**Additional Concerns on SB0486:**

**Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)**

1. **Hazard Pay** - employers would be required to pay workers defined as essential an additional $3 per hour in hazard pay dating back to the start of a state of emergency. The definition of essential is broad and covers a significant number of employees and professions, including but not limited to landscapers, cable TV operators, plumbers, electricians, HVAC companies, and more. Not only would costs for DSP essential wages increase without a funding mechanism to cover the large costs, but all operating costs would increase for providers as they rely on these other industries to operate their facilities.
2. **Financial assistance for healthcare costs** - The bill would require employers to provide financial assistance for "unreimbursed health care costs" to each essential worker who becomes sick or is injured at any time during the state of emergency regardless of whether or not the illness or injury occurred at work. Again, there is no funding in the bill to offset these costs for Medicaid providers such as DDA providers and people who self-direct.
3. **Right to Refuse Work** - If an employee fears for their health due to the "nature of the work" being performed, they may refuse to work. Employees already have a right to refuse to work under unsafe conditions but this bill expands that right and the employee protections for refusal of work: The fear is that this expansion may dramatically impact the availability of essential healthcare support staff to work in group homes and other congregate settings that have a higher rate of infection. This bill gives employees the discretion to make this decision, at the moment, without providing a mechanism for addressing any abuses or verification by the employer.

Additionally, the bill would require an "evacuation of the worksite" until it has been properly sanitized. This is unnecessary and may place people with disabilities who reside in group homes at greater risk of contracting illness if they are displaced from their homes during a pandemic due to this requirement.

1. **New Leave Program** - The legislation creates a new leave program whereby employers will be required to provide at least three days of bereavement leave and fourteen days of health leave. Health leave is defined as paid leave during an emergency due to the worker’s illness or other health needs related to the emergency. Again, there is no funding in the bill to cover the cost of this new leave and emergency replacement staffing that the provider or self-directing person would need to provide.
2. **The definition of an emergency is broad** and would cover a wide range of emergencies in the state, including hurricanes and other serious events, without establishing whether a particular "essential" industry would be impacted by each distinct emergency.

Our community-based system of services and supports for people with IDD is already required to comply with federal, state, and local regulatory requirements related to employee pay and safety. This bill would considerably expand requirements and jeopardize the health and safety of people with IDD while creating dramatic unfunded mandates that significantly impact organizations and people with disabilities who self-direct their services.