2020 POLICY PRIORITIES – LEGISLATIVE WRAP UP

JOTF advocates for legislative and budget proposals that improve the economic opportunities of Maryland’s low-skill, low-income workers and their families. Our public policy advocacy efforts recognize that a healthy Maryland economy requires laws and policies that meet the workforce needs of employers and promote fair and equitable access to economic opportunities for low-income Marylanders.

This session, the Maryland General Assembly was temporarily adjourned before its scheduled April closing date due to the global COVID-19/Coronavirus pandemic. Depending on the impact of the virus transmission, the legislative session is expected to resume in May to allow the legislature to continue any unfinished business.

During the 2020 state legislative session, JOTF supported the following legislative and budget initiatives on behalf of low-wage, low-skill workers and job-seekers in Maryland:

**Protecting Worker Supports and Benefits**

Everyone deserves the opportunity to care for themselves and their families in times of sickness, childbirth, domestic violence, or any health challenge without risk to their economic security and stability. For six (6) years, JOTF partnered with over 150 organizations around the state to pass the Maryland Healthy Working Families Act for low-wage workers in need of earned or job-protected sick and safe leave. This law went into effect in February 2018. Yet every year since the law took effect, JOTF and partners have fought against efforts to repeal provisions of the law and exempt workers such as substitute teachers, healthcare workers, and seasonal workers.

Given the COVID-19/Coronavirus pandemic impact during the legislative session, there was a rush to close schools, businesses, limit social gatherings, and eventually, restaurants, bars, and shopping centers to limit virus transmission. This led to a renewed focus on protecting the safety net for our vulnerable residents, specifically low-wage workers.

As a result, emergency legislation was passed to provide the necessary support to workers experiencing layoffs and businesses struggling due to the shutdown before the legislature officially adjourned. These efforts included expanding access to paid sick and safe leave under the Maryland Healthy Working Families Act and to unemployment insurance benefits for unemployed and displaced workers. These efforts that would take effect immediately. A brief description of each is below:
1. **Senate Bill 1080/ House Bill 1663: COVID–19 Public Health Emergency Protection Act of 2020** grants the Governor the authority to establish precautions for the State of Maryland during the state of emergency. This bill aims to protect Marylanders from economic hardship that may result from this pandemic. This bill prohibits cost-sharing by an insurance carrier for COVID-19 testing and employers from terminating an employee solely on the basis that the employee has been required to be isolated or quarantined. It allows the Maryland Department of Health (MDH) to offer more flexibility in staffing during the state of emergency and establish telehealth protocols. Permits the Secretary of Labor to allow employees who have not been terminated to collect unemployment insurance if their employer has been closed due to COVID-19 have been quarantined or caring for a family member who has been quarantined. This legislation passed through both chambers and is currently being implemented.

2. **House Bill 1313: Family Investment Program - Temporary Cash Assistance - Eligibility** as amended, prohibits the Department of Human Services (DHS) from reducing or terminating the assistance provided to Family Investment Program (FIP) recipients for noncompliance with work activity requirements if individuals have "good cause." Individuals who are noncompliant with FIP work requirements for a good cause must receive a lesser sanction, particularly individuals who have children in the assistance unit. The legislation successfully passed both Senate and House chambers and is headed to the Governor's desk for signature.

3. **Senate Bill 539/House Bill 839 Time to Care Act** establishes the Family and Medical Leave Insurance Fund (FAMLI) that would provide temporary benefits to a covered individual taking leave from employment. This bill would provide up to 12 weeks of benefits to a covered individual taking leave from work due to the individual's serious health condition and family circumstances. The FAMLI Fund consists of both the employer and employee contributions, which will cover benefits, a public education program, implementation, and administrative costs. The weekly allowance, which is based on an individual's average weekly wage, ranges from $50 to a $1,000 cap that is indexed to inflation. Neither bill received a committee vote.

JOTF continued to defend aggressively, monitor, and provide oversight of the implementation of the *Maryland Healthy Working Families Act (MHWFA)*. We managed to eliminate five (5) separate bills seeking to jeopardize the MHWFA:

4. **Senate Bill 241 - Maryland Healthy Working Families Act - Applicability** exempts an employee who is called to work by a local board of education on an as-needed basis, can reject or accept the shift offered and is not guaranteed to be called on to work by the local board of education. JOTF actively opposed this legislation as it would directly eliminate any access to earned leave benefits for substitute teachers. The legislation failed to secure a vote in the Senate Finance Committee.

5. **Senate Bill 906/ House Bill 1021 - Maryland Healthy Working Families Act - Seasonal Temporary Workers**, increases the period, from the first 106 days to the first
120 days of employment, during which an employer is not required to allow an employee to use earned sick and safe leave. JOTF actively opposed this legislation as it would directly eliminate any access to earned leave benefits for seasonal workers. Both bills received an unfavorable report in their respective committees.

6. **Senate Bill 404/ House Bill 908 - Maryland Healthy Working Families Act - Verification** authorizes an employer to require verification that earned sick and safe leave is used appropriately when the leave is used during the period between the first 107 and 120 calendar days that an employee was employed. Neither bill received a committee vote.

**Decriminalizing Poverty - Reducing the Impact of Incarceration on Workers**

JOTF knows that a criminal record can serve as the cause and consequence of poverty, even if it does not include a guilty conviction. In 2018, JOTF released its groundbreaking report, "The Criminalization of Poverty: How to Break the Cycle Through Policy Reform in Maryland." JOTF defines "the criminalization of poverty" as state laws, policies, and practices that unnecessarily penalize the poor. The report examines state laws and policies that criminalize and penalize poor communities of color and provides policy recommendations to dismantle these practices and systems. This includes policies that facilitate regular interaction with the criminal justice system through racial profiling, child support debt, motor vehicle laws, court-related fines, and fees; and the collateral consequences of the criminal record.

During the 2020 state legislative session, JOTF supported the following proposals to decriminalize poverty and reduce the impact of incarceration on workers:

7. **Senate Bill 513/ House Bill 1377: Conditions of Pretrial Release - Home Detention Monitoring** required the state or local jurisdictions to cover the costs of pretrial fees, specifically GPS monitoring, for indigent pretrial defendants. Neither bill received a committee vote.

8. **Senate Bill 234/ House Bill 280: Suspension of Driver's License or Registration - Unpaid Citations or Judgments**, as amended, repeals the Motor Vehicle Administration's authority to suspend a driver's license based on unpaid traffic fines and fees; reduces the debt threshold from $300 to $150 for debtors to be eligible for participation in an installment payment plan; eliminates civil judgments as an enforcement tool in the collection; and clarifies the enforcement process for non-responsive debtors. Both Senate and House bills passed their respective chamber and are headed to the Governor's desk for signature.

9. **Senate Bill 77: Important Documents and Identification Cards – Inmates**, as amended, requires the Department of Public Safety and Correctional Services (DPSCS) to issue each individual a state-issued photo ID, birth certificate, and social security card immediately upon release from incarceration. Securing these vital documents is critically important to the successful reentry of persons released from incarceration. The
legislation successfully passed both Senate and House chambers and is headed to the Governor’s desk for signature.

10. Senate Bill 177: Motor Vehicle Administration – Authority to Suspend Registration for Violations Recorded by Traffic Control Signal Monitoring Systems and Speed Monitoring Systems – Repeal prohibits registration suspension for unpaid traffic fines that results from unpaid speed cameras and red lights. The legislation successfully passed both Senate and House chambers and is headed to the Governor’s desk for signature.

11. Senate Bill 684/ House Bill 801: Prerelease Unit for Women - Facilities and Services, as amended, requires the Department of Public Safety and Correctional Services (DPSCS) to establish a comprehensive rehabilitative pre-release facility for females being released from incarceration. The facility must be located where the most significant percentage of women are likely to be released and include programming initiatives to facilitate their successful reentry. The legislation successfully passed both Senate and House chambers and is headed to the Governor’s desk for signature.

12. Senate Bill 589/ House Bill 1336: (Unit Rule Repeal), as amended, sets the state on the path to finally repeal the notorious 'unit rule' that prohibits expungement of eligible non-conviction charges (and convictions) within a unit of charges if attached to an ineligible conviction. The legislation, as amended, provides for the immediate “shielding” of non-convictions (acquittal; dismissal; and nolle pros) within a unit of charges on the Maryland Judiciary Case Search website; establishes a “Partial Expungement Workgroup” to study and develop a plan to repeal the unit rule; and allow for mass partial expungement. Workgroup recommendations are due to the Maryland General Assembly no later than January 5, 2021. House Bill 1336, as amended, successfully cleared both Senate and House chambers and is headed to the Governor’s desk for his signature. After 15 years, JOTF is thrilled to begin the process of eliminating this significant barrier to expungement and employment for tens of thousands of Marylanders.

13. House Bill 1335: Criminal Procedure - Automatic Expungement requires the automatic expungement of records related to charges that did not result in a guilty conviction. Under current law, non-convictions remain on the record until a petition for expungement is pursued by the defendant. The legislation failed to secure a vote in the House Judiciary Committee.

14. House Bill 1343: Criminal Procedure - Expungement - Expansion (REDEEM) expands expungement eligibility for nonviolent misdemeanor and felony convictions after a three and five-year waiting period, respectively. The legislation failed to secure a vote in the House Judiciary Committee.

The educational and training systems operating within most correctional institutions are a vital component of inmate rehabilitation. Maryland’s mandatory education law requires inmates to enroll in educational or workforce skills classes. Inmates must participate for a minimum of 120
days, but many never complete the program. Studies have shown that recidivism rates for inmates with a high school diploma/GED or college degree is 7.9% less than inmates overall. Therefore, the state of Maryland should encourage individuals currently incarcerated to not only participate, but to complete an educational or and/or vocational program to better facilitate a successful reentry upon release from incarceration.

15. **Senate Bill 922 / House Bill 812: Correctional Services - Diminution Credits - Education** would establish a 30-day diminution credit bonus to be awarded to those who earn their GED or high school diploma, complete a literacy skills program, post-secondary certificate or degree, or two-year or four-year college degree. Senate Bill 922 successfully cleared its chamber; however, House Bill 812 failed to secure the support for successful passage due to last-minute efforts to exempt certain violent offenders from earning the credits.

JOTF supported the following efforts to provide affordable automobile insurance options for low-income workers and eliminate non-driving, discriminatory factors from the rate-setting process:

16. **Senate Bill 17: Use of Credit History in Rating Policies** prohibits a private passenger motor vehicle insurer from rating a risk (insurance policy) using the credit history of an applicant. This would dramatically reduce insurance rates for lower-income workers. The legislation failed to secure a vote in the Senate Finance Committee.

17. **Senate Bill 934: Baltimore City and Prince George’s County - Lifeline Low-Cost Automobile Insurance Program** establishes the Lifeline Low-Cost Automobile Insurance Program to offer low-cost auto insurance policies to residents of Baltimore City and Prince George’s County. The legislation failed to secure a vote in the Senate Finance Committee.

A significant majority of noncustodial parents are un- or underemployed but are assigned unrealistic child support orders that do not fully take into account their financial constraints and demands. When parents are unable to pay, punitive collections enforcement measures and penalties have employed that result in insurmountable barriers to employment. These policies and practices further impoverish and criminalize low- or no-income noncustodial parents, which also diminishes their ability to meet child support obligations.

During the 2020 state legislative session, JOTF supported the following proposals to reduce the punitive impact child support has on low-wage workers:

18. **Senate Bill 847/ House Bill 946: Child Support - Guidelines** as amended, alters the definition of "potential income" under State child support guidelines to factor in the parent's age; physical and behavioral condition; educational attainment; special training or skills; literacy; residence; occupational qualifications and job skills; employment and earnings history; a record of efforts to obtain and retain employment; and criminal
record and other employment barriers. The bill also establishes circumstances under which a court may decline to establish a child support obligation and requires a court to take specified actions if there is a dispute as to whether a parent is "voluntarily impoverished." Both Senate and House bills passed their respective chamber and are headed to the Governor's desk for signature.

19. **Senate Bill 1006/ House Bill 234: Child Support - Suspension of Payments and Arrears for Incarcerated Obligors - Modifications** reduce the eligibility period from 18 to 6 months for child support orders to be suspended for incarcerated obligors. Both Senate and House bills passed their respective chamber and are headed to the Governor's desk for signature.

20. **Senate Bill 579/ House Bill 269: Child Support - Shared Physical Custody** establishes a formula for the calculation of a child support obligation under the child support guidelines when a parent with shared physical custody keeps the child or children overnight for more than 25% but less than 30% of the year. The bill alters the threshold of overnight stays, from more than 35% to more than 25%, that confers the status of "shared physical custody" for purposes of determining a child support obligation. Both Senate and House bills passed their respective chamber and are headed to the Governor's desk for signature.

The 2018 midterm elections saw alarming reports of voter suppression across the country. Often excluded in these reports are a segment of our population that remains unseen: incarcerated, yet eligible voters. Maryland is one of the few states that have restored voting rights to individuals with a felony conviction. Most, however, are unaware that they have obtained their voting rights. Additionally, those individuals who are incarcerated while pending trial – known as pretrial defendants – and individuals convicted solely of a misdemeanor offense lack access to voter registration resources. The Job Opportunities Task Force is steadfast in ensuring that disenfranchised citizens in Maryland have access to the electoral process.

21. **Senate Bill 372 / House Bill 568: Election Law - Correctional Facilities - Voter Registration and Voting** requires the Department of Public Safety and Correctional Services (DPSCS) to provide individuals released from a correctional facility with a voter registration application and to inform individuals who are no longer incarcerated that they have the right to vote. It also requires the State Board of Elections (SBE) to adopt regulations establishing a program to facilitate voter registration and voting by individuals incarcerated in a correctional facility who have the right to vote and report annually on the program and the implementation of the bill as a whole. House Bill 568 successfully cleared the House chamber but failed to secure a vote in the Senate Education, Health, and Environmental Affairs Committee. Senate Bill 372 failed to secure a vote in the Senate Education, Health, and Environmental Affairs Committee.