



THE MARYLAND HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

HB 640 - Labor and Employment - Healthy Working Families Act - Application

SPONSOR TESTIMONY

House Economic Matters Committee, February 15, 2022

Chairman Wilson, Vice Chair Crosby and Members of the Committee,

The Healthy Working Families Act generally provides for up to 40 hours of leave during a calendar year. The leave is accrued at the rate of one hour for every 30 hours worked. All Maryland-based employees are entitled to accrue sick and safe leave except for employees that are specifically exempted.

HB 640 is a bill that addresses the specific exemption that applies to construction laborers covered by a collective bargaining agreement, and seeks to end the exemption.

Ending this exemption would prohibit the current practice of contractors almost universally demanding a waiver from the Healthy Working Families Act for construction laborers, requiring unions to bargain for their sick and safe leave. Sick and safe leave would now be provided without surrendering compensation or other benefits.

Construction "laborers" are the unskilled workers in the construction field, setting them apart from the skilled workers, such as electricians, masons or plumbers. They are generally the lowest paid construction workers and often tasked with the most physically demanding jobs, including but not limited to:

- preparing worksites
- clean-up of rubble with rakes and shovels
- digging trenches
- erecting scaffolding
- removing debris
- placing concrete and other materials

Because they are exempted from the Act and unions are required to negotiate, sick and safe leave becomes part of fringe benefits. Consequently, construction laborers must give up some other benefit, while all other Maryland employees - including those under collective bargaining agreements - receive the benefit by virtue of being a non-exempt Maryland employee.

Construction worker is not defined in the current law, creating an opportunity for confusion about who is a laborer vs. a skilled worker. To clear this up, this bill adds the definition of a construction laborer as follows: "CONSTRUCTION LABORER" MEANS AN INDIVIDUAL WHO IS CLASSIFIED AS A LABORER UNDER THE PREVAILING WAGE CLASSIFICATIONS ESTABLISHED BY THE MARYLAND DEPARTMENT OF LABOR.

Laborers shouldn't have to pay to obtain these benefits. They should be treated like all other Marylanders, including non-union construction laborers.

This legislation would simply guarantee that ALL construction laborers would be entitled to sick and safe leave just like every other Maryland employee.

For this reason, I ask for your favorable consideration of HB 640.