

HOUSE BILL 1128

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2003 Regular Session
(31r2451)

ENROLLED BILL
-- Economic Matters/Finance --

Introduced by **Delegates Taylor, Bobo, Bronrott, Burns, Feldman, Goldwater, Haynes, Impallaria, Kaiser, King, Lee, Love, Madaleno, Mandel, Marriott, Moe, Montgomery, Murray, Paige, Ramirez, Simmons, Stern, Trueschler, and ~~Vaughn~~ Vaughn, Harrison, Kirk, Krebs, Krysiak, Minnick, and Parrott**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 354

1 AN ACT concerning

2 **Workers' Compensation - Students in Unpaid Work-Based Learning**
3 **Experiences**

4 FOR the purpose of providing workers' compensation coverage to students in unpaid
5 work-based learning experiences; establishing the components of the unpaid
6 work-based learning experiences covered under this Act; designating the
7 employer of a student in an unpaid work-based learning experience for purposes
8 of coverage under the State workers' compensation laws; *requiring the*
9 *participating employer where the student is placed in an unpaid work-based*
10 *learning experience to secure certain workers' compensation coverage; allowing*
11 *the participating employer to satisfy a certain obligation if a county board of*
12 *education secures certain workers' compensation;* authorizing the county board of
13 education that places the student to obtain workers' compensation insurance

1 coverage for the student; requiring a participating employer to reimburse the
2 county board of education for the cost of the workers' compensation coverage;
3 altering an employer's options for securing workers' compensation for covered
4 employees of the employer; providing for the application of this Act; and generally
5 relating to workers' compensation coverage for students in unpaid work-based
6 learning experiences.

7 BY adding to
8 Article - Education
9 Section 7-114
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2002 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Labor and Employment
14 Section 9-228 and 9-402(a)
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2002 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Education**

20 7-114.

21 (A) IN THIS SECTION, "UNPAID WORK-BASED LEARNING EXPERIENCE" MEANS
22 A PROGRAM THAT PROVIDES A STUDENT WITH STRUCTURED
23 EMPLOYER-SUPERVISED LEARNING THAT:

- 24 (1) OCCURS IN THE WORKPLACE;
25 (2) LINKS WITH CLASSROOM INSTRUCTION;
26 (3) IS COORDINATED BY A COUNTY BOARD; AND

27 (4) IS CONDUCTED IN ACCORDANCE WITH THE TERMS OF AN
28 INDIVIDUAL WRITTEN WORK-BASED LEARNING AGREEMENT BETWEEN THE
29 COUNTY BOARD OF EDUCATION PLACING A PARTICIPATING STUDENT AND THE
30 EMPLOYER OF THAT PARTICIPATING STUDENT.

31 (B) A STUDENT WHO HAS BEEN PLACED WITH AN EMPLOYER IN AN UNPAID
32 WORK-BASED LEARNING EXPERIENCE COORDINATED BY A COUNTY BOARD IS A
33 COVERED EMPLOYEE OF THAT EMPLOYER, AS DEFINED IN TITLE 9 OF THE LABOR
34 AND EMPLOYMENT ARTICLE, FOR THE PURPOSES OF COVERAGE UNDER THE STATE
35 WORKERS' COMPENSATION LAWS.

1 ~~(C)~~ (1) THE PARTICIPATING EMPLOYER WHERE A STUDENT IS PLACED IN
 2 AN UNPAID WORK-BASED LEARNING EXPERIENCE UNDER THIS SECTION SHALL
 3 SECURE WORKERS' COMPENSATION COVERAGE FOR THAT STUDENT.

4 (2) THE PARTICIPATING EMPLOYER MAY SATISFY ITS OBLIGATION TO
 5 SECURE WORKERS' COMPENSATION COVERAGE UNDER THIS SUBSECTION IF THE
 6 COUNTY BOARD THAT PLACES THE STUDENT IN THE UNPAID WORK-BASED
 7 LEARNING EXPERIENCE CHOOSES TO SECURE WORKERS' COMPENSATION
 8 COVERAGE FOR THAT STUDENT.

9 ~~(D)~~ ~~(E)~~ (D) (1) THE COUNTY BOARD THAT PLACES A STUDENT WITH AN
 10 EMPLOYER IN AN UNPAID WORK-BASED LEARNING EXPERIENCE UNDER THIS
 11 SECTION MAY SECURE WORKERS' COMPENSATION COVERAGE FOR THAT STUDENT.

12 (2) IF A COUNTY BOARD CHOOSES TO SECURE WORKERS'
 13 COMPENSATION COVERAGE UNDER THIS SUBSECTION, THE PARTICIPATING
 14 EMPLOYER SHALL REIMBURSE THE COUNTY BOARD IN AN AMOUNT EQUAL TO THE
 15 LESSER OF:

16 (I) THE COST OF THE PREMIUM FOR THE WORKERS'
 17 COMPENSATION INSURANCE COVERAGE; OR

18 (II) A FEE OF \$250.

19 **Article - Labor and Employment**

20 9-228.

21 (a) (1) A handicapped student is a covered employee while working for an
 22 employer without wages in a work assignment in accordance with § 8-402 of the
 23 Education Article.

24 (2) For the purposes of this title, the employer for whom the handicapped
 25 student works is the employer of the handicapped student.

26 (b) (1) An individual is a covered employee while working as a student
 27 intern or student teacher under § 6-107 of the Education Article.

28 (2) For the purposes of this title, the Board of School Commissioners of
 29 Baltimore City or the board of education for any other county is the employer of an
 30 individual who is a covered employee under this subsection in that county.

31 (C) (1) A STUDENT IS A COVERED EMPLOYEE WHEN THE STUDENT HAS
 32 BEEN PLACED WITH AN EMPLOYER IN AN UNPAID WORK-BASED LEARNING
 33 EXPERIENCE COORDINATED BY A COUNTY BOARD UNDER § 7-114 OF THE EDUCATION
 34 ARTICLE.

35 (2) FOR PURPOSES OF THIS TITLE, THE EMPLOYER FOR WHOM THE
 36 STUDENT WORKS IN THE UNPAID WORK-BASED LEARNING EXPERIENCE IS THE
 37 EMPLOYER OF THE STUDENT.

1 9-402.

2 (a) Subject to subsections (b) through (f) of this section, each employer shall
3 secure compensation for covered employees of the employer by:

4 (1) maintaining insurance with the Injured Workers' Insurance Fund;

5 (2) maintaining insurance with an authorized insurer;

6 (3) participating in a governmental self-insurance group that meets the
7 requirements of § 9-404 of this subtitle;

8 (4) participating in a self-insurance group of private employers that
9 meets the requirements of Title 25, Subtitle 3 of the Insurance Article;

10 (5) maintaining self-insurance for an individual employer in accordance
11 with § 9-405 of this subtitle; or

12 (6) having a county board of education secure compensation under §
13 8-402(c) OR § 7-114(D) of the Education Article.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
15 applicable to students in unpaid work-based learning experiences, as defined by §
16 7-114 of the Education Article, beginning with the 2003-2004 school year.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2003.