



February 14, 2024

Senate Finance Committee  
Senator Pamela Beidle  
3 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

**Re: SB 0750 – Workers' Compensation - Exceptions to Exclusivity of Liability – Oppose as written**

Dear Senator Beidle:

SB 0750 seeks to remove the exclusive liability clause under Maryland's Workers Compensation statute. This would allow the families of employees killed on the job/in the workplace to seek civil damages beyond any compensation received through workers' compensation in cases where the employer showed "deliberate intent".

The definition of "deliberate intent" is problematic. It would mean if the employer acted with in a manner that was premeditated, or willful in causing the injury or death; or had actual knowledge that an injury or death was substantially likely to occur and willfully disregarded that knowledge. If an employee is killed by the intentional act of another employee, a spouse/child/other dependent may bring actions against the employer for damages.

This change would virtually force businesses to have on site a mental health professional who is qualified to assess the intent of any particular employee who may act "suspiciously". Employers would be put into an untenable position for many reasons under this scenario. One such situation would be the risk of violating other laws (ADA, other anti-discrimination laws). An employee cannot "regard" someone as having a disability (mental illness in this case) and then take negative employment action against that employee. This leaves employers in a damned if they do, and damned if they don't conundrum.

Furthermore, it is highly likely that business liability insurance costs will rise along with the increased risk of being held financially responsible for the unpredictable actions of an employee.

Current Maryland law requires the employer's "actual, specific and deliberate intent to injure the employee" (Johnson v. Mountaire, Farms of Delaware, 503 A.2d 708 (1986) in order for the exclusivity rule to be overridden.



The Carroll County Chamber of Commerce, a business advocacy organization of nearly 700 members, opposes this bill as it is written. We therefore request that you give this bill an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads "Mike McMullin".

Mike McMullin  
President  
Carroll County Chamber of Commerce

CC: Delegate April Rose  
Senator Justin Ready