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Patrick Moran - President

**Testimony**  
**SB 642 – State Retirement and Pension System - COVID-19-Related Death**  
**Benefits - Clarification**  
**Budget & Taxation**  
**February 18, 2021**  
**Support**

AFSCME Council 3 strongly supports SB 642. This legislation would clarify the eligibility of members of the State Retirement and Pension System for “line-of-duty” death benefits when COVID-19 caused or contributed to the death of a member, and require the Board of Trustees for the State Retirement and Pension System to accept the death of a member as arising out of or in the course of the actual performance of duty.

We have never dealt with a challenge like COVID-19 before. Frontline employees across Maryland have fearlessly continued reporting to work even through shortages of PPE and information. As we learned more about the virus, other states identified ‘hot spots’ where the virus was likely to grow out of. In Maryland, frontline staff heard the call and responded to the challenge. Because of the work of frontline employees, we have limited community transmission out of our public congregate care facilities.

This has been done while having to surmount seemingly endless obstacles put before us:

- A lack of Personal Protective Equipment, a fight still ongoing over getting N95 masks to our members and appropriate gowns for those in the closest contact of the virus;
- A lack of planning and safety protocols that have led to wildly divergent responses to outbreaks from facility to facility, campus to campus. To this day AFSCME has been unable to bring the University System of Maryland to the table to negotiate health and safety protocols for a virus that cares not whether you’re

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a Terrapin or a Terrier. In every state agency AFSCME has been demanding, begging, pleading for guidelines and protocols to ensure the health and safety of our worksites. The response has been underwhelming. What we need are health and safety mandates that are statewide and enforceable. Our neighbor to the south, Virginia, became the first state in the nation to establish detailed coronavirus-related safety mandates that all companies under the jurisdiction of VOSH must abide by. The General Assembly has seen numerous bills introduced this session to address this situation, and AFSCME is wholeheartedly supporting them. Ultimately laws are only as effective as enforcement, and MOSH is in desperate need of being upgraded to a fully functioning and operational enforcement agency.

- Maryland's chronic understaffing of its facilities made a bad situation worse. Staffing levels at county health departments that never returned to pre-Great Recession levels has hindered the ability to fight the pandemic and deliver vaccines; unemployment insurance claims are still significantly backlogged, and delivery of SNAP benefits have been hampered by understaffing. Meanwhile there are real safety concerns with so much overtime being mandated: we have facilities that are requiring our members to do consistent 16-hour shifts.

All of this has come with a horrible cost: thousands of state employees have contracted the virus while continuing to serve Marylanders, particularly those in crisis. And to date, we are *aware* of ten deaths in the Division of Corrections, the Department of Health, the Department of Transportation and within the campuses of the University System.

We applaud the Joint Committee on Pensions for this legislative undertaking and encourage the committee to continue its vigilance. The long-term effects of COVID-19 are still being discovered, and it's highly likely that state disability benefits will need to be addressed before we can put this viral nightmare behind us.

We thank you, and strongly urge a favorable report of SB 642.