



**SEIU MARYLAND & DC STATE COUNCIL**

1410 Bush Street, Suite F, Baltimore, Maryland 21230

Testimony in **OPPOSITION to Senate Bill 594**  
**Labor and Employment – Maryland Healthy Working Families Act - Verification**  
Senate Finance Committee  
February 25, 2021  
1:00 PM

Presented to: Delores G. Kelley, Chairman

By: Terry Cavanagh, Executive Director

SEIU Maryland & DC State Council urges a **Unfavorable Report to SB 594.**

We are proud to have been part of the Earned Sick Leave campaign from the outset and worked with many of you to finally make the Maryland Healthy Working Families Act law. At long last, hundreds of thousands of working Marylanders, who would either go to work sick or lose pay when they or a family member was sick, would have the ability to earn a few sick days per year.

SEIU is the largest union in North America. We unite workers in health care, public service, including public education, and property services to improve lives and the services we provide. We represent over 50,000 workers in the Maryland/DC/Virginia region. Many members have been active in passing ***Earned Sick Leave*** laws across the country because, if not for the passage of these laws, many of us would not enjoy the security of having some sick leave on the books.

SB 594 would renege on a promise made to working Marylanders. It is supported by many of the same opponents of the original Earned Sick Leave bill and who having been trying to undermine it ever since.

As you may recall, Healthy Working Families legislation was passed after several years of painstaking review, compromise and amendments, including the verification clause (3-1305. (g) 2.). Under SB 594, what may be promoted as a slight change, could unravel the entire law. If you allow the deletion of “mutually agreed” to “written notice about the requirement” it completely changes the power dynamic that exists in the workplace, and that the General Assembly recognized when it adopted this language.

Proponents of SB 594 may say that the Finance Committee and the Maryland State Senate didn't know what you were doing when you approved this language. We disagree. We believe you understood that by adopting "mutually agreed" you were aware that absent that phrase, employers would be able to thwart workers ability to access the leave they had earned. Why is that?

"Verification" is one of those words that sound good to people in the secure middle-class or with higher incomes, or employers. However, that is not the target of the Healthy Working Families Act.

There has always been a suspicion by employers about whether a worker or worker's family member is actually sick or may be taking a "mental health day" or just using paid sick leave as an unannounced, unscheduled vacation day.

It would not be credible to claim there are not instances of such abuse. However, let's consider more likely scenarios for working families.

- A. You wake up in the middle of the night with a stomach virus. You're up half the night. In the morning you call in to work and let them know you're sick and not able to come to work; or
- B. Your child or elderly parent has a mental or physical health issue in the morning before you leave for work. This has happened before. You are not alarmed, but you must deal with it. You call work and let them know you won't be in and need to take a sick day.

This bill would require workers to get some verification. Do we assume that "verification" in this sense means by a professional health care provider? If so, this could require the worker to contact their doctor or other health professional, though they are far less likely to have a regular doctor. If they do see a doctor or other medical health professional, they are highly likely to be told to take some medication (if so, it may be something they can't afford) and go home and rest – exactly what they would have done absent a verification requirement. And they will get billed.

The very people covered by the Sick and Safe Law are less likely to have health insurance, or, if they do, it may have high deductibles. These are, by and large, lower-wage workers who are least able to afford deductibles.

So, by forcing workers to use money they may not have, to access paid sick leave they once had, effectively takes away this benefit.

Employers, unscrupulous or not, will have gained the ability to deny sick leave to a large number of workers in Maryland. That is not what the General Assembly intended when they passed the **Maryland Healthy Working Families Act**.

**We urge you to reject this attack on Maryland workers and give an Unfavorable Report to SB 594. Thank you.**