



The Voice of Merit Construction

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Mike Henderson

*President
Greater Baltimore Chapter
mhenderson@abcbaltimore.org*

Chris Garvey

*President & CEO
Chesapeake Shores Chapter
cgarvey@abc-chesapeake.org*

Dan Bond CAE

*President & CEO
Metro Washington Chapter
dbond@abcmetrowashington.org*

Amos McCoy

*President & CEO
Cumberland Valley Chapter
amos@abccvc.com*

Gregory Brown

*Chairman
Joint Legislative Committee
greg@waynesboroconstruction.com*

Marcus Jackson

*Director of Government Affairs
Metro Washington Chapter
mjackson@abcmetrowashington.org*

Additional representation by:
Harris Jones & Malone, LLC

6901 Muirkirk Meadows Drive
Suite F
Beltsville, MD 20705
(T) (301) 595-9711
(F) (301) 595-9718

TO: ECONOMIC MATTERS COMMITTEE
FROM: ASSOCIATED BUILDERS AND CONTRACTORS
RE: H.B. 902 – WORKERS’ COMPENSATION – HERNIA
POSITION: OPPOSE

Associated Builders and Contractors (ABC) opposes H.B. 902, which is before you today for consideration.

Under current law, an employee is entitled to worker’s compensation for hernias caused or aggravated by an accidental personal injury or strain arising out of their employment, so long as they file a claim within 2 years of the date of the accidental personal injury, unless the employer suffers prejudice by the failure of the employee to report the injury in accordance with Section 9-709(a).

The current law requires an employee to notify the employer of an accidental personal injury or strain within 45 days of the occurrence to avoid the prejudice defense of the employer. H.B. 902 would modify Section 9-709(a) to add that an employee must notify the employer of an athletic pubalgia hernia (sports hernia) within 45 days of diagnosis to avoid the prejudice defense of the employer.

The employers are still constrained to the prejudice defense, so long as the employee asserts the claim within 2 years of the accidental injury. It is our opinion that the proposed amendment encourages employees not to report accidents in the workplace. The employee already has the protection of the 2 years to file the claim, and then the employer can only raise timeliness on notice if it has suffered prejudice.

On behalf of the over 1,500 ABC business members in Maryland, we respectfully request an unfavorable report on H.B. 902.

Marcus Jackson, Director
Government Affairs