

Chapter 208

(Senate Bill 403)

AN ACT concerning

Workers' Compensation – Students in Unpaid Work–Based Learning Experiences

FOR the purpose of authorizing all county boards of education, rather than only certain county boards of education, to waive the requirement that a participating employer reimburse the county for the cost of the premium for workers' compensation coverage provided to students placed in unpaid work–based learning experiences or pay a certain fee; and generally relating to workers' compensation coverage for unpaid work–based learning experiences.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–114
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–228(c)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

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

Article – Education

7–114.

(a) (1) In this section the following words have the meanings indicated.

(2) “Private noncollegiate institution” means a school or other institution that is not under the general control and supervision of a county board of education.

(3) “Unpaid work–based learning experience” means a program that provides a student with structured employer–supervised learning that:

- (i) Occurs in the workplace;
- (ii) Links with classroom instruction;

(iii) Is coordinated by a county board or private noncollegiate institution; and

(iv) Is conducted in accordance with the terms of an individual written work–based learning agreement between the county board of education or private noncollegiate institution placing a participating student and the employer of that participating student.

(b) A student who has been placed with an employer in an unpaid work–based learning experience coordinated by a county board or private noncollegiate institution is a covered employee of that employer, as defined in Title 9 of the Labor and Employment Article, for the purposes of coverage under the State workers’ compensation laws.

(c) (1) The participating employer where a student is placed in an unpaid work–based learning experience under this section shall secure workers’ compensation coverage for that student.

(2) The participating employer may satisfy its obligation to secure workers’ compensation coverage under this subsection if the county board or private noncollegiate institution that places the student in the unpaid work–based learning experience chooses to secure workers’ compensation coverage for that student.

(d) (1) The county board or private noncollegiate institution that places a student with an employer in an unpaid work–based learning experience under this section may secure workers’ compensation coverage for that student.

(2) Subject to subsection (e) of this section, if a county board or private noncollegiate institution chooses to secure workers’ compensation coverage under this subsection, the participating employer shall reimburse the county board or private noncollegiate institution in an amount equal to the lesser of:

(i) The cost of the premium for the workers’ compensation insurance coverage; or

(ii) A fee of \$250.

(e) [The Allegany County Board, the Cecil County Board, and the Howard County Board] **A COUNTY BOARD** may waive the requirement for reimbursement under subsection (d)(2) of this section.

Article – Labor and Employment

9–228.

(c) (1) A student is a covered employee when the student has been placed with an employer in an unpaid work–based learning experience coordinated by a county board

or private noncollegiate institution under § 7-114 of the Education Article.

(2) For purposes of this title, the employer for whom the student works in the unpaid work-based learning experience is the employer of that student.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.