



Maryland SHRM State Council, Inc.

HB8/SB0275*

Labor and Employment-Family and Medical Leave Insurance Program – Establishment (Time to Care Act 2022)

SPONSOR: Delegate Valderrama (Economic Matters)

***Senate Sponsors: Hayes & Benson (Finance Committee)**

What is Maryland Society for Human Resource Management State Council, Inc. (Maryland SHRM)

The Association represents more than 7,000 members of the Society for Human Resource Management (SHRM) across the state. As HR professionals, we are committed to supporting legislation, which will help Maryland's employers recover economically to sustain employment opportunities and facilitate new job growth for Marylanders.

Current Employer Challenges

In this ongoing pandemic Maryland's economy has been hit hard by COVID-19. Many of our members report that they're still operating at a fraction pre-pandemic revenue. This has resulted in unprecedented employment decisions, and permanent layoffs. With vaccine testing shortages and new strains of this virus, there seems to be no end to our prolonged challenges. We have also been impacted by Federal Executive Orders relating to vaccines and have had to pivot numerous times with ongoing court challenges to these mandates. We are the job creators and we're struggling just to survive. Maryland's Comptroller's Office estimated that approximately 30,000 Maryland businesses have closed or will close permanently as a direct result of the pandemic.

Issues - HB8 SB0275

The following are some of MD SHRM's concerns with the bills as drafted:

- May create a new and additional paid leave benefit, rather than providing pay for existing unpaid leave
- Prohibit employers from requiring use of paid leave before using leave without pay (LWOP)
- Creates an administrative burden requiring employers to provide notice at least three times
- Imposes monetary penalties before we have implementing regulations (there are still none for Maryland's Healthy Working Families Act)
- Prohibits an employer from modifying any existing policy to offset the cost
- Does not provide a process that includes employers in the granting or denial of benefits (like Unemployment Insurance does to prevent fraud or abuse)
- As a state, Maryland is still recovering from a cyber breach, issues with UI covid payments and exhausting financial resources and personnel to address these issues
 - The fiscal note on this proposal would cost Maryland an unbudgeted \$20 million to administer such a program and that number is expected to grow

We welcome the opportunity to be a resource to you in how this proposed legislation will impact Maryland's workplaces.



Maryland SHRM State Council, Inc.

HB1

Constitutional Amendment – Cannabis – Adult Use and Possession

SPONSOR: Delegate Clippinger (Judiciary)

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Issues – HB1

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Expanding medical use of cannabis to recreational use presents safety challenges within the workplace. It is difficult to definitively quantify the effect marijuana use has on productivity and safety.

However, a National Institute on Drug Abuse study found that employees who tested positive for cannabis had 85% more injuries, 55% more industrial accidents, and 75% higher absenteeism rates.

Until recently, challenges to employee terminations for testing positive for cannabis were almost always dismissed and justified under employers' drug-free workplace policies.

In some cases, the termination was challenged under state laws that provide protection for personal conduct away from the workplace. The courts consistently ruled that since cannabis was unlawful under federal law, the enforcement of a drug-free workplace policy banning cannabis presence was permissible despite state law. However, that is no longer the case in an increasing number of states.

The amount of tetrahydrocannabinol (THC) in marijuana determines its strength, and it can have vastly different effects on users depending on their body weight, method of consumption (smoking versus edibles) and patterns of use—occasional users compared to daily users, for instance.



Adding to this challenge is testing for the level of impairment vs. simply testing for THC. There is no scientific test for impairment. Current tests only show whether someone has used marijuana, not their level of impairment as with alcohol, as an example.

Absent a federal policy on recreational adult use of cannabis, or available tests for drug impairment, Maryland SHRM cannot support expansion beyond the current allowance of medical usage.

We welcome the opportunity to be a resource to you in how this proposed legislation will impact Maryland's workplaces.