
BILL NO: Senate Bill 404
TITLE: Labor and Employment - Maryland Healthy Working Families Act – Verification
COMMITTEE: Finance
HEARING DATE: February 20, 2020
POSITION: **OPPOSE**

The Maryland Healthy Working Families Act (MHWFA), provides that an employer may require verification from an employee for leave that is used to cover 2 or more consecutive shifts, or for leave taken between the 107th and 120th day. Additionally, if an employee fails to provide the required verification, the employer's recourse is to deny subsequent requests for leave. SB241 seeks to change the status quo so that employers are able to unilaterally deny a request for sick or safe leave between the 107th and 120th day of employment if the employee fails to provide written verification to the employer, even if it is the employee's first time utilizing leave.

The Women's Law Center whole-heartedly supports the MHWFA because it provides a reasonable and comprehensive approach to ensuring an important benefit that protects the health and safety of families, workers, and the community. The WLC opposes any bill seeking to chip away at those provisions, which were the result of years of negotiations and compromise. Specifically, the WLC opposes SB241 because domestic violence does not provide advance warning of when it will strike, nor does it always provide opportunities for written verification. Survivors of intimate partner violence should not have to wait until the 121st day of employment in order to avail themselves of the safety provisions available under the MHWFA. SB404 will have a chilling effect on the legitimate use of leave, placing survivors of domestic violence in a vulnerable and unsafe position where they are unable to take the leave they need out of fear of repercussions from their employers.

The "safe leave" provisions in the MHWFA 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 a victim of domestic violence or sexual assault, it is imperative that survivors are able to get treatment for an injury or initiate legal proceedings without fearing they will lose their jobs if they take time off. This applies to all workers – regardless of their status. And the need to utilize safe leave can occur at any time, and without notice, not just after the first 121 days of employment. Furthermore, many activities commonly included in safety planning, such as leaving the area to stay with family or friends, or abruptly leaving to pick children up and take them to a safe place, do not allow for written verification. Nor should a survivor have to provide the intimate details of their safety plan with their employer.

The ability to have legal representation and/or to go to court to obtain a protective order can have a profound effect on a victim's ability to leave an abuser and optimize their safety. But in order to do those things, the victim must first be able to take the time to make those appointments. However, financial insecurity is one of the most common reasons women stay with their abusers, and it should be no surprise to learn that taking unpaid leave to appear at

court, or to make appointments with counselors or lawyers, is a financial burden too many of our clients are unable to bare.

A survey of American employees found that 44% of full-time employed adults personally experienced domestic violence's effect in their workplaces¹, while up to half of employed victims of DV report that they lost their jobs in part due to DV². In addition, as many as 96% experience problems at work due to abuse, 56% are late to work, 28% leave work early, 54% miss entire days of work³, and 47% were specifically prevented from working by the abuser⁴. At the same time, 65% of companies in this country do not have a formal workplace domestic violence prevention policy⁵, 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 HWFA 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. The ability to leave an abuser, and make decisions to ensure one's own safety, should not be limited based upon the start date for employment.

Therefore, the Women's Law Center of Maryland, Inc. urges an unfavorable report on Senate Bill 404.

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.

¹ Corporate Alliance to End Partner Violence, http://www.caepv.org/getinfo/facts_stats.php?factsec=3

² 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>

³ *Id.*

⁴ 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)

⁵ The Society for Human Resource Management, *When Domestic Violence Comes to Work*, 2013