

# **SB642\_FAV\_SenElfreh**

Uploaded by: Elfreh, Senator Sarah

Position: FAV

SENATOR SARAH ELFRETH  
*Legislative District 30*  
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Budget and Taxation Committee

*Subcommittees*

Education, Business and Administration

Chair, Pensions

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Joint Committee on Administrative,  
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Joint Committee on the Chesapeake and  
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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 18, 2021

**Testimony in Favor of SB642**  
**State Retirement and Pension System - COVID-19 Related Death Benefits - Clarification**

Fellow members of the Pensions Subcommittee,

I respectfully request a favorable report of Senate Bill 632 -- legislation put forward by the Joint Committee on Pensions (JCP) -- which would ensure that we, as a State, fulfill our promise to our State Employees who have served on the front lines throughout the course of the COVID-19 pandemic.

As background and as cited in our December 9th JCP decision document, “existing law provides a benefit for a line-of-duty death of a member of one of the several systems. These benefits are found under Title 29, Subtitle 2 of the State Personnel and Pensions Article. Generally, if an employee dies or is killed in the performance of their duty, their surviving family members can receive a benefit of an allowance of two-thirds of the member’s average final compensation and payment of member contributions.”

At that meeting we voted to recommend legislation to clarify that line-of-duty death benefits are eligible to be received in the event of a COVID death - and this legislation is the fruition of that vote.

To that effect, Senate Bill 642 will clarify that a system member’s death caused by COVID-19 can be eligible for a line-of-duty death benefit, provided that:

- The member contracted COVID-19 during the state public health emergency declared by Executive Order (beginning March 5th, 2020);
- The member dies as a result of COVID-19; and
- The member’s duties required the member to interact with other people within 14 days prior to the appearance of symptoms consistent with COVID-19, confirmed in writing by a licensed health care provider.

The Bill sunsets the benefit on June 30, 2022 and has a number of reporting requirements necessary for the General Assembly to make future decisions on this policy, including:

- Reporting periodically on any benefits awarded;
- Reporting by December 1, 2021 on the number of applications that have been denied and the aggregate summary of the reasons for which an application was denied.

I respectfully request a favorable recommendation on Senate Bill 642.



**AFSCME-FAV-SB642**

Uploaded by: Kilpatrick, Lance

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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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An employee has the right to a union representative if requested by the employee.  
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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.

# **SB642 - State Retirement and Pension System - COVI**

Uploaded by: Zwerling, Samantha

Position: FAV

**Testimony in SUPPORT of Senate Bill 642  
State Retirement and Pension System - COVID-19-Related Death Benefits – Clarification**

**Senate Budget & Taxation Committee  
February 18, 2021**

**Samantha Zwerling  
Government Relations**

The Maryland State Education Association supports Senate Bill 642, which extends line of duty death benefits to State Retirement members and their families when COVID-19 caused or contributed to the death. MSEA thanks the Joint Committee on Pensions for working to provide some recognition of the public servants who have passed due to the pandemic. This bill will help to provide some relief for families grieving the loss of their loved ones who lost their lives in the line of duty.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

Unfortunately, Maryland educators have seen death in the pandemic, and we have lost members in our ranks. These have been teachers, educational support professionals, and janitorial staff. While there is nothing we can do to bring those loved ones back, this bill would help to ensure that the families of those educators are cared for.

This bill would make Maryland second in the nation, after New York, to pass this type of legislation. If passed, Maryland would once again be a leader in supporting educators and their families. MSEA appreciates the Joint Committee's forward-thinking and championship on this issue.

**For those reasons, MSEA urges a favorable report on Senate Bill 642.**