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Legislative District 14
Montgomery County

Budget and Taxation Committee

Subcommittees

Vice Chair, Capital Budget

Chair, Education, Business and
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Craig J. Zucker
Senate Bill 860- Workers' Compensation - COVID -19 Occupational Disease Presumption -
Public School Employees
Senate Finance Committee
March 9th, 2021
1:00pm
Position: SUPPORT

Good afternoon Chairman Kelley, Vice Chairman Feldman, and distinguished members of the committee. It is my pleasure to testify today in **support of Senate Bill 860 - Workers' Compensation - COVID -19 Occupational Disease Presumption - Public School Employees.**

Senate Bill 860 is an emergency bill that would establish the presumption that educators and other public school employees who contract COVID -19 after reporting to the workplace are deemed to have suffered an occupational disease in the line of duty. This emergency legislation would add COVID-19 to the established list of compensable occupational diseases for public school employees filing workers compensation claims from March 1, 2020 through July 31, 2022.

This legislation would include paid public school employees, including teachers, support staff, and administrators. Applicable employees would be eligible for this workers' compensation presumption if they reported to a school building (or assigned workplace) and were diagnosed with COVID-19 within 14 days of reporting. Said diagnosis would have to be verified by a positive test result from an authorized healthcare professional.

As long as the employee is temporarily totally disabled, and cannot work, then they would be eligible for workers' compensation. The period of time off is as unpredictable as the virus itself. That is no different than with any other accidental injury or occupational disease. Under the law, the first 3 days are not paid until the employee is out for 14 days at which point the first 3 days would be paid. That said, most collective bargaining agreements for school employees include workers' compensation leave that provides employees with paid leave beginning on day 1 (assuming that it is determined to be a compensable claim). In addition, this bill adds another layer of accountability to ensure that local education agencies properly implement these policies appropriately to avoid unnecessary exposure to COVID-19.

As a result of the COVID- 19 pandemic, our public school employees, including educators, have and continue to face unprecedented workplace health challenges. While these educators have

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been told they would be provided adequate personal protective equipment (PPE) and that schools would have thorough health and safety procedures, unfortunately there is still a likelihood that people will contract COVID-19. In the face of these dangers, this bill would provide a very deserved protection for these individuals who have encountered so many new and complex difficulties during this unprecedented time.

For these reasons, I urge a favorable report on Senate Bill 860 to help improve and protect the safety of Maryland school personnel. Thank you for your kind consideration.