



Maryland Developmental Disabilities Council

EMPOWERMENT • OPPORTUNITY • INCLUSION

Senate Finance Committee

February 27, 2020

HB 539: Labor and Employment – Family and Medical Leave Insurance Program – Establishment

Position: Support

Workers with disabilities and their families need to a broad array of supports to address their needs, lead independent lives and to contribute and participate fully in their communities and the economy. Access to paid family and medical leave is an important part of the range of supports people with disabilities and their families need. This is true for the estimated 26.3 million working age adults with disabilities, along with the 36 million working age adults with family members with disabilities living in the US, and the 11% of Marylanders with a disability and their families.ⁱ

WHY is this legislation important to people with disabilities and their families?

- **Paid leave can increase economic security and stability for people with disabilities and their families.** Maintaining the balance of work and care for oneself or a family member is a challenge for anyone, but is particularly challenging for people who provide that care to family members with disabilities. The effects of disability are intrinsically tied to issues of economic insecurity and instability. The Center for American Progress notes that **“disability or illness can lead to job loss and reduced earnings, barriers to education and skills development, significant additional expenses, and many other challenges that can lead to economic hardship.”**ⁱⁱ
 - One survey found that **more than 70% of family members providing care for people with intellectual and developmental disabilities reported that caregiving interfered with their work.**ⁱⁱⁱ
 - Another study found that the odds of a worker losing income increase by 48% if the worker lives with a child with disabilities and special health care needs and by 29% if the worker is caring for an adult with disabilities or health issues. **Having access to dedicated paid family leave reduces the odds of losing income by 30%.**^{iv}
- **Paid leave increase opportunities for workers, including people with disabilities, to take time off if they experience a serious health condition or if their needs intensify due to their disability.** People with disabilities are more likely to be employed in low-wage, part-time jobs which typically provide fewer benefits.

WHAT does this legislation do?

HB 849 establishes a Family and Medical Leave Insurance Program through which employees may take up to 12 weeks of paid leave from their jobs to care for new children, other family members with serious health conditions or disabilities, or themselves. An employee is eligible for the wage replacement benefits if the employee:

- Is caring for a newborn child or child newly placed for adoption or foster care;
- Is caring for a family member with a serious health condition or disability;

- Has a serious health condition that makes the employee unable to perform his or her job;
- Is caring for a military service member; or
- Has a specified need resulting from the military deployment of a family member.

WHAT is different this year?

- The definition of family member is defined less broadly this year, and aligns with the Healthy Working Families Act of 2018, yet still captures the demands of all working families.
- The amount of contribution is specifically stated and requires a 50/50 split between employees and employers.

However, the Council understands the ongoing concern expressed by people with developmental disabilities who self-direct their services as well as the providers who support people with developmental disabilities. Specifically that the required contribution by employers – in this case those organizations that provide support to people with developmental disabilities – is another unfunded mandate. **While the contributions ensure a solvent system of necessary supports, and preliminary data shows offering paid family and medical leave may help with recruitment and retention of direct support professionals,** it may prove too difficult to find a direct support professional to provide the support when another takes leave.

Paid leave means all employees can give and get the support they need – to their children, their families, or themselves. For people with disabilities and their families, access to paid leave means increased opportunity, flexibility, and financial resources.

For these reasons, the Maryland Developmental Disabilities Council supports SB 539.

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ⁱ American Community Survey estimates.

ⁱⁱ January 2015. Center for American Progress, *A Fair Shot for Workers with Disabilities*.

ⁱⁱⁱ May 2011. The Arc. *2010 FINDS National Survey: Family and Individual Needs for Disability Support*.

^{iv} June 2015. AARP. *Caregiving in the US*.