

HOUSE BILL 1243

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By: **Delegates Frank, Aumann, Boteler, Bromwell, Cardin, DeBoy, Jennings, Kach, Minnick, Olszewski, and Weir**

Introduced and read first time: February 18, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Baltimore County Deputy Sheriffs**

3 FOR the purpose of providing for enhanced workers' compensation benefits for certain
4 Baltimore County deputy sheriffs for a compensable permanent partial
5 disability of less than a certain number of weeks; providing for the application
6 of this Act; and generally relating to workers' compensation benefits for
7 Baltimore County deputy sheriffs.

8 BY repealing and reenacting, with amendments,
9 Article – Labor and Employment
10 Section 9–628
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Labor and Employment
15 Section 9–629
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

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

20 **Article – Labor and Employment**

21 9–628.

22 (a) In this section, “public safety employee” means:

23 (1) a firefighter, fire fighting instructor, or paramedic employed by:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) a municipal corporation;
- 2 (ii) a county;
- 3 (iii) the State;
- 4 (iv) the State Airport Authority; or
- 5 (v) a fire control district;

6 (2) a volunteer firefighter or volunteer ambulance, rescue, or advanced
 7 life support worker who is a covered employee under § 9–234 of this title and who
 8 provides volunteer fire or rescue services to:

- 9 (i) a municipal corporation;
- 10 (ii) a county;
- 11 (iii) the State;
- 12 (iv) the State Airport Authority; or
- 13 (v) a fire control district;

14 (3) a police officer employed by:

- 15 (i) a municipal corporation;
- 16 (ii) a county;
- 17 (iii) the State;
- 18 (iv) the State Airport Authority; or

19 (v) the Maryland–National Capital Park and Planning
 20 Commission;

21 (4) **A BALTIMORE COUNTY DEPUTY SHERIFF;**

22 (5) a Prince George’s County deputy sheriff or correctional officer;

23 **[(5)] (6)** a Montgomery County deputy sheriff or correctional officer;
 24 or

25 **[(6)] (7)** a Howard County deputy sheriff, but only when the deputy
 26 sheriff is performing law enforcement duties expressly requested, defined, and

1 authorized in accordance with a written memorandum of understanding executed
2 between the Howard County Sheriff and other law enforcement agencies.

3 (b) Except as provided in subsections (g) and (h) of this section, if a covered
4 employee is awarded compensation for less than 75 weeks in a claim arising from
5 events occurring on or after January 1, 1988, the employer or its insurer shall pay the
6 covered employee compensation that equals one-third of the average weekly wage of
7 the covered employee but does not exceed \$80.

8 (c) Except as provided in subsections (g) and (h) of this section, if a covered
9 employee is awarded compensation for less than 75 weeks in a claim arising from
10 events occurring on or after January 1, 1989, the employer or its insurer shall pay the
11 covered employee compensation that equals one-third of the average weekly wage of
12 the covered employee but does not exceed \$82.50.

13 (d) Except as provided in subsections (g) and (h) of this section, if a covered
14 employee is awarded compensation for less than 75 weeks in a claim arising from
15 events occurring on or after January 1, 1993, the employer or its insurer shall pay the
16 covered employee compensation that equals one-third of the average weekly wage of
17 the covered employee but does not exceed \$94.20.

18 (e) Except as provided in subsections (g) and (h) of this section, if a covered
19 employee is awarded compensation for less than 75 weeks in a claim arising from
20 events occurring on or after January 1, 2000, the employer or its insurer shall pay the
21 covered employee compensation that equals one-third of the average weekly wage of
22 the covered employee but does not exceed \$114.

23 (f) Except as provided in subsections (g) and (h) of this section, if a covered
24 employee is awarded compensation for less than 75 weeks, the employer or its insurer
25 shall pay to the covered employee compensation that equals one-third of the average
26 weekly wage of the covered employee but does not exceed:

27 (1) for claims arising from events occurring on or after January 1,
28 2009, but before January 1, 2010, 14.3% of the State average weekly wage;

29 (2) for claims arising from events occurring on or after January 1,
30 2010, but before January 1, 2011, 15.4% of the State average weekly wage; and

31 (3) for claims arising from events occurring on or after January 1,
32 2011, 16.7% of the State average weekly wage.

33 (g) If a covered employee is awarded compensation for less than 75 weeks for
34 a disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall pay
35 the covered employee weekly compensation at the rate set for an award of
36 compensation for a period greater than or equal to 75 weeks but less than 250 weeks
37 under § 9-629 of this subtitle.

1 (h) If a public safety employee is awarded compensation for less than 75
2 weeks, the employer or its insurer shall pay the public safety employee compensation
3 at the rate set for an award of compensation for a period greater than or equal to 75
4 weeks but less than 250 weeks under § 9-629 of this subtitle.

5 9-629.

6 If a covered employee is awarded compensation for a period equal to or greater
7 than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the
8 covered employee weekly compensation that equals two-thirds of the average weekly
9 wage of the covered employee but does not exceed one-third of the State average
10 weekly wage.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
12 construed to apply only prospectively and may not be applied or interpreted to have
13 any effect on or application to any claims arising before the effective date of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2010.