

**Testimony in SUPPORT of Senate Bill 860  
Workers' Compensation – COVID-19 Occupational Disease Presumption – Public School  
Employees**

**Senate Finance Committee  
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The Maryland State Education Association strongly supports Senate Bill 860, which presumes that educators and other public school employees who contract COVID-19 after reporting to the job site to have suffered an occupational disease 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).

MSEA strongly supports this bill that would help to ensure that educators who are forced back into school buildings are able to access workers compensation benefits.

As MSEA's President wrote to Dr. Salmon, "No one wants to get back to school safely and sustainably more than educators. We, the educators working daily with students and families, are painfully aware of the effects of this year's challenges and trauma upon our students and their families. We are frustrated by the lackadaisical implementation of, and resources for, safety measures in our schools. We are frustrated by the lack of availability of vaccines after being told how important it is for us to get vaccinated. We want to be back in our schools, safely and sustainably, for our students."

Passage of this bill would provide an incentive for school systems and other employers to implement re-opening health and safety protocols with fidelity. While educators have been told they would be provided with adequate personal protective equipment and that schools would have thorough health and safety procedures, that is not what our educators are seeing on the ground. This bill adds another layer of accountability to ensure that local education agencies are actually implementing these policies appropriately to avoid unnecessary exposure to COVID-19.

Workers compensation benefits include not only medical treatment and missed wage replacement, but also additional leave benefits under the collective bargaining agreement for affected employees. Significantly,



those leave benefits are separate from sick leave. This is especially important in a female driven profession such as education, where employees often have little leave left due to childcare and birth.

This bill importantly is retroactive back to March 5<sup>th</sup>, the date of the Governor's State of Emergency declaration. Many of our members never left or returned to the school buildings during the shutdown. The staff included custodial staff, technology assistants, food and nutrition workers, to name a few. Unfortunately, some of these frontline heroes contracted COVID-19 during that time. They should not be excluded from protections and benefits that occupational disease presumption would provide while at the same time limiting the school system's potential exposure to costly litigation.

**MSEA respectfully urges a Favorable Report on Senate Bill 860.**