
By: Delegate Slade

Introduced and read first time: February 2, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Students Working Part Time**

3 FOR the purpose of altering the computation of benefits under the Workers'
4 Compensation Law for secondary school students who work part time during the
5 school year; and generally relating to the computation of the average weekly wage of
6 certain workers.

7 BY repealing and reenacting, with amendments,
8 Article - Labor and Employment
9 Section 9-602
10 Annotated Code of Maryland
11 (1991 Volume and 1995 Supplement)

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

14 **Article - Labor and Employment**

15 9-602.

16 (a) (1) Except as otherwise provided in this section, the average weekly wage of
17 a covered employee shall be computed by determining the average of the weekly wages of
18 the covered employee:

19 (i) when the covered employee is working on full time; and

20 (ii) at the time of:

21 1. the accidental personal injury; or

22 2. the last injurious exposure of the covered employee to the
23 hazards of an occupational disease.

24 (2) For purposes of a computation under paragraph (1) of this subsection,
25 wages shall include:

26 (i) tips; and

27 (ii) the reasonable value of housing, lodging, meals, rent, and other
28 similar advantages that the covered employee received from the employer.

1 (3) If a covered employee establishes that, because of the age and
2 experience of the covered employee at the time of the accidental personal injury or last
3 injurious exposure to the hazards of the occupational disease, the wages of the covered
4 employee could be expected to increase under normal circumstances, the expected
5 increase may be taken into account when computing the average weekly wage of the
6 covered employee under paragraph (1) of this subsection.

7 (b) For the purpose of computing the average weekly wage of an auxiliary police
8 officer of Baltimore County who is a covered employee under § 9-220(a) of this title or a
9 member of a volunteer ambulance, ambulance and rescue, or fire company in Baltimore
10 County who is a covered employee under § 9-234 of this title, the wages of the covered
11 employee shall be:

12 (1) if the covered employee had other employment at the time of the
13 accidental personal injury or last injurious exposure, the salary or wages from the other
14 employment;

15 (2) if the covered employee had had other employment but was not
16 otherwise employed at the time of the accidental personal injury or last injurious
17 exposure, the salary or wages last received by the covered employee from the other
18 employment; or

19 (3) if the covered employee had never had other employment at the time of
20 the accidental personal injury or last injurious exposure, an amount that allows minimum
21 death or disability benefits under this title.

22 (c) For the purpose of computing the average weekly wage of an individual
23 engaged for fire fighting by the Department of Natural Resources who is a covered
24 employee under § 9-207 of this title, the wages of the covered employee shall be:

25 (1) the greater of:

26 (i) any salary or wages received by the covered employee for fire
27 fighting; or

28 (ii) any salary or wages earned by the covered employee in other
29 employment at the time of the accidental personal injury or last injurious exposure; or

30 (2) if the covered employee did not receive wages for fire fighting or from
31 other employment at the time of the accidental personal injury or last injurious exposure,
32 an amount that allows the minimum compensation or death benefits under this title.

33 (d) For the purpose of computing the average weekly wage of a handicapped
34 student who is a covered employee under § 9-228(a) of this title, the wages of the covered
35 employee shall be the federal minimum wage that is in effect at the time of the accidental
36 personal injury or last injurious exposure.

37 (e) For the purpose of computing the average weekly wage of a jockey who is a
38 covered employee under § 9-212 of this title, the wages of the covered employee shall be
39 all of the earnings that the jockey earns as a jockey, including those derived from outside
40 the State.

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1 (f) For the purpose of computing the average weekly wage of a member of the
2 organized militia of the State who is a covered employee under § 9-215 of this title, the
3 wages of the covered employee shall be the greater of:

4 (1) the wage provided for active duty in Article 65, § 32(b) of the Code; or

5 (2) the actual wages earned by the covered employee in employment in the
6 National Guard.

7 (g) For the purpose of computing the average weekly wage of an individual who is
8 a covered employee under § 9-234 of this title, the wages of the covered employee shall
9 be:

10 (1) for a covered employee who received a salary or wages from other
11 employment at the time of the accidental personal injury or last injurious exposure, the
12 salary or wages from the other employment; or

13 (2) for a covered employee who did not receive a salary or wages from other
14 employment at the time of the accidental personal injury or last injurious exposure:

15 (i) if the covered employee derived income from a source other than
16 salary or wages at the time of the accidental personal injury or last injurious exposure, an
17 amount that allows the maximum compensation under this title;

18 (ii) if the covered employee was not engaged in a business enterprise
19 at the time of the accidental personal injury or last injurious exposure, the weekly income
20 last received by the covered employee when engaged in a business enterprise; or

21 (iii) if the covered employee had never been engaged in a business
22 enterprise at the time of the accidental personal injury or last injurious exposure, an
23 amount that allows the minimum compensation under this title.

24 (h) For the purpose of computing the average weekly wage of a prisoner who is a
25 covered employee under § 9-221 of this title, the wages of the covered employee shall be:

26 (1) the wages paid to the prisoner by the county; and

27 (2) a fair and reasonable amount determined by the Commission for meals
28 and maintenance of the prisoner, but not more than the amount customarily received by
29 the county for its own use by prisoners engaged in employment by other employers.

30 (i) For the purpose of computing the average weekly wage of a covered employee
31 whose wages from full-time employment are paid partly by an employer and partly by the
32 United States under a federal veterans' benefit law, the wages of the covered employee
33 shall be the total amounts jointly paid to the covered employee when working full time.

34 (j) For the purpose of computing the average weekly wage of a volunteer deputy
35 sheriff of Cecil County who is a covered employee under § 9-233 of this title, the wages
36 of the covered employee shall be:

37 (1) if the covered employee had other employment at the time of the
38 accidental personal injury or last injurious exposure, the wages from the other
39 employment;

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1 (2) if the covered employee had had other employment but was not
2 otherwise employed at the time of the accidental personal injury or last injurious
3 exposure, the wages last received by the covered employee from the other employment; or

4 (3) if the covered employee had never had other employment at the time of
5 the accidental personal injury or last injurious exposure, an amount that allows minimum
6 compensation under this title.

7 (k) For the purpose of computing the average weekly wage of a juror who is a
8 covered employee under § 9-213(a) of this title, the wages of the juror shall be the per
9 diem received by the juror for jury duty.

10 (L) FOR THE PURPOSE OF COMPUTING THE AVERAGE WEEKLY WAGE OF A
11 SECONDARY SCHOOL STUDENT WHO, AT THE TIME OF THE ACCIDENTAL PERSONAL
12 INJURY, WAS WORKING PART TIME DURING THE SCHOOL YEAR:

13 (1) HOURS SPENT IN CLASSROOM INSTRUCTION DURING AN AVERAGE
14 WEEK SHALL BE COUNTED AS HOURS WORKED; AND

15 (2) THOSE HOURS SHALL BE MULTIPLIED BY THE HOURLY RATE OF
16 PAY USED IN COMPUTING THE STUDENT'S AVERAGE WEEKLY WAGE UNDER
17 SUBSECTION (A) OF THIS SECTION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1996.