



January 30, 2023

Economic Matters Committee
The Honorable Delegate C. T. Wilson
Room 231
House Office Building
Annapolis, Maryland 21401

HB 0349 - Maryland Fair Scheduling Act - Oppose

Dear Delegate Wilson:

HB 0349 dictates many provisions that will be unworkable for the industries this bill targets. These businesses provide products and services that consumers demand at all hours, on all days and at all times of the year. This bill will fundamentally prevent an employer from responding to business or staffing needs in a timely fashion, which can mean the difference between gaining or losing customers. Consumer demand changes, customers have needs that result in changes to the provision of services and goods and are not always “predictable”.

In addition to the restrictions and penalties included for scheduling and changing of schedules, this bill also seeks to prohibit a business from requiring overtime or additional work hours without “permission” from employees. Furthermore, the bill’s definition of “on-call shift” is not the definition under the federal Fair Labor Standards Act, which already details restrictions and when employees must be paid. This bill would nullify that definition and impose its own.

Legitimate, real world business needs and practices virtually guarantee that employers will be penalized for simply trying to run their business and succeed. Currently, even post- pandemic and also general economic conditions, food service and retail businesses are having great difficulty in finding employees. Given the lack of staff, changes in hours/shifts, etc. are virtually guaranteed.

While this bill seeks to penalize employers for what it implies is unpredictable scheduling, it does not address nor give employers the right to manage employees and require them to be more reliable or predictable in showing up to work. Human beings get sick, go on vacation, quit and get fired. These events are not always predictable. Therefore, penalizing a business for simply responding to this fact is wholly intrusive and unreasonable.

The Carroll County Chamber of Commerce, a business advocacy organization of nearly 700 members, strongly opposes this bill and therefore requests that you give it an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads 'Mike McMullin'.

Mike McMullin
President
Carroll County Chamber of Commerce

Cc: Senator Justin Ready
Delegate April Rose

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