for themselves or a sick loved one. Now, during the global pandemic, this type of leave saves lives.

It is critical that working people, like the members of United Workers, are protected. SB 727 would ensure that all workers are covered under the law and have access to leave during a medical emergency. This type of change is needed to ensure health and safety, but to also right historic and entrenched wrongs. Low wage workers of color face a multitude of challenges today. COVID-19 has brought devastating consequences for poor communities and communities of color who were already laboring under unfair conditions. These communities are dealing with health crises and deaths, housing instability and eviction, as well food and economic insecurity. If we aim to pursue social, racial, and economic justice in our State, we have to address the disadvantages our system creates and perpetuates. By removing exemptions, SB 727 will help address these wrongs by including all workers, especially those industries and sectors whose workforces are predominantly people of color. We believe that work with dignity is a human right. We must take lessons from our history and our present. Recovery from this crisis demands that we mitigate harm and prioritize health, safety, and well-being. SB 727 will help us achieve that. I urge you to vote in favor of SB 727.

Respectfully,

Adriana Foster
United Workers

endorsers_SB727_HB1326_Paid Sick Leave_MFFWP.pdf

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Organizations Endorsing S.B. 727/H.B. 1326 (Paid Sick Leave)

1199SEIU
Alabama State Association of Cooperatives
Assateague Coastal Trust
Better Food Foundation
CATA Farmworkers Support Committee
Center for Biological Diversity
Center for Progressive Reform
Center for Worker Justice of Eastern Iowa
Central Maryland Beekeepers Assoc.
Centro de los Derechos del Migrante
Chesapeake Physicians for Social
Responsibility
Clean Water Action
Concerned Citizens Against Industrial
CAFOS (CCAIC)
Cottingham Farm
DC Greens
Encompass
Fair Farms
Farm Forward
Farmworker Justice
Food & Water Watch
Food Animal Concerns Trust
Food Chain Workers Alliance
Friends of the Earth
Global Justice Ecology Project
Government Accountability Project
Greenpeace USA
HEAL (Health, Environment, Agriculture,
Labor) Food Alliance
Indivisible Howard County
Jewish Initiative for Animals (JIFA)
Johns Hopkins Center for a Livable Future
Maryland Campaign for Environmental
Human Rights
Maryland Conservation Council
Maryland Legislative Coalition
Maryland Pesticide Education Network
Maryland Public Health Association
Maryland Sierra Club
Maryland United for Peace and Justice
McDaniel Honey Farm
MD Campaign for Environmental Human
Rights
Migrant Clinicians Network
MLC Climate Justice Wing
National Council of Jewish Women Los
Angeles
National Employment Law Project
National Immigration Law Center
National Latino Farmers & Ranchers Trade
Association
Public Citizen
Public Justice Center
Safe Skies Maryland
Smart on Pesticides Coalition
Socially Responsible Agriculture Project
Sunrise Movement Baltimore
The Greenbaum Foundation
Toxic Free NC
Waterkeepers Chesapeake
WISE
Workplace Fairness

SB 727 Paid Sick Leave Expansion_SUPPORT_CDM.docx.

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SB 727

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

Senate Finance Committee

March 15, 2021

SUPPORT

Introduction

Maryland’s Healthy Working Families Act (“HWFA”) became law in 2018, creating an urgently needed paid sick day program. HWFA ensured most workers across the state could afford to take a day off from work to care for their health and that of their families. Unfortunately, a number of workers were exempted from accessing paid sick days under the HWFA. Among those excluded are H-2 migrant workers in temporary visa programs, such as the H-2B crabpicking women in Maryland’s Eastern Shore. HB 1326 would revise current law and expand access to paid sick days to migrant workers currently excluded under the existing law, a much needed expansion of the HWFA amidst a global pandemic. Centro de los Derechos del Migrante, Inc. (CDM or Center for Migrants’ Rights) **submits this written testimony in SUPPORT of SB 727 - Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave.**

CDM is a not-for-profit, bi-national organization with offices in Maryland and Mexico. We support migrant workers in the temporary work visa programs (commonly referred to as “guestworkers”) throughout their labor migration journey. CDM aids workers at the moment they are recruited in their home communities, while they labor at their workplace in the U.S., and upon their return home. For over a decade, we have worked closely with H-2B crabpicking women in the Eastern Shore to end abuse in their workplace. Our report *Picked Apart: The Hidden Struggles of Migrant Worker Women in the Maryland Crab Industry*,¹ published in 2010, brought to light the arduous working conditions of the Mexican crabpicking women in the H-2B non-agricultural work visa program. Six months ago, we published a follow-up interview-based report, *Breaking the Shell: How Maryland’s Migrant Crab Pickers Continue To Be “Picked Apart,”*² which uncovers how H-2B crabpicking women continue to face abuse in one of Maryland’s most symbolic industries.

Throughout the pandemic, we have served as a point of contact and aid provider for crabpicking women in Maryland’s Eastern Shore. We have delivered personal protective equipment (PPE) to

¹ Centro de los Derechos del Migrante. *Picked Apart: The Hidden Struggles of Migrant Worker Women in the Maryland Crab Industry* (2010). Accessed at: <https://cdmigrante.org/wp-content/uploads/2018/02/PickedApart.pdf>

² Centro de los Derechos del Migrante. *Breaking The Shell: How Maryland’s Migrant Crab Pickers Continue To Be “Picked Apart”* (2020). Accessed at: <https://cdmigrante.org/breaking-the-shell/>

workers that live and work in Hoopers Island. We have provided workers with food supplies, and we have equipped them with information about their rights at the workplace.

As a result of our work, we have seen and heard first-hand how the threat of coronavirus and other infectious diseases disproportionately impact migrant workers working and living in crowded situations. Throughout the pandemic, many workers across Maryland's Eastern Shore have reported working shoulder-to-shoulder with no personal protective equipment (PPE). Migrant workers often live in employer-facilitated housing. This is the case for crabpicking women in Maryland, who return to crowded living facilities where most have at least three other roommates workday after workday. Neither their workspace nor living space is apt for social distancing.

As we saw the pandemic unfold, we saw COVID-19 outbreaks occur in processing plants throughout the state, including in seafood processing plants in Dorchester County. Last July there were 50 crab pickers that tested positive for COVID-19 in the Eastern Shore's crab houses.³ During this uncertain time, we heard from distressed workers who had contracted COVID-19 expressing concern they would not receive payment for the two weeks of quarantine. While they battled COVID-19, they also reported worrying about potentially losing income for their families.

The summer 2020 COVID-19 outbreaks across Maryland's seafood processing plants should serve as a lesson and push us to ensure protection for our Maryland workers at all times. During the outbreaks, the now-expired Families First Coronavirus Act ("FFCRA") allowed some workers to receive payment for the days they were unable to work. In many ways the FFCRA worked --that protection broadly eased some financial concerns and allowed for workers to remain home away from possibly infecting other workers in Maryland. However, the federal FFCRA expired on December 31st, 2020 while the pandemic continues to threaten our communities and workers. The Maryland General Assembly must remove exclusions from the HWFA and amend it to provide protections to all workers in the state, so we can prevent the spread of COVID-19 and provide a financial defense to workers who do contract it. These are necessary measures to overcome the COVID-19 public health emergency.

Decades of Abuse & Worsening Conditions Over the Pandemic

Each year, thousands of temporary migrant workers travel to Maryland to work in agriculture, hospitality services, and seafood processing, among many others. Year after year, they leave their families behind and form part of the essential food supply that has kept Maryland afloat during the pandemic. According to our 2020 report, *Breaking the Shell*, many migrant crabpicking women arrive indebted after taking out hundreds in loans to pay for travel expenses.⁴ They arrive to crowded working conditions where pay rates push them to work rapidly and shoulder to other workers.⁵ Despite federal law requiring employers to provide work equipment, 63% of the migrant

³ Barker, J. & Juarez, T. *As migrant crab pickers suffered from coronavirus on Maryland's Eastern Shore, one worried about her future*. Baltimore Sun. Sept. 1, 2020. <https://www.baltimoresun.com/coronavirus/bs-md-crab-pickers-coronavirus-outbreaks-20200901-y4xw6gclqnbefg43hxeevolke4-story.html>

⁴ *Breaking the Shell* at p. 15.

⁵ *Id.* at p. 18.

workers interviewed for the study reported having to buy their own gloves-- equipment necessary to perform their jobs and thus, federally under the responsibility of the employer.⁶

The pandemic has only further exacerbated unsafe working conditions. *Breaking the Shell*, reveals how migrant workers travel from their country of origin in crowded vans or buses. In Maryland, they rely on this transportation to travel into town for groceries and other necessities.⁷ In the workplace, sites are rarely inspected, and due to the threat of retaliation, workers will rarely report unsafe or unsanitary work conditions.

During the outbreaks, a migrant crabpicker worker at Russell Hall Seafood shared anonymously to *Delmarva Now* that workers at the facility “were told at the beginning to wear masks — but were given only a single disposable mask to wear.”⁸ From our outreach, we know that these workers had to provide their own masks and largely depended on the ones CDM delivered. But insufficient masks are only part of the problem-- systemically abusive conditions such as the ones migrant workers work and live in are perfect conditions for the spread of a highly contagious virus.

Public Health Imperative

Workers excluded from accessing paid sick days are low-wage earners and have little to no additional worker protections. Many of the H-2B workers we work with are heads of household and sole financial providers for their families back in Mexico. This problem is not unique to Maryland. Due to the lack of a paid sick days programs that includes them, workers at the frontlines are highly likely to show up to work sick.⁹ The CDC recommends that workers who have symptoms stay home.¹⁰ However, this option is not feasible for those exempted under current state paid sick leave.

Maryland’s Commitment to Gender and Racial Equity

Maryland’s General Assembly needs to ensure that all workers can access paid sick leave under the HWFA. This is a matter of racial and gender equity. People of color and women are disproportionately affected by exemptions as they are overrepresented in the industries currently exempted by HWFA (retail employees, agricultural workers, temporary workers, homecare workers). They also are less likely to work in jobs that can be performed from home.¹¹ Maryland must be committed to advancing the rights of all members of its community, particularly those most oppressed. Amending the HWFA to include industries that employ low-wage workers,

⁶ *Id.* at p. 25.

⁷ *Id.*

⁸ Rentsch, J. “As COVID-19 Sickens 50 Maryland Crab Pickers, Advocates Say Protections Lacking.” *Delmarva Now*, Sept. 2020, www.delmarvanow.com/story/news/local/maryland/2020/09/13/covid-19-sickens-50-crab-pickers-advocates-say-prot-ectio-ns-lacking/5678694002/.

⁹ Boesch, D. “The Urgent Case for Permanent Paid Leave.” Center for American Progress. Sept. 2020.

¹⁰ The Centers for Disease Control has issued many industry-specific guidelines with recommendations on preventing and mitigating the risks of COVID-19 at the workplace. The guidelines can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html?Sort=Date%3A%3Adesc&Audience=General%20Public%20%3E%20Employers%2C%20Business%20Owners%20%26%20Community%20Leaders>

¹¹ Boesch.

predominantly Black, Latinx, and other Maryland residents of color will advance workers' health protections and allow for them to care for their health and return safely to work.

Conclusion

Working and living in proximity is key to the rapid transmission of a highly-contagious airborne virus. While we aim for prevention of the spread of the disease, workers should have a safety net if they or their loved ones need care. **We urge the committee to emit a FAVORABLE report on 727 - Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave.** If you have any questions, please reach out to Maria Perales Sanchez, Elizabeth Mauldin Memorial Advocate for Migrant Women, at mariap@cdmigrante.org.

SB727_SUPPORT_MOD.pdf

Uploaded by: Hessler, Therese

Position: FAV



To: Senator Feldman, Chair and Members of the Senate Finance Committee
From: Erin Jones, Associate Director, Federal & State Government Affairs
March of Dimes
Date: March 17, 2021
Re: SUPPORT – SB727 – Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave

Dear Senator Feldman, Chair and Members of the Senate Finance Committee:

The March of Dimes Inc. would like to express support for SB727. The COVID-19 pandemic has created an impossible situation for working parents, forcing them to juggle their job responsibilities alongside childcare and homeschooling while keeping their families safe. March of Dimes is working to meet the challenges of these times and fight for women, infants, and families to remain as healthy as possible during the crisis.

This legislation would expand the Maryland Healthy Working Families Act allowing for flexibility during a public health crisis such as COVID-19. If passed, SB727 would offer additional sick and safe leave in addition to the earned sick and safe leave under certain circumstances. This would ensure financial stability to those who need to care for an elderly or ill parent, child or themselves. This also would allow individuals to care for a sick family member, new baby or a child whose school or day care has closed due to a public health crisis.

If this pandemic has taught us anything, it's how fragile our country's support system is for our youngest and most vulnerable citizens. As we look beyond this pandemic and consider lessons learned, policymakers must enact a permanent and expansive paid family leave program. Families in every state should be free from making the agonizing decision of financial security or the health of the mother and her family. Guaranteed family leave for all who need it would eliminate that false choice and make possible the real idyll: every mom and baby safe and well at home, in the first weeks of a new life and far beyond.

It is imperative that we bolster support for struggling families - including improving emergency paid sick days and paid leave policies created by previous legislation. To close these gaps and protect the health of families during the pandemic and any other public health crisis, March of Dimes urges the House Economic Matters Committee for a favorable report on SB727. Thank you.

Sincerely,

Erin Jones
Associate Director, Federal & State Government Affairs
EJones2@marchofdimes.org

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Position: FAV

Also, the COVID-19 had compounding and devastating impacts on Black,⁴ Latino,⁵ and other communities of color. The disparate access to paid sick leave was apparent because many of the Maryland's exempted workers were workers of color.⁶ Senate Bill 727 amends the HWFA to better address disparate racial impact by removing exemptions for groups of workers who are disproportionately Black and Latino.

Moreover, the Attorney General's COVID-19 Access to Justice Task Force recommended to requiring "employers to provide paid [sick] leave to workers who must self-quarantine due to workplace exposure,"⁷ and "add[ing] eligibility to use paid leave during a declared public health emergency."⁸ And SB 727 follows these recommendations.

Lastly, SB 727 promotes strong economic and health recovery. When workers are pressured to work through illness, businesses lose productivity⁹ and workers suffer from elongated health consequences, fear of retaliation, and potential job loss.¹⁰ Senate Bill 727 codifies workers' rights to paid sick leaves during a public health emergency. Senate Bill 727 provides 14 more days of paid emergency sick leave to allow workers to isolate and quarantine as recommended by public health officials. By expanding Maryland's sick leave law to cover more workers, and providing for paid public health emergency leave, the legislation establishes a landscape for Maryland's stronger economic future and to successful pandemic containment.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on SB 727.

cc: Members of the Finance Committee

⁴ THE BALTIMORE Afro-AM., *Black and Brown Health Care Workers More Likely to Get COVID-19* (Jan. 29, 2021), <https://afro.com/black-and-brown-health-care-workers-more-likely-to-get-covid-19/>.

⁵ Ryan McFadden, *Health Experts Cite Virus's Effect on Md.'s Latino Community* (Oct. 28, 2020), DAILY RECORD., https://thedailyrecord.com/2020/10/28/health-experts-cite-virus-effect-on-md-s-latino-community/?utm_term=Health.

⁶ FSG & POL'Y LINK, *ADVANCING FRONTLINE EMPLOYEES OF COLOR: INNOVATING FOR COMPETITIVE ADVANTAGE IN AMERICA'S FRONTLINE WORKFORCE 7* (Jan. 2020), <https://www.policylink.org/sites/default/files/Advancing%20Frontline%20Employees%20of%20Color.pdf>; see also 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), <https://www.bls.gov/opub/mlr/2019/article/racial-and-ethnic-disparities-in-access-to-and-use-of-paid-family-and-medical-leave.htm>; KAISER FAMILY FOUND., *Coronavirus Puts a Spotlight on Paid Leave Policies* (Mar. 2020).

⁷ MD. ATT'Y GEN. BRIAN E. FROSH'S COVID-19 ACCESS TO JUST. TASK FORCE, *CONFRONTING THE COVID-19 ACCESS TO JUSTICE CRISIS 13* (Jan. 2021), https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf.

⁸ *Id.*

⁹ See Zoe Ziliak Michel, *The Business Benefits of Paid Sick Days in Maryland* (Jan. 13, 2017), <https://www.clasp.org/sites/default/files/publications/2017/04/The-Business-Benefits-of-Paid-Sick-Days-in-Maryland-final.pdf>.

¹⁰ See Dana Wilkie, *9 in 10 Workers Admit Going to Work Sick* (Nov. 7, 2019), SOC'Y FOR HUM. RES. MGMT., <https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/coming-to-work-sick-.aspx>.

SB727_PJC_FAV.pdf

Uploaded by: Robinson, Tyra

Position: FAV



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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.

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.

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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SB 727_MDCEP_FAV.pdf

Uploaded by: Schumitz, Kali

Position: FAV

Strengthening Sick Leave Protections Is Essential for Public Health

Position Statement in Support of Senate Bill 727

Given before the Senate Finance Committee

The Healthy Working Families Act was a major victory for Maryland workers and public health, enabling hundreds of thousands of workers to stay home when they are sick or need to care for a sick loved one without sacrificing needed income. The value of this protection is all the more clear amid the COVID-19 pandemic, as enabling people with the virus to stay home has been key to avoiding greater illness and death. However, current law arbitrarily leaves some workers out and does not sufficiently address the extraordinary needs that arise during a public health crisis. The Maryland Center on Economic Policy supports Senate Bill 727 because it would extend vital protections to workers who are currently left out and would ensure workers can make the right choice for themselves and their communities during a deadly pandemic.

Senate Bill 727 would immediately make two major improvements to Maryland's earned sick and safe leave law:

- The bill would repeal arbitrary carve-outs that today exclude agricultural workers, temp workers, and certain health and human services workers from earning paid sick and safe days. These workers face the same health risks as everyone else, but they have no protection under current law. The bill would also expand the definition of family members to reflect the diversity of Marylanders' family and care arrangements.
- The bill would guarantee most workers additional earned sick days during a public health emergency, which they can use to isolate if they know or suspect they have a communicable disease, to care for an ill family member, or for other needs that can arise during a public health emergency. To maximize the protection afforded to workers as well as the benefit to public health, the bill would enable workers at all employers to earn paid sick days during a public health emergency, with no waiting period.

These improvements would go a long way to prevent needless suffering during the COVID-19 pandemic. There is strong evidence that enabling workers to stay home when sick without sacrificing income improves public health:ⁱ

- Workers with paid sick leave are more likely to receive preventive care that will lead to the early detection and treatment of illnesses.
- 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.
- Nearly half of restaurant-related outbreaks of foodborne illness are associated with employees working while sick

Strengthening the Healthy Working Families Act would also be a boon to Maryland's still-struggling economy:ⁱⁱ

- Thousands of families across the state continue to face challenges keeping a roof over their heads and food on the table as Maryland and the nation grapple with the economic harms of the coronavirus pandemic.
- Increased pay for low-wage workers who live paycheck to paycheck translates almost immediately into higher spending, which means stronger sales at local businesses.ⁱⁱⁱ
- 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}

Finally, Senate Bill 727 would be an important step to make Maryland's economy more equitable:

- People of color experience much higher rates of economic insecurity and poverty, and are more likely to be low-income workers. Due to this, it is more difficult to prepare for the economic shock of a serious medical need.
- Nationwide, typical Black families have only one-eighth as much accumulated wealth as their white counterparts, while typical Latinx families have only one-fifth as much wealth.^v
- Low-income people of all races report worse health status than higher income individuals. Additionally, people of color are more likely to have greater health needs and experience them at a younger age than white Marylanders.^{vi}
- As of February 25, 2021, 146 out of every 100,000 Black Marylanders had died of COVID-19, compared to 117 out of every 100,000 Marylanders who are not Black.^{vii}

For these reasons, the Maryland Center on Economic Policy respectfully requests that the Senate Finance Committee make a favorable report on Senate Bill 727.

Equity Impact Analysis: Senate Bill 727

Bill summary

Senate Bill 727 would expand Maryland's earned sick and safe leave law in two major ways:

- The bill would repeal carve-outs that today exclude agricultural workers, temp workers, and certain health and human services workers from earning paid sick and safe days. The bill would also expand the definition of family members.
- The bill would guarantee most workers additional earned sick days during a public health emergency, which they can use to isolate if they know or suspect they have a communicable disease, to care for an ill family member, or for other needs that can arise during a public health emergency. The bill would enable workers at all employers to earn paid sick days during a public health emergency, with no waiting period.

Senate Bill 727 is emergency legislation.

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 law 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. However, the law

excludes several categories of worker, requires workers to wait several months before beginning to accrue sick days, and allows small employers to provide only unpaid leave.

Equity Implications

Senate Bill 727 would be an important step to make Maryland’s economy more equitable:

- People of color experience much higher rates of economic insecurity and poverty, and are more likely to be low-income workers. Due to this, it is more difficult to prepare for the economic shock of a serious medical need.
- Nationwide, typical Black families have only one-eighth as much accumulated wealth as their white counterparts, while typical Latinx families have only one-fifth as much wealth.^{viii}
- Low-income people of all races report worse health status than higher income individuals. Additionally, people of color are more likely to have greater health needs and experience them at a younger age than white Marylanders.^{ix}
- As of February 25, 2021, 146 out of every 100,000 Black Marylanders had died of COVID-19, compared to 117 out of every 100,000 Marylanders who are not Black.^x

Impact

Senate Bill 727 would likely **improve 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, 2017, <http://www.mdeconomy.org/wp-content/uploads/2017/11/Sick-leave-final-11-30-17.pdf>

ⁱⁱ Meyer, 2017

ⁱⁱⁱ Christopher Carroll, Jiri Slacalek, Kiichi Tokuoka, and Matthew White, “The Distribution of Wealth and the Marginal Propensity to Consume,” *Quantitative Economics* 8, 2017, <https://onlinelibrary.wiley.com/doi/epdf/10.3982/QE694>

^{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 MDCEP analysis of 2019 Survey of Consumer Finances.

^{vi} Paid Family and Medical Leave: A Racial Justice Issue – and Opportunity,” National Partnership for Women & Families, August 2018, <http://www.nationalpartnership.org/our-work/resources/workplace/paid-leave/paid-family-and-medical-leave-racial-justice-issue-and-opportunity.pdf>

^{vii} MDCEP analysis of Maryland Department of Health COVID-19 data and U.S. Census Bureau 2019 Population Estimates.

^{viii} MDCEP analysis of 2019 Survey of Consumer Finances.

^{ix} Paid Family and Medical Leave: A Racial Justice Issue – and Opportunity,” National Partnership for Women & Families, August 2018, <http://www.nationalpartnership.org/our-work/resources/workplace/paid-leave/paid-family-and-medical-leave-racial-justice-issue-and-opportunity.pdf>

^x MDCEP analysis of Maryland Department of Health COVID-19 data and U.S. Census Bureau 2019 Population Estimates.

SB 727 - Healthy Working Families Act - Revisions

Uploaded by: Siri, Michelle

Position: FAV

BILL NO: Senate Bill 727
TITLE: Maryland Healthy Working Families Act – Revisions and Public Health
Emergency Leave
COMMITTEE: Finance
HEARING DATE: March 17, 2021
POSITION: **SUPPORT**

Senate Bill 727 closes gaps in the Maryland Healthy Working Families Act (“the Act”) and picks up where recent federal legislation has expired, leaving thousands of workers vulnerable. It proposes a modest expansion of the Act, by removing exemptions for employees within the agricultural sector, temporary staffing services, and on-call health care. Further, it provides protections and provisions related to public health emergencies so that employees facing a pandemic do not have to choose between their health, their safety, and a paycheck.

The Women’s Law Center, as members of the Maryland Working Matters Coalition, wholeheartedly supported the Act 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. Of particular importance to the Women’s Law Center are the provisions of the Act 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 sector. The need is particularly acute during the pandemic, when domestic violence has increased due to social isolation and economic stressors¹.

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 workplaces², while up to half of employed victims of DV report that they lost their jobs in part due to DV³. In addition, as many as 96%

¹ Covid-19 and Domestic Violence: An Indirect Path to Social and Economic Crisis, Journal of Family Violence, July 28, 2020, Amalesh Sharma and Sourav Bikash Borah, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7386835/>

² Corporate Alliance to End Partner Violence, http://www.caepv.org/getinfo/facts_stats.php?factsec=3

³ 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>

experience problems at work due to abuse, 56% are late to work, 28% leave work early, 54% miss entire days of work⁴, and 47% were specifically prevented from working by the abuser⁵. At the same time, 65% of companies in this country do not have a formal workplace domestic violence prevention policy⁶, 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 Act 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. This includes employees within the construction industry, who deserve the same safety and security provisions as other workers.

Therefore, the Women's Law Center of Maryland, Inc. urges an favorable report on Senate Bill 727.

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.

⁴ *Id.*

⁵ 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)

⁶ The Society for Human Resource Management, *When Domestic Violence Comes to Work*, 2013

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Testimony-SB727-Maryland Healthy Working Families

Uploaded by: Stevenson, Christopher

Position: FAV



Testimony on SB727
Maryland Healthy Working Families Act – Revisions and Public Health
Emergency Leave
Position: FAVORABLE

Dear Madam Chair and Members of the 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. Due to the need for increased and adequate sick and safe leave during emergencies as seen by COVID-19, we are in adamant support of SB727- Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave.

The pandemic has revealed the need that workers have for paid leave and while the Maryland Essential Workers Protections Act provides quarantine leave, this bill extends sick leave- both two efforts to extend leave to Marylanders. Throughout this pandemic, Maryland workers of various industries have needed to take sick leave due to the health ailments of COVID-19, but some have been excluded from doing so such as temporary workers, and on-call health professionals. Due to this, workers who could have been diagnosed or treated for COVID-19 were not able to and therefore consequently, helped contribute to the number of COVID-19 contractions and overall death toll.

For our members, this legislation has a significant impact on an everyday basis. To relieve the number of hospitalizations of Marylanders due to COVID-19, this bill gives workers the leave necessary to safely quarantine to avoid unnecessary hospitalizations. If these reasons weren't enough, lack of leave also forces workers to become pressured to work through illness and denies adequate time to recover, businesses suffer in productivity losses¹ and workers suffer from elongated health consequences, fear of retaliation, and potential job loss.²

By expanding Maryland's sick leave law to cover more workers and provide for paid public health emergency leave, this bill establishes a landscape for Maryland's stronger and healthier

¹ 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>.

² 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>.

economic future. For these reasons, we believe that this legislation will create the necessary health and safety precautions to protect more Maryland workers in instances of emergencies and ask this Committee to vote favorably to support SB727.

Respectfully,

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

Paid Sick Leave Testimony.pdf

Uploaded by: Veira, Olivia

Position: FAV

Senate finance committee, I am writing to urge you to support Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave. This measure is more than a financial support. It is an important public health measure that will protect workers, their families, and communities during and after the COVID-19 pandemic. Here’s why: isolation of people who are sick, quarantine of people who are exposed, and testing of suspected positive people with or without symptoms, are critical elements of disease control. Paid sick leave gives people the option to follow these public health measures.

Even before the pandemic, researchers have studied the public health benefits of paid sick leave: people with paid sick leave do not have to choose between staying home and earning money.³ Studies have demonstrated that people with paid sick leave are more likely to take time off for illness and to seek the necessary medical care.⁴ As one home health provider explained it, people often feel like they “can’t afford not to work,”⁵ and, during the pandemic, may choose to work even if they have symptoms of COVID-19. But the Centers for Disease Control and Prevention (CDC) recommend that people who may have been exposed to someone with COVID-19 should quarantine for at least a week with a negative test or up to 14 days without testing.⁹ Isolation is particularly important during the first few days of infection when people are most likely to infect others with the virus.⁶ The two days prior to the onset of symptoms are also times of high viral shedding and infectivity.⁷

Let’s look at the numbers to put this in context. At least half of all COVID-19 cases are the result of infection by an asymptomatic person.⁸ When workers become infected, they can bring COVID-19 to their homes and communities. Even one case can lead to many serious illnesses and deaths. For example, there have been at least three recent outbreaks at food processing plants in Maryland, resulting in upwards of 250 cases.¹⁷ This higher risk of COVID-19 infection is present in nearly every essential industry. Yet, these workers often lack adequate personal protective equipment,¹² social distancing protocols in their workplaces,²⁰ have lower wages,²¹ and are less likely to have access to paid sick leave.²² In addition, workplace exposure, in addition to myriad systemic factors, has resulted in higher rates of COVID-19 cases, hospitalizations, and deaths among Black, Latinx, and Indigenous people.

Thus far, paid sick leave has been effective at reducing spread during the pandemic. One study estimated that where people gained access to paid sick leave, there were 400 fewer COVID-19 cases per state per day.²

Paid sick leave is a public health measure at all times, but particularly during the COVID-19 pandemic, I urge you to enact this important measure to provide paid sick leave

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SB 727 FAV_ACY_MRock.pdf

Uploaded by: White, Rachel

Position: FAV



To: The Honorable Chair, Senator Delores G. Kelley, and members of the Finance Committee

From: Melissa S. Rock, Director, Birth to Three Strategic Initiative

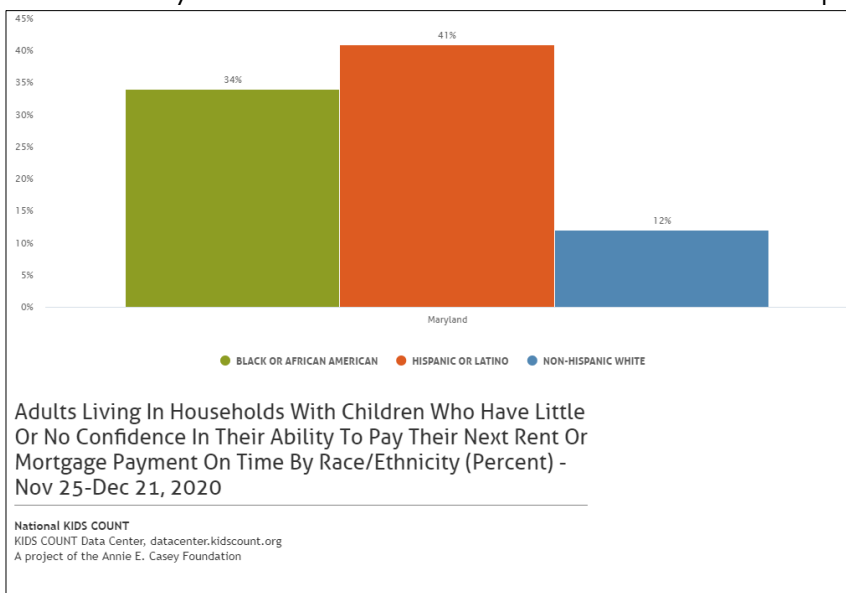
Re: **SB 727: Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave**

Position: **SUPPORT**

As a long-time member of the Working Matters Coalition, ACY is pleased to support **SB 727** to ensure that Maryland's sick and safe leave policies protect Maryland's families through public health emergencies. There are many workers across Maryland who have not had any access to paid sick leave throughout the COVID-19 pandemic because of exemptions in Maryland's sick and safe leave statute and in the federal Families First Coronavirus Response Act. Some of the groups without this access to paid sick leave includes agricultural workers, temporary workers, on-call health professionals, and those working for companies with 500 or more employees.

Given how easily the COVID-19 pandemic is transmitted, it is especially important that individuals not have to choose to continue working even when they are ill because they cannot afford to miss work. We know that Black¹ and Latinx² Marylanders have been hit harder by the COVID-19 pandemic. Due to longstanding systemic and institutional racism, there are also significant disparities for Black and Latinx Marylanders with children who are on the cusp of poverty. Please see the attached graphs noting the racial disparities in being able to pay rent/mortgage,³ having enough food to eat,⁴ having difficulty paying for usual household expenses.⁵

We urge this committee to issue a favorable report on SB 727 to ensure that all working parents and caretakers have access to paid sick and safe leave.



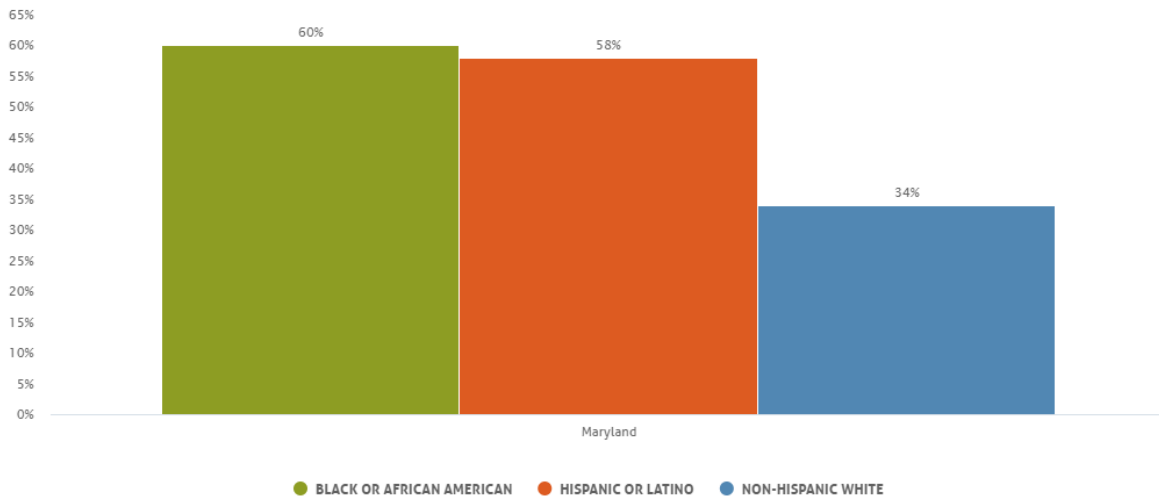
¹ The AFRO, *Black and Brown Health Care Workers More Likely to Get COVID-19* (Jan. 29, 2021). Available at: <https://afro.com/black-and-brown-health-care-workers-more-likely-to-get-covid-19/>.

² 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.

³ <https://datacenter.kidscount.org/data/bar/10942-adults-living-in-households-with-children-who-have-little-or-no-confidence-in-their-ability-to-pay-their-next-rent-or-mortgage-payment-on-time-by-race-ethnicity?loc=22&loc=2#2/22/false/2047/4039,2638,2597/21252>

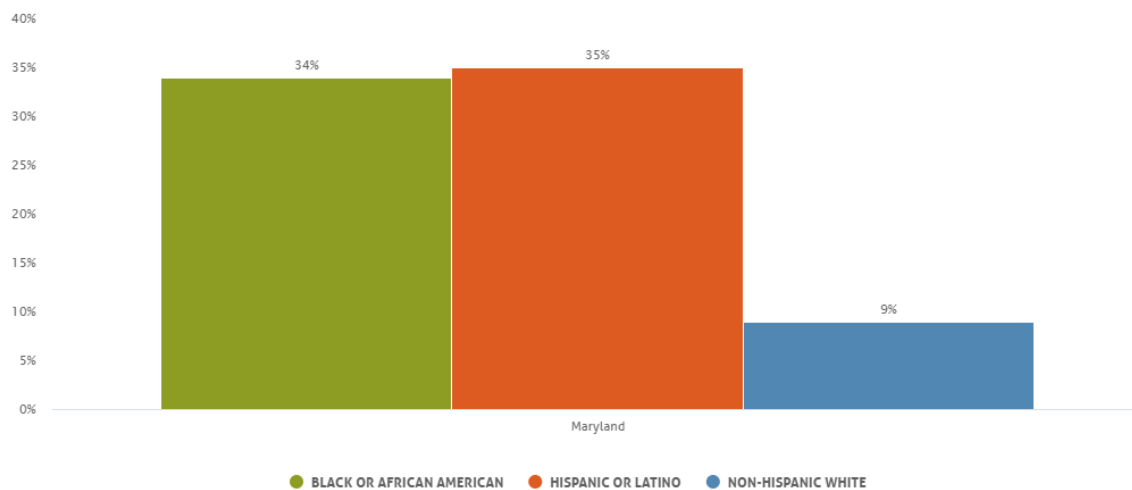
⁴ <https://datacenter.kidscount.org/data/bar/10945-adults-living-in-households-with-children-who-sometimes-or-often-did-not-have-enough-food-to-eat-in-the-past-week-by-race-ethnicity?loc=22&loc=2#2/22/false/2047/4039,2638,2597/21255>

⁵ <https://datacenter.kidscount.org/data/bar/10946-adults-living-in-households-with-children-who-had-difficulty-paying-for-usual-household-expenses-in-the-past-week-by-race-ethnicity?loc=22&loc=2#2/22/false/2047/4039,2638,2597/21256>



Adults Living In Households With Children Who Had Difficulty Paying For Usual Household Expenses In The Past Week By Race/Ethnicity (Percent) - Nov 25-Dec 21, 2020

National KIDS COUNT
KIDS COUNT Data Center, datacenter.kidscount.org
A project of the Annie E. Casey Foundation



Adults Living In Households With Children Who Sometimes Or Often Did Not Have Enough Food To Eat In The Past Week By Race/Ethnicity (Percent) - Nov 25-Dec 21, 2020

National KIDS COUNT
KIDS COUNT Data Center, datacenter.kidscount.org
A project of the Annie E. Casey Foundation

Senate Bill 727.pdf

Uploaded by: Bayne, Mark

Position: UNF

UNFAVORABLE
Senate Bill 727/House Bill 1326: Maryland Healthy Working Families Act –
Revisions and Public Health Emergency Leave

Dear Legislators,

On behalf of Comprehensive Nursing Services, Inc., located in Baltimore County, I urge you to oppose Senate Bill 727/House Bill 1326: Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave. While we understand the difficulties that many individuals have encountered during this pandemic, this bill would have the effect of crippling the home care industry when more individuals are seeking care in their homes rather than in institutional or facility settings. Over the last year, home care agencies have struggled to provide needed health care services amidst workforce and personal protective equipment shortages, often without meaningful assistance from the State or federal government.

As health care providers, we need your help, not new mandates. This bill creates unreasonable costs by additional paid leave and coverage for health care costs. For all home care employers, but especially those that rely on Medicaid reimbursement, this bill will put them out of business.

Sick Leave

- Agency workers are temporary employees. They pick and choose when and where they want to work. They are not mandated to work a minimum number of hours, weekends, holidays, etc. It is not like a traditional work setting where you must work your scheduled times as directed by your employer. Nurses choose flexibility as the benefit of working agency nursing. They pick their schedule.
- It is a severe financial burden. Unlike other industries when they can offset their expenses by raising rates/prices/fees, we cannot. Insurers set our reimbursement, and we are not at liberty to increase our fees to offset this expense. To begin with, we operate on a small margin, and this extra expense will put us out of business and leave our patients without nursing.
- We can only bill for services that are provided. If a nurse cancels and is paid sick time, we also have to pay the replacement nurse, therefore paying double for a shift but being reimbursed for a single nurse. Where is all this extra money supposed to come from?
- Most agency nurses work for more than one agency. With the sick leave policy, they can schedule themselves through several various agencies, choose the assignment they want to work, cancel the others, and receive sick pay, thereby getting paid a substantial amount in just one day. There is no way to track or monitor which nurses work where and if this is occurring.

We currently deal with the fact that nurses will cancel their shifts if another agency offers them a dollar or two more an hour. This proposed sick leave for agencies is inviting fraud and is not appropriate in this segment of health care services.

- As a result of the pandemic, we have already had to absorb the added expense of providing staff with appropriate PPE, with little or no help from state or local governments. These are not billable supplies, and we must shoulder that expense.

- **Most importantly, it is our patients that will suffer.** We anticipate that cancellations will increase, and if we are unable to replace that nurse, the patients will go without nursing for that shift. Cancellations interrupt the continuity and quality of care provided.

Also, unlike other companies, health care providers cannot operate "short-staffed." We have an obligation to our clients to be there to provide services. For home health agencies, the failure to show is a violation of federal law. As such, provisions that allow an individual to "leave work" or take additional leave without any documentation or limited notice to employers create a situation where our clients suffer.

Therefore, I urge you to protect our clients and ensure that the home care industry can remain a viable health care service in Maryland and vote unfavorable to this bill. Thank you.

Mark Bayne, RN, PhD
and Staff

GCCC Testimony SB 727 Healthy Working Families Act

Uploaded by: Christian, Nicole

Position: UNF



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

UNFAVORABLE:

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

Finance Committee
March 17, 2021

On behalf of the Garrett County Chamber of Commerce, representing 600 member organizations in Western Maryland, I write to express our opposition to **SB 727 – Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave.**

This bill will unnecessarily expand the Maryland Health Working Families Act and place additional burdens on businesses that are struggling just to make it through the pandemic.

The bill removes the agricultural and temp worker exemption and expands the definition of a family member to include someone whose “close association with the employee is the equivalent of a family relationship”, neither of which have anything to do with a health emergency.

It also requires an employer to provide an additional 14 business days, or 112 hours, of new paid sick and safe leave for full time employees during a declared public health emergency, and an equivalent amount of leave for part time employees. These additional days are superfluous as the law as it currently exists already provides sick and safe leave. Employers already struggle with workforce shortages during emergencies and requiring them to provide more paid time off exacerbates the issue and increases costs. Considering how the current pandemic has negatively affected most businesses and resulted in significant revenue losses, adding this paid leave would be devastating.

Even the federal Families First Coronavirus Response Act only mandated 10 days of paid leave due to COVID. And FFCRA provided the employer a reimbursement for that leave.





Additionally, this bill would require an employer to provide paid leave during a public health emergency regardless of how long an employee has been employed. This is expansion goes above and beyond the spirit of the law. The leave would be extended to a new employee that

has been employed for less than six months and the employer would have to estimate the number of hours the employee will work in the future. This is absolutely excessive and unreasonable.

Maryland's job creators cannot reasonably be expected to comply with the expanded mandates contained within SB 727, especially now, as they struggle to juggle previously passed employer mandates and the operational and economic implications of COVID-19.

The Chamber respectfully requests an **UNFAVORABLE committee report on SB 727.**

Sincerely,

Nicole Christian, CCE, IOM

Nicole Christian, CCE, IOM
President & CEO
Garrett County Chamber of Commerce, Inc.
(301) 387-8745 office
(301) 616-0396 mobile
www.visitdeepcreek.com
nicole@garrettchamber.com

nicole@garrettchamber.com



SB 727_MAA_UNF.pdf

Uploaded by: Clark, Rachel

Position: UNF

CHAIRMAN:
Brian Russell
VICE CHAIRMAN
Jeff Graf

MARYLAND ASPHALT ASSOCIATION



SECRETARY:
Curtis Hall
TREASURER:
David Slaughter
PRESIDENT:
G. Marshall Klinefelter

March 17th, 2021

Senator Delores G. Kelley, Chair
Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401

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

Dear Chair Kelley and Senate Finance Committee Members:

The Maryland Asphalt Association is comprised of 18 producer members representing more than 48 production facilities, 20 contractor members, 24 consulting engineer firms and 40 other associate members. Combined our members employ more than 4,000 Marylanders in our operations. We assist with the education of our workforce, sponsor safety activities and promote best practices while working diligently to produce the highest performing pavement materials with the lowest carbon footprint. We proactively work with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

We are unsure why this piece of legislation is needed. The Maryland Healthy Working Families Act is already law, requiring employers to provide earned sick and safe leave to their employees. Throughout the last year, our members have made every effort to ensure employees have the ability to take time off of work when a medical issue arises either for themselves or their family. Our business community has suffered immeasurable losses from this virus and we feel strongly that continued legislation that puts additional burdens on us is unnecessary and unfair.

We thank you for your time and consideration and ask for a UNFAVORABLE report on SB 727.

Thank you,

Marshall Klinefelter
President
Maryland Asphalt Association

SB 727_MTBMA_UNF.pdf

Uploaded by: Clark, Rachel

Position: UNF



MTBMA
MARYLAND TRANSPORTATION BUILDERS
AND MATERIALS ASSOCIATION

March 17th, 2021

Senator Delores G. Kelley, Chair
Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401

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

Dear Chair Kelley and Senate Finance Committee Members:

The Maryland Transportation Builders and Materials Association (“MTBMA”) has been and continues to serve as the voice for Maryland’s construction transportation industry since 1932. Our association is comprised of 200 members. MTBMA encourages, develops, and protects the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials.

We are unsure why this piece of legislation is needed. The Maryland Healthy Working Families Act is already law, requiring employers to provide earned sick and safe leave to their employees. Throughout the last year, our members have made every effort to ensure employees have the ability to take time off of work when a medical issue arises either for themselves or their family. Our business community has suffered immeasurable losses from this virus and we feel strongly that continued legislation that puts additional burdens on us is unnecessary and unfair.

We thank you for your time and consideration and ask for a UNFAVORABLE report on SB 727.

Thank you,

Michael Sakata
President and CEO
Maryland Transportation Builders and Materials Association

SB 727, HB 1326 - Maryland Healthy Working Familie

Uploaded by: Costello, Christopher

Position: UNF

UNFAVORABLE
SB 727, HB 1326 - Maryland Healthy Working Families Act –
Revisions and Public Health Emergency Leave

The Howard County Chamber of Commerce (Chamber) is a business organization comprised of 700 small businesses, corporations, non-profits, and governmental agencies all working together for the betterment of the Howard County business community. Our mission is to provide advocacy, connections, and access to timely information to advance the growth and success of the Howard County business community.

It seems that the ink is still damp on the **Maryland Healthy Working Families Act** that was enacted only three years ago and here employers are being asked to make difficult, costly adjustments to personnel policies to comply with additional amendments to the statute, which are difficult and costly already.

The purpose here may be to address concerns related to the COVID-19 pandemic; however, as written this legislation could be applied to any number of other situations as determined by the multiple health departments with the authority to declare and define such emergencies. Terms appear vague and may be subject to interpretation, which may play havoc with administration and enforcement.

Has a justification for an additional 112 hours of emergency “Public Health Emergency Leave” been established?

Many employees have been working from home since the outbreak of COVID-19 began. Should an employer be required to provide them with sick leave to stay home?

The bill is overly burdensome and complicated, and it appears to be using the pandemic as an excuse to make amendments in areas which were compromises agreed upon when the original legislation was passed in 2018:

1. removing the agricultural and temp worker exemption;
2. expanding the definition of a family member;
3. eliminates the requirement for documentation or notice for leave;
4. requires leave be provided in full regardless of how long the employee has been employed; and
5. retroactive application of the leave.

If the Maryland General Assembly insists on passing another major labor bill like SB 375 and HB 1326 that will further burden small employers with unreasonable payroll costs and administrative expense, they will do what they have always done in such situations, they will look for ways to trim payroll costs. That usually means a leaner payroll, fewer benefits and possibly out-sourcing or relocating.



6240 Old Dobbin Lane ■ Suite 110 ■ Columbia, MD 21045

If this legislation was a matter of great importance where the “cost to benefit ratio” was reasonably positive, it might be “marketable” but in our view it clearly has the potential to do much more harm than good. We hope the members of the Senate Finance and House Economic Matters Committees will agree and vote unfavorable.

Opposition to SB 727 - Working Families - Emergenc

Uploaded by: Doherty, Daniel

Position: UNF



Opposition of The Maryland State Dental Association to SB 727 – Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave

The Maryland State Dental Association (MSDA) respectfully opposes SB 727. MSDA fully recognizes the hardships that Marylanders have suffered during the last 12 months, and is aware that despite great promise from the vaccines, the pandemic is not behind us.

Maryland dental offices were shut down for 52 days following the Governor's Emergency Order of March 5, 2020. Once they were permitted to reopen, they faced significant obstacles – staffs reluctant to return to work for various reasons, patients who were hesitant to received even necessary dental services, insufficient availability of PPE, and once available, only at substantial increased costs. Many offices, through COVID relief loans, utility and rent deferrals and other measures, did their best to maintain their staff and remain open. However, the future of many practices is tenuous. The 52-day loss of revenue, reduced patient visits, and increased costs have impacted dental practices' financial viability.

SB 727 will create a significant negative financial impact. As an illustration –a sole proprietor dental practice that employs one associate dentist, 2 dental hygienists, 2 dental assistants and an office manager. Each of those employees works 40 hours per week at the Maryland mean hourly rate for their respective occupation These hourly mean rates are: a dentist \$104/hour; a dental hygienist \$51/hour; a dental assistant \$22/hour; and an office manager \$20/hour. The emergency leave liability for such a practice under SB 727 would be over \$30,000. Such costs will have a disastrous impact on dental practices state wide.

Finally, SB 727 permits an employee to use this leave under a variety of scenarios all arising from a communicable disease. A communicable disease encompasses much more than Covid-19 or another disease that could be the basis for a declaration of a public health emergency. Communicable disease includes the common cold, influenza etc. which would not trigger a public health emergency.

However, once an emergency is declared under SB 727, the emergency leave is available for use due to any communicable disease, including the common cold.

Conclusion: SB 727 will impose significant costs and financial liability on dental practices, which can ill-afford additional negative economic impact. It will permit a potential for abuse for many less significant illnesses.

For these reasons the Maryland State Dental Association respectfully requests that SB 727 be given an unfavorable report.

Submitted by:
Daniel T. Doherty, Jr.
March 17, 2021

MD Judiciary - Testimony SB 727.pdf

Uploaded by: Elalamy, Sara

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Finance Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 727
Maryland Healthy Working Families Act – Revisions and Public
Health Emergency Leave
DATE: February 17, 2021
(3/17)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 727. This bill expands the Sick and Safe Leave provisions of the Labor and Employment Article. In 3-1301, it expands the definition of Family Member to include among many others: a child of the employee’s domestic partner; an individual who is recognized as the employee’s spouse or domestic partner or as being in a similar union with the employee under the laws of any state or jurisdiction; and, any other individual related by blood to, or whose close relationship with, the employee is equivalent of a family relationship. Therefore, the list of family members who would qualify the employee for the leave has been significantly expanded. In 3-1304, the reasons for when an employee may use sick and safe leave has been expanded to include a “public health emergency.”

This bill raises separation of power concerns as it impedes the Judiciary’s independence. Article IV, §18(b)(1) identifies the Chief Judge of the Court of Appeals as the administrative head of the Maryland Judiciary. The power to administer the Judiciary is not an implied or inherent power but is an express constitutional power of the Chief Judge. This constitutional authority includes managing the Judiciary’s personnel.

The Judiciary has its own comprehensive personnel system with policies that address recruitment, supervision, grievances, and termination. The Judiciary is exempt from those aspects of the State Personnel Management System. Indeed, in 1996, as part of the comprehensive personnel reform bill, the General Assembly enacted State Personnel and Pensions Article §2-201, which says “Except as otherwise provided by law, an employee in the Judicial, Legislative, or Executive Branch of State Government is governed by the laws and personnel policies and procedures applicable in that branch.” The Judiciary, therefore, submits that the same principle should be applied here: that this legislation should not be applied to the Judiciary.

This bill would also have a significant operational impact on the Judiciary. This bill could result in an increase in absences during a public health emergency, especially if employees are allowed paid time off in addition to what is currently allowed. This potentially would cause staffing issues that would need to be addressed, either requiring current employees to cover the absences, or hiring additional staff. A large percentage of these employees provide security for the courthouses and the absences could create coverage issues and gaps in building and judicial security. Although the health and safety of the public, judges and the Judiciary staff are a top priority, the Judiciary must ensure that its core functions remain available to provide access to justice for all citizens. This provision could substantially impede this access if courts cannot operate as needed.

Further, not only will this bill have a significant operational impact on the Judiciary but it would also have a significant fiscal impact on the Judiciary. It would require the Judiciary to fund an additional 112 hours of paid leave, per eligible employee. It requires that it be done retroactively, causing the Judiciary to fund absences that have already occurred and for which it did not plan. The Act would be effective immediately upon passage and, as such, providing no opportunity for the Judiciary to budget for the expense, potentially resulting in the need to shift funds from budgeted items to fund the leave.

In addition, this bill is unnecessary as the Judiciary provided federally mandated Emergency Paid Sick Leave (EPSL) to all employees in 2020. When that leave expired, the Judiciary chose to offer to its employees another form of paid leave beginning on January 1, 2021 – Coronavirus Related Paid Leave (CRPL) -- that provides a similar benefit to that offered by the former EPSL.

cc. Hon. Brian Feldman
Judicial Council
Legislative Committee
Kelley O'Connor

Opposition of SB727 - Maryland Healthy Working Fam

Uploaded by: Ferguson, Colby

Position: UNF



Maryland Farm Bureau, Inc.

3358 Davidsonville Road • Davidsonville, MD 21035 • (410) 922-3426

March 17, 2021

To: Senate Finance Committee

From: Maryland Farm Bureau, Inc.

Re: **Opposition of SB 727 - Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave**

On behalf of our member families, I submit this written testimony opposing SB 727. This bill repeals the exemptions from the Maryland Healthy Working Families Act for several employee categories, including agriculture workers. The bill requires employers to allow employees to use earned sick and safe leave during a public health emergency and requires employers to provide employees earned sick and safe leave on the date that a public health emergency was declared or proclaimed for a jurisdiction. The bill requires an employer to provide earned sick and safe leave regardless of the employee's length of employment with the employer.

During the paid sick leave bill discussion several years ago, agriculture workers were exempted from this legislation due to the extreme difficulties a farm would have when trying to administer it. Unfortunately, this bill seeks to remove that exemption and add farms back into this discussion.

Maryland Farm Bureau requests the agriculture worker exemption remain in place.

MARYLAND FARM BUREAU RESPECTFULLY OPPOSES SB 727

A handwritten signature in black ink, appearing to read 'Colby Ferguson'.

Colby Ferguson
Director of Government Relations

For more information contact Colby Ferguson at (240) 578-0396

MBIA Testimony SB 727.pdf

Uploaded by: Graf, Lori

Position: UNF

March 17, 2021

The Honorable Delores G. Kelley
Senate Finance Committee
Miller Senate Office Building,
3 East Wing 11 Bladen St.,
Annapolis, MD, 21401

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

Dear Chairwoman Kelley:

The Maryland Building Industry Association, representing 1,100 member firms statewide, appreciates the opportunity to participate in the **SB 727 Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave**. MBIA **Opposes** the Act in its current version.

This bill would require that employees be provided with earned sick and safe leave. MBIA respectfully opposes this measure. This measure mandates not only that employees receive earned pay and sick leave but the mechanism under which that pay is accrued. Many employers in our industry have ad-hoc or verbal agreements with employees rather than a formal leave program and this measure would prevent those successful models from continuing.

This measure would also carry a large additional expense for smaller employees during a period in which the financial hardship for small businesses is unprecedented and many of them are operating at a loss or not at all. The measure allows for time off for a variety of reasons that do not allow for consistent planning or schedules that may have cascading effects on the workplace outside the job of one employee.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Finance Committee

LeadingAge Maryland - 2021 - SB 727 - sick and saf

Uploaded by: Greenfield, Aaron

Position: UNF



6811 Campfield Road
Baltimore, MD 21207

TO: The Honorable Delores Kelley
Chairwoman, Finance Committee

FROM: LeadingAge Maryland

SUBJECT: Senate Bill 727, Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave

DATE: March 17, 2021

POSITION: Unfavorable

LeadingAge Maryland writes to request an unfavorable report on Senate Bill 727, Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave.

LeadingAge Maryland is a community of not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. We represent more than 120 not-for-profit organizations, including the vast majority of CCRCs in Maryland. Our mission is to expand the world of possibilities for aging in Maryland. We partner with consumers, caregivers, researchers, faith communities and others who care about aging in Maryland.

Background: The Healthy Working Families Act currently applies to all employers with employees whose primary work location is in Maryland. They are required to provide earned sick and safe leave, regardless of where the employer is located. Employers who employ 15 or more employees are required to provide paid earned safe and sick leave. Employers with 14 or fewer employees are required to provide unpaid earned sick and safe leave.

Public Health Emergency: Under this legislation, on the date that a public health emergency is declared or proclaimed for a jurisdiction, each employer in the jurisdiction shall provide each employee paid earned sick and safe leave in addition to the earned sick and safe

leave required to be provided under § 3–1304 of this subtitle (Healthy Working Families Act; Requirements; Calculation of Leave). Employer would include temporary services agencies, employees of temporary staffing agencies. .

Hours Earned: For full–time employees who regularly work 40 hours or more per week, they earn 112 hours. Those employees who regularly work fewer than 40 hours per week receive an amount of hours equivalent to the amount of hours the employee works on average over a typical 2–week or 4–week working period, whichever is greater. An employee provided paid earned sick and safe and whose work schedule varies from week to week, the employer must determine the amount of hours worked on average in a 2–week period by averaging a 6 month period on the date of the public emergency was declared or if the employee did not work over the 6–month period, the reasonable expectation of the employee at the time of hiring of the average number of hours per week that the employee normally would be scheduled to work. The employer shall provide paid earned sick and safe leave to an employee regardless of the employee’s length of employment with the employer.

Use of Leave: Each employer must allow an employee to use the paid earned sick and safe leave during the 3 weeks immediately following the official termination or suspension of the public health emergency. There are a number of instances when an employee may use paid earned sick and safe leave provided in relation to a public health emergency. Those reasons include:

- isolation without an order because the employee has been diagnosed with a communicable disease
- to seek or obtain a medical diagnosis, care, or treatment due to symptoms associated with a communicable disease
- care for a family member who is isolating
- because of a diagnosis or symptoms of a communicable disease
- due to the employee’s inability to work because the employee has a health condition that may increase susceptibility to, or risk of, a communicable disease including age or asthma.

An employee may use the paid earned sick and safe leave provided under this section before using the earned sick and safe leave under the Healthy Working Families Act.

Notice: An employer may require an employee to provide notice to the employer of the need for paid earned sick and safe leave provided as soon as practicable only if the need for paid sick leave is foreseeable and the employer’s place of business has not been closed due to the public health emergency. An employer may not require an employee to provide documentation for the use of leave. Within 7 days after a public health emergency is declared or proclaimed,

each employer must provide each employee with written notice of the public health emergency and the employee's right to paid earned sick and safe leave. If a public health emergency continues for a period longer than 3 months, each employer must provide the notice every 3 months.

LeadingAge Maryland Comments: The long-term care industry has been on the front lines of COVID-19 and has not been immune from the operational and fiscal obstacles. Whether it is ensuring appropriate levels of personal protective equipment or access to sufficient testing kits, our sector has been impacted. Providers have faced mounting costs and decreases in revenue over the last year. The costs of required testing, PPE, increased pay for staff (including overtime and incentive pay) have cost providers hundreds of thousands to even millions of dollars. These were unbudgeted and ongoing expenses. Some organizations received federal and/or State funds to offset some of the increased cost. Unfortunately, that funding has failed to cover the full impact of the expenses and many providers are facing significant financial strife. Based on 270 employees, one LeadingAge Maryland member estimates that this legislation will require \$434,676.92. Senate Bill 727 places an enormous funding mandate on our sector, at a time our members and residents can least afford it.

For these reasons, LeadingAge Maryland respectfully requests an unfavorable report for Senate Bill 727.

For additional information, please contact Aaron J. Greenfield, 410.446.1992

SB 727_MHWFA_Revisions and Public Health Emergency

Uploaded by: Griffin, Andrew

Position: UNF



LEGISLATIVE POSITION:

UNFAVORABLE

Senate Bill 727

**Maryland Healthy Working Families Act—Revisions and Public Health Emergency Leave
Senate Finance Committee**

Wednesday, March 17, 2021

Dear Chairwoman Kelley and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

Senate Bill 727, as introduced, would make many changes to the Maryland Healthy Working Families Act during a declared state of public health emergency including: 1) repealing certain exemptions for on-call employees; 2) requiring employers to allow employees to use earned sick and safe leave during a public health emergency; 3) requiring certain employers to provide employees sick and safe leave on the date that a public health emergency is declared; 4) requiring an employer to provide certain earned sick and safe leave regardless of the employee's length of employment; among many other things.

To say that COVID-19 has had a tremendous, far-reaching, and extremely detrimental impact on Maryland's economy would be a gross understatement. Employment, retail sales, and many other economic indicators continue to move in the wrong direction as the virus rages on throughout our State, with no clear end in sight. As a result, Maryland's job creators continue to struggle to survive and to maintain operations, with the Comptroller's Office previously estimating that approximately 30,000 Maryland businesses have closed or will close permanently as a direct result of the pandemic. Indeed, the economic impact of COVID-19 is unprecedented.

While we believe that Senate Bill 727 is well-intentioned in that it attempts to provide financial support for workers impacted by a declared public health emergency, there are a number of significant challenges and unintended consequences that will result from the imposition of expanded leave mandates on employers. Maryland's job creators cannot reasonably be expected to comply with the expanded mandates contained within SB 727, especially now, as they struggle to juggle previously passed employer directives and the operational and economic implications of COVID-19.

Throughout the duration of the pandemic, the Chamber and our 5,000 business and federated partners have remained committed to doing our part to mitigate the impact of COVID-19. The health and safety of our members, their employees, and the general public remains our top priority. We look forward to working with the bill sponsors, Maryland General Assembly, and other stakeholders toward policy outcomes that balance health and safety with the operational and economic realities that Maryland job creators are managing at this time.

For these reasons and based on the comprehensive list of concerns outlined below, the Maryland Chamber of Commerce respectfully requests an **UNFAVORABLE REPORT** on SB 727

Section 3-1301(g): Definitions

SB 727 expands the definition of "Family member" in the Maryland Healthy Working Families Act to include: 1) a child of the employee's domestic partner, 2) an individual who is recognized as the employee's spouse or domestic partner or as being in a similar union with the employee, and 3) **any other individual related by blood to or whose close association with the employee is the equivalent of a family relationship.**

We believe that the expansive definition as it relates to domestic partners and their children is not necessary. All 50 states now recognize same sex marriage. Every person now shares an equal right to marry their partner, regardless of that person's sex. Expanding the definition to include domestic partners and their children served a purpose when the legal barriers to marriage existed. Today, those barriers have been removed.

Regarding the expansion to any other individual related by blood or who has an association that is like a family member, which would include any person who simply chooses to not marry, the mandate now becomes open and would require providing paid leave to care for one's neighbor, friends, or distant cousins. Further, it is unclear what is meant by "the equivalent of a family relationship" as it is subjective and exists on a spectrum that is up for vast interpretation.

During the original debate over the Maryland Healthy Working Families Act, the Chamber and its members argued that the definition of "family member" was overly broad. We maintain that the definition, like the federal Family and Medical Leave Act and the Maryland Flexible Leave Act, should be limited to immediate family members. The revisions in this bill expand the definition well beyond what exists in current law.

Section 3-1306: Paid Earned Sick and Safe Leave During a Declared Public Health Emergency



3-1306 (A) On the date that a public health emergency is declared, each employer shall provide each employee paid earned sick and safe leave in addition to that which is already required by MHWFA.

Leave shall be provided in the following amounts:

For FTEs working more than 40 hours per week, 112 hours (14 business days?)

For PTEs working less than 40 hours per week, a number of hours equivalent to the amount of hours the employee works on average over a typical 2 week or 4 week period, whichever is greater.

Though a fiscal note was not made available at the time this testimony was drafted, we can safely assume that the cost implications of providing this new bank of paid leave would be devastating to Maryland's job creators.

It is critical that the General Assembly recognize the impact of mandated benefits laws on employers, particularly small businesses. The federal government has long recognized that smaller employers are less able to provide certain types of benefits. For example, the Family and Medical Leave Act (FMLA) mandates unpaid leave for medical reasons and applies to conditions that last longer than 3 days. Further, it only applies to employers with 50 or more employees. Congress has recognized that even an unpaid leave requirement is burdensome to small businesses. Paid leave, of course represents an even greater payroll liability and cost burden.

COVID-19 has had an extremely detrimental impact on our economy, striking our small business owners the hardest as they struggle to survive to maintain operations. In our present economy, as Maryland employers attempt to recover from a lengthy period of economic downturn, they simply cannot bear the costs of new employer mandates, particularly as they struggle to comply with previously implemented directives including MWHFA and the increase in minimum wage.

3-1306(B)(1) – The employer shall provide sick and safe leave regardless of the employee's length of employment. Employers are currently required to provide sick and safe leave upon an employee's first day of employment, either through an accrual or front-end loading method. They are also permitted to delay an employee's ability to use that leave for the first 106 days. The language of this bill, e.g., "provide" is unclear as to whether it refers to the employer's obligation to begin loading or accruing the leave or the employee's ability to use that leave. For all the reasons that the MHWFA was first passed, requiring employers to permit employees to use this entire bank of additional leave or any portion thereof not only significantly increases the employers' accounts payable liability, but sets employees up for discord. For example, this bill basically tells a newly hired employee who is undergoing chemotherapy that his or her illness is not as exigent and can wait for 106 days, while the newly hired coworker who is completely

asymptomatic and seeks only preventive care can take the first two weeks off from work. We are sure that is not this body's intended result.

3-1306(B)(2) Employees shall be allowed to use the paid sick and safe leave provided under Subsection A of the existing law during the 3 weeks immediately following the official termination of the public health emergency. However, absolutely no reason for using that leave is listed in this bill or in Subsection A of the existing law. On its face, this allows an employee completely unaffected in any way by a declaration or any emergency as described in this bill or under the current law, to stay home for 14 working days for any reason or for no reason. This appears to be a mandate for vacation leave.

3-1306(C) Employees can use paid earned sick and safe leave to isolate without an order to do so for at least twelve different reasons. Even the federal Families First Coronavirus Response Act (FFCRA) required employers to provide paid leave for any one of six reasons, of which only five ever came to fruition. These wide-ranging reasons are fraught with challenges. Here are just a few:

- The bill requires paid leave be provided to an employee who stays home without an order to do so. However, "order" is not defined. The FFCRA required coverage only if an employee was under an order from its attending physician or a federal, state, or local order to self-isolate or quarantine.
- The employee who chooses to stay home must receive paid SSL if he/she has been diagnosed with or is experiencing any symptoms associated with a communicable disease. Communicable disease is also not defined. Thus, an employee with symptoms associated with any malady, such as the common cold, would have the right to stay home, not see any physician, and receive this "emergency" SSL.
- As described above, the bill requires an employer to pay emergency SSL for preventive care concerning a communicable disease. As written, this could include the common cold, completely unrelated to any emergency.
- These same issues apply to:
 - caring for a family member who has chosen or been ordered to self-isolate due to symptoms of *any* communicable disease,
 - the employee's doctor recommending the employee stay home due to symptoms of *any* communicable disease.



- Paid leave is provided if an employee needs to stay home to care for a family member due to the unavailability of a family member's care provider, including school, due to a public health emergency. Could inclement weather meet the definition of a public health emergency? If not, we again are providing paid for employees who need to care for family members in some instances but not others.
- The bill grants paid leave to employees with underlying medical conditions that may make a person more susceptible to or risk of a communicable disease. The CDC, WHO and others have cited no evidence, to date and, with the possible exception of compromised immune systems, there is no evidence that any condition puts a person at greater risk of *contracting* COVID-19. There are some conditions, including non-medical, that may put a person at greater risk of complications if and when they do contract the disease.

3-1306(D) gives the employee the choice of using this emergency paid leave before the existing SSL. Therefore, this bill increases employers' accounts payable liability by requiring them to provide nearly four times the amount of paid leave as currently required (a total of 112 instead of 40 hours) but then that burden is compounded by limiting the employer's ability to require use of existing SSL first.

3-1306(F) prohibits an employer from requiring any documentation, such as a doctor's note, for *any* related absence. No existing law has that bar. The bill even acknowledges that under existing 3-1305 an employer may require documentation after an employee is absent for two consecutive shifts. The FFCRA permits a documentation requirement for every related absence.

3-1306 (G) adds two notice requirements that are in addition to the two that already exist under the HWFA. That is four notice requirements regarding the same issue. Even employees might find that a bit irritating or insulting. We believe they "get it" after the first or second notice.



SB 727.UNF.MACS.pdf

Uploaded by: Howell, Laura

Position: UNF



Maryland Association of Community Services

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Jonathon Rondeau
The Arc Central Chesapeake Region

Sequaya Tasker
Lt. J.P. Kennedy Institute

Laura Howell,
Executive Director

Senate Finance Committee SB 727- Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave

Position: Oppose

March 17, 2021

The Maryland Association of Community Services (MACS) is a non-profit association of over 100 agencies across Maryland serving people with intellectual and developmental disabilities (IDD). MACS members provide residential, day and supported employment services to thousands of Marylanders, so that they can live, work and fully participate in their communities.

MACS was an active stakeholder during the earned sick and safe leave debates of 2016 and 2017 and worked hard to help craft language that balanced the needs of employees to take sick and safe leave with the needs of DDA-licensed providers who are mandated to protect the health and safety of people with intellectual and developmental disabilities whom they support. Those leave discussions played out against the backdrop of a staffing crisis facing IDD providers driven by a long history of low wage rates paid by the state. That staffing crisis has deepened as a result of the COVID-19 pandemic and MACS is concerned that several provisions of this bill upend the delicate balance struck by the original sick leave bill.

As-Needed Employees

Senate Bill 727 removes the existing exemption for workers who are called to work on an as-needed basis in a health or human services industry, who can reject or accept the shift, and who are not guaranteed to be called in to work by the employer (commonly referred to as PRN employees)—a work arrangement that benefits employees looking for hours to maintain licensure and/or control over their schedules, and employers looking to fill gaps in shifts. This provision was removed from the original legislation because of the significant operational changes it presents: a business would be required to provide paid sick leave to an employee who has not been scheduled to work nor has to agree to work a shift if asked. MACS is opposed to expanding sick leave eligibility for this unique category of employees.

Increased Leave

Senate Bill 727 would require additional paid leave, in addition to that which exists under Maryland's current paid leave statute, during a public health emergency—much like what was required by the federal Families First Coronavirus Response Act. Those leave requirements were offset by tax credits which were critical for Medicaid providers operating on

precariously thin margins. No such funding mechanism exists in SB 727, leaving providers with a significant unfunded mandate. More significantly, this leave provided extreme challenges for DDA-licensed providers who were scrambling to fulfill staffing ratios in order to meet health and safety mandates. These staffing challenges also resulted in soaring overtime expenses. While challenging, providers did, and continue to do, all that is within their control to protect their employees and provide leave whenever needed.

Retroactivity

Given that DDA-licensed providers are dependent on the state for funding, do not charge for their services nor are permitted under federal law to pass cost increases on to the people they support, MACS is very concerned about the retroactivity provision of the bill which could result in providers having to pay for prior unpaid leave that they have not been funded to provide.

Expansion of “family member”

The definition of family member was the source of much debate during the discussions of the earned sick leave bill, and the ultimate compromise resulted in definitions broader than that which is permitted under the federal Family and Medical Leave Act. Senate Bill 727 would expand the reach of the bill further to include in the definition of family member for whom leave could be taken, an individual whose “close association with the employee is the equivalent of a family relationship.” Such broad language creates new operational challenges for employers. How are employers to determine who qualifies as a “close relationship” under this definition?

Definition of Health Care provider

The bill would authorize “an individual licensed or certified under federal or state law to provide medical or emergency services” to determine if an employee’s presence at the workplace would jeopardize the health of others due to a communicable disease. Given the medical nature of such a determination, MACS believes this authority should be limited to health care professionals who are *licensed* by the state (doctors and nurses) and not include those who are only *certified* as healthcare professionals.

We therefore urge an unfavorable report.

Respectfully submitted,

Laura Howell
Executive Director
LHowell@macsonline.org

SB727M~1.PDF

Uploaded by: Italiano, Ginanne

Position: UNF

**SB727– MARYLAND HEALTHY WORKING FAMILIES ACT –
REVISIONS AND PUBLIC HEALTH EMERGENCY LEAVE**

TESTIMONY BY

**MARC ENGEL, COUNSEL TO THE BOARD, THE GREATER BETHESDA CHAMBER OF COMMERCE
EMPLOYMENT ATTORNEY & PRINCIPAL, LERCH, EARLY & BREWER**

BEFORE THE SENATE FINANCE COMMITTEE

MARCH 17, 2021

POSITION: UNFAVORABLE REPORT

Good afternoon. My name is Marc Engel, Employment Attorney and Principal of the law firm Lerch, Early & Brewer here on behalf of The Greater Bethesda Chamber of Commerce in **OPPOSITION to SB727**.

Although we understand the concerns which the legislation attempts to address, this bill is unnecessary as a practical matter and will unintentionally create substantial hurdles and challenges for employers. It will likely not have the anticipated beneficial impact upon employees and may actually have a number of unintended adverse consequences. It also leaves open a myriad of unanswered questions that will undoubtedly require either major revisions to the existing legislation.

As one who has been counseling employers of all sizes during the entire pandemic, my experience has been that employers have overwhelmingly attempted to address leave and other issues associated with the pandemic by relaxing sick and safe leave policies; relaxing paid time off policies; allowing PTO leave accounts to be replenished; paying for health insurance for employees who have been laid off or furloughed; and otherwise attempting to work in a collaborative fashion with employees when they are unable to work due, in whole or in part, to COVID.

My clients do not seem to be experiencing an unusual number of situations where employees claim that they do not have the requisite leave to take.

To some extent, the leave issues were ameliorated by the FFCRA which required many employers to provide employees with paid sick leave under the Emergency Paid Sick Leave Act, and expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act.

Employers in Montgomery County (which has its own Sick and Safe Leave Law which is more generous to employees than the MHWFA), in particular, must already navigate a complex leave structure. The sick and safe leave provided by the MHWFA is generous in my experience in comparison to other states.

Taken together, MHWFA, along with paid time off accounts which employers establish, and in conjunction with leave provided under the FFCRA (and Family and Medical Leave Act) provide ample leave payments and protections to employees.

In terms of employees who are required to quarantine, many employers have either allowed employees to use PTO, or simply paid for the time away without requiring that employees tap into their PTO accounts.



SB 727 Will Create Numerous Challenges (Financial and Otherwise) for Employers and May Not Benefit Employees as Anticipated

- As a practical matter, mandating that employers provide enhanced leave to employees will likely result in employers making changes elsewhere in their benefit package and in the manner in which they compensate employees. Unlike the FFCRA, which allowed employers to obtain a tax credit in certain situations for funding the cost of enhanced leave, no such credit exists under SB727.
- What I have seen repeatedly is that some employers may adjust the PTO which they provide to employees to account for the fact that they were required to provide sick and sick leave. Ultimately, this often does not benefit employees.
- In addition, employers may evaluate whether and, if so, to what extent raises should be provided when employers are faced with mounting costs associated with additional leave.
- Employers who are required to provide costly leave/benefits may curtail hiring and, perhaps more likely, prohibit overtime work.
- In summary, the existing mosaic of leave laws adequately addresses leave issues associated with emergencies in many, if not most, instances. In other instances where leave balances may fall short, many if not most employers, mindful of the importance of retaining good employees, have been relaxing leave policies and taking other measures to attempt to ensure that employees are paid to the greatest extent practicable under these historic circumstances.
- Some employers are concerned that providing employees with additional leave may not promote the safety practices which governmental authorities are urging to mitigate the impact and spread of the virus.
- Finally, the urgency for SB727 seems to have waned significantly in light of the enhanced vaccination which is occurring.

SB 727 leaves open a myriad of unanswered questions that will undoubtedly require either major revisions to the existing legislation and/or comprehensive regulations.

As written, SB727 leaves numerous unanswered questions and poses a number of problems, including the following:

- Unlike the FFCRA, the proposed SB727 does not require that employees be employed with the employer for a certain period of time before they are entitled to utilize leave under the Act.
- The bill, by its terms, applies retroactively which creates all manner of practical and financial problems for employers.



THE GREATER BETHESDA
CHAMBER of COMMERCE

Smart Business, Bright Future



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- SB727 does not describe the nature and extent of the Public Health Emergency which must exist in order to trigger the new law. It is one thing to sanction the leave in a situation where there is a pandemic, yet quite another where there is a Public Health Emergency that may last, for example, for a week.
- There are no certification requirements included in the new law in terms of employees having to make representations about the need for the leave. This is an important accountability feature.
- SB 727 extends protection to temporary and staffing employees. Not only will this likely prove very costly for staffing companies, but will likely be difficult to administer because employees are often placed with different employers throughout a year.
- It also seems likely that staffing companies forced to provide such leave and absorb the associated costs may consider (i) reducing the amount of other paid time off available and (ii) passing along those costs to clients.
- The net effect may be that SB727 hurts local staffing companies at the expense of larger, national companies which may be able to more readily absorb these costs.

The federal government issued numerous regulations and guidances to address the blizzard of questions raised about the FFCRA. Bottom line, SB 727 will either need to be rewritten or supported by a comprehensive set of regulations.

For these reasons, we ask that you vote **unfavorable on SB727**. Thank you.

SB0727-FIN_MACo_OPP.pdf

Uploaded by: Jabin, Drew

Position: UNF



Senate Bill 727

*Maryland Healthy Working Families Act -
Revisions and Public Health Emergency Leave*

MACo Position: **OPPOSE**

To: Finance Committee

Date: March 17, 2021

From: Drew Jabin

The Maryland Association of Counties (MACo) **OPPOSES** SB 727. This bill would place significant costs on local jurisdictions as a result of paying for additional leave required during a public health emergency.

Under state law, counties would have no choice but to fund these mandated changes to the Maryland Healthy Working Families Act—competing for limited local funds against school construction, public safety, roadway maintenance, and other essential public services.

Public sector employees include individuals like health officers, 9-1-1 operators, public safety personnel, and other front-line government staff who keep local services running for the health and safety of Maryland’s communities. They are essential at all times, but never more so than during a public health emergency, as the COVID-19 crisis has made abundantly clear. Effective local government response to an emergency is dependent on being fully staffed. SB 727 would require employers to offer an **additional** 112 hours of sick and safe leave per employee during a public health emergency, when public sector employees are most needed to serve their communities.

Additionally, removing the length of service requirement will mean more employees qualify for this benefit adding yet another extraordinary fiscal hit. Furthermore, the removal of the on-call provision for eligibility will be difficult to implement as many on-call employees serve as back up for employees that are already out on paid leave.

This legislation does not appropriately balance the goals of helping employees with the economic realities that counties are facing, and accordingly, MACo **OPPOSES** SB 727 and requests an **UNFAVORABLE** report.

SB0727_UNF_LS,MAADS,MNCHA,HPCNM_Healthy Worker Lea

Uploaded by: Kauffman, Danna

Position: UNF



Hospice & Palliative Care Network
OF MARYLAND



TO: The Honorable Delores G. Kelley, Chair
Members, Senate Finance Committee
The Honorable Brian J. Feldman

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer

DATE: March 17, 2021

RE: **OPPOSE** – Senate Bill 727 – *Maryland Healthy Working Families Act – Revisions and Public Health
Emergency Leave*

On behalf of the LifeSpan Network, the Hospice & Palliative Care Network of Maryland, the Maryland Association of Adult Day Services, and the Maryland-National Capital Homecare Association, we **oppose** Senate Bill 727. Senate Bill 727 makes changes that affect Maryland’s current Earned Safe and Sick Leave Act and requires additional leave to be provided to ALL employees by ALL employers during a public health emergency.

Senate Bill 727 changes Maryland’s current Earned Safe and Sick Leave Act, by removing the exemption that was originally granted for “on call” (also known as PRN) individuals (page 5, lines 13-18). These are individuals who may be called on by businesses to work a shift but who are not guaranteed to be called to work and can reject or accept the shift offered. They are not employees of any one business and often work for many businesses. It is a well-known practice in the medical field that businesses rely on these individuals to fill in for an absent employee or to cover a special situation. This category is beneficial for both the employer and the individual because it provides the employer with quick coverage to ensure it can meet the daily health needs of its patients/clients, as required by licensure regulations. For the individual, it provides flexibility for he/she to work in his/her chosen field without committing to a regular schedule.

The operational challenges that will be presented by removing this exemption will be insurmountable. A business will need to allow an individual on its “on-call” or “PRN” list to accrue leave and be paid leave when they are sick, even if the business did not call the individual to work or even have any intention of calling the individual to work, adding additional costs to the business. Another complication will be that many of these individuals offer services to many businesses. Will each business be required to provide leave, which could result in weeks of leave being available to these individuals? These challenges will only be exacerbated by the additional changes in Senate Bill 727 related to a declared public health emergency. For these reasons and many more, we oppose any removal of this exemption.

In addition to the above change, Senate Bill 727 requires employers to offer an additional 112 hours of leave for full-time employees and additional leave for part-time employees based on a specific calculation in the bill. The legislation states that employers are not allowed to request documentation for the leave and notice by the employee is only necessary if foreseeable. The leave in this bill goes into effect the day the bill is enacted and can be retroactive. The bill also expands the reasons for when leave can be taken and will allow the leave to be taken to care for any individual whose close association with the employee is the equivalent of a family relationship (new definition of “family member”). Again, this leave is in addition to the leave that is already required to be provided under the current Earned Safe and Sick Leave Act.

At the onset of the pandemic, the federal government required employers to provide additional paid sick leave to employees under the Families First Coronavirus Response Act, which ended on December 31, 2020. An employee was able to take this leave prior to taking any leave under Maryland’s Earned Safe and Sick Leave Act. Senate Bill 727 appears to continue this leave policy. For the healthcare industry, the COVID-19 pandemic exacerbated and shed a greater light on the healthcare shortages that have existed now for years. Health care providers were often scrambling to find additional staff when employers did not show for work due to a multitude of reasons. Unlike other businesses, healthcare providers must meet certain licensure and certification standards related to staffing. More importantly, care must be provided, and staff must be replaced, often requiring overtime to be paid or contracting with temporary agencies at a higher cost.

At the height of the COVID-19 pandemic, the need to provide greater leave policies was justified. However, with the increasing vaccination rates and declining metrics, Maryland’s current Earned Safe and Sick Leave Act provides employees with the opportunity to take leave and employers have continued to be flexible with leave as it relates to COVID-19. It is important to note that the federal Health and Human Services Department has already stated that the current public health emergency will be extended through the end of 2021, meaning that it is likely that the State’s emergency proclamation will also remain in effect, triggering the implementation of the bill’s provisions. In addition, the retroactive provision of this bill and the inability of the employer to request documentation will cause operational challenges for employers as they continue to struggle to provide health care services to Marylanders. Lastly, the language in the bill allows the leave to be taken for a “communicable disease” but does not specify that the “communicable disease” must be the subject of the declared public health emergency, which could theoretically provide for an even greater expansion of the leave than what may be intended.

To continue to provide necessary care during the COVID-19 pandemic, health care providers have made large investments in personal protective equipment, environmental modifications to accommodate the need to isolate and quarantine, testing of both residents/patients and staff for surveillance purposes, and the payment of hazard pay to recruit and maintain a workforce. These were unbudgeted expenses. While some organizations received federal and/or State funds to offset some of the increased cost, that funding has failed to cover the full impact of the expenses and many health care organizations are facing significant financial strife, given that many of these unbudgeted expenses are ongoing rather than one-time purchases. This bill will further strain the finances of these organizations, putting many, especially smaller providers, in greater financial strife.

For these reasons, the above-referenced associations respectfully request an unfavorable vote.

For more information call:

Danna L. Kauffman
Pamela Metz Kasemeyer
410-244-7000

SB727.pdf

Uploaded by: McCauley, Kirk

Position: UNF



WMDA/CAR Service Station
and Automotive Repair Association

March 15, 2021

Chair: Delores G. Kelly
Members of Finance Committee

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

Position: In Opposition

Every business wants their employees to be safe and take care of their families in this COVID 19 pandemic. The service stations ,convenience stores and repair facilities were there to service customers even while losing money. With businesses closed and so many employees working remotely from home, traffic was off as much as 75% and more in some locations. Restricted operated businesses and remote teleworking are keeping traffic well below normal now. This continues to affect not only gas and convenience stores, but our repair facilities as well. All classified essential, but essential does not mean profit.

Some essential businesses might have prospered in the last year, box stores, grocery chains and on-line retailers but my members were not in that class.

How does a business pay a \$15.00 dollar an hour employee 112 hours or \$1,680.00 plus taxes or repair facility pay a \$40.00 an hour technician 112 hours or \$4,480.00 plus taxes? We cannot print money and the reserve has run out. Federal PPP loans were a life saver for business and employees but are mainly used up. Pockets are turned out.

An employer cannot ask for documentation .

An employee is eligible for 112 hours of sick leave even if he or she started employment the day an emergency is declared.

An emergency can be declared by federal, state, county, or local officials with authority, which leaves it wide open to interpretation and enactment.

Is there any doubt the 112 hours will get used when you are required to give an employee notice that they can use this up to three weeks after the emergency is over and then it disappears?

Programs like this will only enhance the march toward artificial intelligence. Coupled with the current sick leave, minimum wage, and lack of customers, some of my member will not survive and others will do so with less employees.

While well intended this is another bill where one size does not fit all.

Please give SB727 an unfavorable Report

Kirk McCauley
WMDA/CAR
301-775-0221
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SB 727 Maryland Healthy Working Families Act – Rev

Uploaded by: McCulloch, Champe

Position: UNF



SB 727
Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave
Finance Committee
Position: Unfavorable

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 opposes SB 727 and respectfully urges the bill be given an unfavorable report.

SB 727 provides that all regular full-time employees of all public and private entities be given 112 hours (2 weeks) of earned sick and safe leave if appropriate officials declare a public health emergency. Part-time employees receive a pro-rated amount of leave. This leave is in addition to earned sick and safe leave under current law. The additional leave may be taken for a variety of reasons related to the emergency, including to care for persons not in the original Healthy Working Families Act. Employees are required to notify their employer as soon as practicable only if the need for paid sick leave is foreseeable and the employer’s place of business has not been closed due to the public health emergency. Employers may not require documentation of the use of the additional sick and safe leave. Finally, under Section 3, the bill is given retroactive effect and requires employers to give the additional leave retroactively to the declaration of the COVID-19 emergency.

The first objection is the overbreadth of the leave provision. Two weeks leave is based on the current COVID-19 pandemic recommendations for quarantine. Technically, the bill would provide 2 weeks and 4 days (112 working hours) leave, since weekends or their equivalent are not paid work hours. This is excessive even under the current pandemic. However, the bill addresses a “public health emergency” generally, not just the current pandemic. The length of additional leave should be subject to the best science available and not set at 14 working days *a priori*. The official declaring the emergency should be given the latitude to set the length of additional leave up to and including 10 work days as part of the emergency declaration. Note that even under the current pandemic, the Centers for Disease Control and Prevention recognizes the value of shorter periods of quarantine. “Reducing the length of quarantine may make it easier for people to quarantine by reducing the time they cannot work. A shorter quarantine period also can lessen stress on the public health system, especially when new infections are rapidly rising.”¹

Second, employers should be allowed to require validation of an employee’s reason for taking the additional medical emergency leave. While the vast majority of employees are honest and will not request leave for reasons not allowable, some employees will “cheat” on leave, whether out of unreasoning fear or simple opportunism. Existing law (§3-1311) recognizes that some employees will misbehave. It is a disservice to honest employees and their employers to allow these few bad actors to game the system.

¹ When to Quarantine - Options to reduce quarantine, <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>, accessed 2/25/2021, 4:49 p.m.

Third, employers who have managed to survive in the current pandemic should not suddenly find themselves saddled with the obligation to provide the additional leave retroactively. Many employers have bent over backwards to keep their workforce intact or nearly so at great expense to their businesses and to their personal financial solvency and well-being. Since the leave cannot be granted retroactively, the bill essentially mandates employers to pay two weeks wages for all their employees who took unpaid or partially paid leave – or claim that they would have taken leave - any time after March 5, 2020. Note that the employer under the provisions of §3-1306(F) is prohibited from requiring verification, so an employee’s word that he or she would have taken leave is law. This is patently unfair. The goal should be to move forward and allow employers to use their resources to restore their businesses.

Accordingly, Maryland AGC respectfully urges the Committee to give SB 727 an unfavorable report.

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

SB727_LOO_Maryland Healthy Working Families Act -

Uploaded by: O'Keeffe, Kevin

Position: UNF



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March 17, 2021

To: Members of the Senate Finance Committee

From: Independent Electrical Contractors (IEC) Chesapeake

Re: Oppose Senate Bill 727 – Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave

IEC Chesapeake opposed Senate Bill (SB) 727 and asks for an unfavorable report. IEC Chesapeake is joining with many of its business partners to request a pause on imposing additional financial and administrative burdens on businesses who have endured additional costs as a result of COVID-19. The construction industry, including electrical contractors, has had to expend additional money for personal protective equipment (PPE), which was not accounted for in their budgets.

In addition, it has been a continuous challenge to maintain a workforce during the COVID-19 pandemic. IEC Chesapeake's members want their employees to be safe and healthy during this challenging time. Expanding the eligibility of utilizing paid sick leave could result in the unintended consequence of harming businesses, many of which have been fragile for the past year.

Independent Electrical Contractors (IEC) Chesapeake represents members throughout Delaware, Maryland, Virginia, Pennsylvania, and Washington, D.C. Our headquarters are located in Laurel, Maryland. IEC Chesapeake has an extensive apprenticeship program for training electricians. In addition, IEC Chesapeake promotes green economic growth by providing education and working with contractor members, industry partners, government policy makers and inspectors to increase the use of renewable energy.

Thank you for your consideration. If you have any questions, please contact Grant Shmelzer, Executive Director of IEC Chesapeake, at 1-301-621-9545, extension 114 or at gshmelzer@iec-chesapeake.com or Kevin O'Keeffe at 410-382-7844 or at kevin@kokeeffelaw.com.



2021 SB727 MD Healthy Working Families Act.pdf

Uploaded by: Porter, Holly

Position: UNF



Educate. Advocate. Innovate.

Date: March 15, 2021
To: Members of the Senate Finance Committee
From: Holly Porter, Executive Director
Re: SB 727 – Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave
- OPPOSE

Delmarva Chicken Association (formerly Delmarva Poultry Industry, Inc.), the 1,600-member trade association representing the meat-chicken growers, processing companies and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware **opposes** SB 727 and asks for an unfavorable committee report.

SB 727 would repeal the exemptions from the Maryland Healthy Working Families Act for several categories, including agriculture workers. The bill also requires employers to allow employees to use sick leave during a public health emergency, requires employers to provide earned sick and safe leave on the date of the public health emergency was declared (retroactive) and requires earned sick and safe leave regardless of the employees' length of employment.

During the original discussions over paid sick leave, agriculture workers were exempted due to the difficulties that would be had by farms trying to administer this program – both burdensome financial and time resources.

This pandemic has had a tremendous impact on most people, especially agriculture – the people who are providing the food on our plates. Now is not the time to add additional expectations to our agricultural businesses around the state. DCA asks that the agriculture worker exemption stay in place.

Based on this grave concern of losing that exemption, DCA ask for an **unfavorable** committee report on SB 727.

Should you have any additional questions, please feel free to contact me at porter@dcachicken.com or 302-222-4069 or Nick Manis, Manis Canning & Associates, 410-263-7882.

SB 727 - MHLA - Rohrer - UNF.pdf

Uploaded by: Rohrer, Amy

Position: UNF

MHILA

Maryland Hotel Lodging Association

SB 727 – OPPOSE

Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave Finance Committee – March 17, 2021

Dear Chairwoman Kelley and Members of the Committee:

As the sole statewide trade association dedicated to advocacy for Maryland's lodging industry, we urge an unfavorable report on SB 727.

In recent years, Maryland employers have implemented paid sick and safe leave as required by the Maryland Healthy Working Families Act, and are also phasing in increased wages due to Maryland's pending \$15 minimum wage. The pandemic has compounded our challenges as hotel employers, working to balance the needs of sustaining our business with the equally important need of protecting our employees and guests from COVID-19, at a time when the demand for hotel rooms and meeting space has been drastically reduced.

SB 727 would:

- 1) **Permanently broaden existing paid sick and safe leave** by expanding the definition of a family member and removing the exemption for temp workers;
- 2) **Add additional paid leave during a public health emergency**, resulting in an additional 112 hours of paid leave for full-time employees and an equivalent calculation for part-time employees; and
- 3) **Create different administrative requirements for paid leave to be administered during a public health emergency, and 3 weeks following its termination.** The usual waiting period of 106 days of employment before an employee may take leave would be waived (§3-1304(c)(4)), and an employer's ability to request verification of after two missed shifts would also be waived (§3-1305 (g)).

If passed, SB 727 would place an unreasonable burden on employers at a time when hotels are operating with significantly reduced staffing levels. In the first ten months of the pandemic, hotels in Maryland were forced to shed 10,000 jobs, eliminating 10 years of employment growth in the state's lodging sector. According to BLS, hotels continue to lose jobs, with the sector's unemployment rate at 23.1% as of January 2021. Any paid reductions to already reduced staffing levels simply cannot be covered or absorbed.

The federal government has acknowledged the drastic impact of COVID-19 on lodging businesses, allowing for hotels to apply for two rounds of PPP funding. The second round even allowed hotels to calculate funding at a higher rate than other industries, using 3.5x average monthly payroll expense versus 2.5x for most other types of businesses. These loans are a mechanism to help hotels extend their existence and bridge the gap until economic recovery takes place. Any additional

MHILA
Maryland Hotel
Lodging Association

expenses at this time will only shorten the lifeline that has been extended to us, and increase the likelihood of additional defaults, closures and/or loss of jobs within the hotel industry.

Furthermore, the allowance for additional paid leave as created by this bill, to be used three weeks beyond the termination of the public health emergency, is counter intuitive to a return to “normalcy”. This scenario creates the potential for hotels to be extremely short-staffed, right at the moment when operations can ramp back up and business can truly begin to move forward in recovery from a pandemic or other health emergency.

Hotels are extremely concerned by the policies proposed in SB 727, and we urge an unfavorable report by the Committee.

Respectfully submitted,

Amy W. Rohrer, CAE
President & CEO

SB-727-Oppose - Google Docs.pdf

Uploaded by: Rybczynski, Adam

Position: UNF



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410- 939-1800
410- 575-7043

March 17, 2021

The Honorable Delores G. Kelley
Chair, Finance Committee
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

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

Madam Chair and The Honorable Members of the Finance Committee:

The City of Havre de Grace **opposes** senate bill 727. If passed, the legislation would create an unfunded mandate for the City in the amount of \$405,000.

Testimony of RAM - OPPOSE SB 727 Paid Sick Leave L

Uploaded by: Thompson, Melvin

Position: UNF



Senate Bill 727

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

March 17, 2021

Position: Oppose

Madame Chair and Members of the Senate Finance Committee:

The Restaurant Association of Maryland opposes this legislation because of the additional labor costs it would impose on employers in our industry.

As we have previously shared, the restaurant and foodservice industry continues to struggle to recover from the devastating financial losses related to the COVID pandemic and government-imposed operating restrictions.

This legislation would increase labor costs during a time when our industry simply can't afford it.

Most of the positions in our industry require a replacement worker when an employee can't work their scheduled shift, which doubles the labor cost when a scheduled employee is unable to work. This legislation would increase those labor costs because of the additional paid leave proposed.

During normal times, the restaurant industry operates on a narrow 4 to 6 percent profit margin. But during the COVID-19 public health emergency, many full-service restaurants have seen their sales revenue drop by 50 percent or more. Imposing additional burdens will make it more difficult for restaurant businesses to survive.

For these reasons, we respectfully oppose this bill as it is currently drafted.

Sincerely,

Melvin R. Thompson
Senior Vice President
Government Affairs and Public Policy

Livanta LLC OPPOSES SB0727 Public Health Emergency

Uploaded by: Wisniewski, Anthony

Position: UNF

MARYLAND SENATE BILL 727 (SB 727) - UNFAVORABLE

THE "MARYLAND HEALTHY WORKING FAMILIES ACT" IS DECIDEDLY UNHEALTHY FOR MARYLAND-BASED
FEDERAL GOVERNMENT CONTRACT COMPANIES, AND SHOULD BE REJECTED BY THIS COMMITTEE

WRITTEN TESTIMONY OF ANTHONY C. WISNIEWSKI, ESQ.

ON BEHALF OF AND REPRESENTING LIVANTA LLC

WEDNESDAY, MARCH 17, 2021 AT 1:00PM

SENATE FINANCE COMMITTEE

ANNAPOLIS, MARYLAND

Members of the Committee, SB 727 threatens to drive out Maryland's Federal government contract companies through forcing unfunded and unaffordable employer mandates to provide additional sick and safe leave for employees.

Livanta LLC is a Maryland business success story. Founded in Howard County in 2004, Livanta is headquartered in Annapolis Junction, Maryland. With offices in Maryland and Nevada, Livanta is primarily a Federal government contract company servicing high-impact Federal programs for Americans throughout the nation. In fact, we are the largest Medicare Quality Improvement Organization in the country.

If passed, SB 727 may force Livanta to transition most of its hundreds of Maryland positions to Nevada and elsewhere or otherwise risk going out of business because of this proposed bill's serious cost impact. These positions include nurses, physicians, coding specialists, social workers, call center personnel, mailroom employees, information technology professionals, systems security professionals and other staff.

For the specific reasons stated below, Livanta respectfully requests an **UNFAVORABLE REPORT** on SB 727:

First, SB 727 requires employers to provide an additional 14 business days, or 112 hours, of new, paid sick and safe leave for full-time employees during a declared public health emergency (e.g., if there are three different public health emergencies in a year, the employer

may have to give one or more affected employees up to 336 hours each, which is 14 days for each new public health emergency and a carry-over of unused days if an older public health emergency is renewed).

Second, this bill fails to allow an employer to require documentation to substantiate the legitimacy for such leave, thereby encouraging fraud, waste and abuse.

Third, leave is retroactive. For example, if a person took time off with regular sick leave to get a vaccine or to see a doctor for a well visit or preventative exam with concerns addressed on how to avoid infection with COVID, he or she could reapply for the leave to come out of this new pool of sick and safe leave. It is possible that former employees could be eligible for additional payouts based on the retroactive provision: an administrative nightmare.

Fourth, SB 727 requires an employer to provide said leave regardless of how long an employee has been employed with the business. Even after just one day of employment, an employee who does not have to prove anything can claim up to 112 hours of paid sick and safe leave.

Fifth, this bill confusingly expands the definition of a family member to include someone whose "close association with the employee is the equivalent of a family relationship." Apparently, a close friend might qualify. This is another administrative nightmare fraught with fraud potential.

Sixth, SB 727 removes the "temp worker" exemption from the Maryland Healthy Working Families Act. This will put temporary staffing agencies out of business and will no longer be a resource for a company like Livanta that has fluctuating workload requirements.

Simply stated, for Livanta to remain competitive in winning future Federal contract awards, it must show cost advantages over other companies throughout the nation where paid leave requirements are less onerous. Imposing the burden of additional paid sick and safe leave will both hinder Livanta and other Maryland-based Federal government contract companies from remaining competitive nationally and reduce our profitability to a point where we must reposition our main operations to less expensive states, such as Nevada. This will only cause Maryland to lose business tax revenue: a net loss to the State for an ill-considered decision to force unfunded and unaffordable employer mandates.

The work of Federal government contractor companies is ultimately paid by you, the American taxpayer. An onerous employer requirement to provide additional paid sick and safe leave only increases the costs to provide required, Federal services to Marylanders and the rest of the nation. Please continue allowing market forces to determine the amount of available paid leave, and to allow Maryland-based Federal government contract companies to remain viable for its employees and their families, and the overall fiscal health of the State.