



Senate Bill 756

Workers' Compensation – Occupational Disease Presumptions – COVID-19

MACo Position: **OPPOSE**

To: Finance Committee

Date: March 9, 2021

From: Drew Jabin

The Maryland Association of Counties (MACo) **OPPOSES** SB 756. This bill would dramatically expand the scope of presumption for workers' compensation claims, therefore placing significant costs on local jurisdictions.

SB 756 would add COVID-19 as a compensable occupational disease for workers' compensation, creating a nearly irrebuttable presumption that any affected worker should be compensated by the employer, even if there is no supporting evidence for an actual workplace exposure that caused the illness.

The bill's changes also essentially mean there would be no statute of limitations that would apply to these claims, creating the potential for exorbitant county costs and financial burden. This is because instead of the statute of limitations running two years from the date of being off from work, the statute runs two years from when the employee had actual knowledge that contraction of COVID-19 was due to their employment. Actual knowledge could extend the limitations by decades and has done so in many county cases under the heart-lung presumption and other occupational diseases.

This bill, as woven into current statutory law (and case law), does not include any means for an employer to rebut the presumption. As a result, even if the claimant were out grocery shopping, attending parties, eating in restaurants, or engaging in any risky behavior (e.g., not wearing masks, not social distancing, travelling, etc.), the employer would still be responsible. It does not even matter if the employee can trace the diagnosis to a family member. These practical effects ultimately make the employer responsible and applies strict liability to the employer. Additionally, under this bill there is no differentiating between a front-facing employee and another employee who may have a member of the public walk by their workstation, therefore increasing the pool of eligible employees able to claim workers' compensation by a significant amount.

This legislation would create new, unbalanced laws to manage workplace COVID claims, and would have significant effects on county government finances. Accordingly, MACo **OPPOSES** SB 756 and requests an **UNFAVORABLE** report.