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1997 Regular Session
7r0498

By: Chairman, Finance Committee (Departmental - Education)

Introduced and read first time: January 27, 1997

Rule 32(e) suspended

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 1997

CHAPTER ____

1 AN ACT concerning

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

3 FOR the purpose of allowing workers' compensation coverage to students in certain work
4 assignments; establishing the components of unpaid work-based learning
5 experiences; describing the employer of students in certain situations for purposes
6 of workers' compensation coverage; ~~authorizing county boards to secure workers'~~
7 ~~compensation coverage for students under certain circumstances;~~ and generally
8 relating to workers' compensation coverage for students in unpaid work
9 assignments.

10 BY adding to

11 Article - Education

12 Section 7-112

13 Annotated Code of Maryland

14 (1997 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article - Labor and Employment

17 Section 9-228

18 Annotated Code of Maryland

19 (1991 Volume and 1996 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Education**

2 7-112.

3 (A) IN THIS SECTION, A "UNPAID WORK-BASED LEARNING EXPERIENCE"
4 MEANS A PROGRAM THAT PROVIDES STUDENTS WITH STRUCTURED
5 EMPLOYER-SUPERVISED LEARNING THAT:

6 (1) OCCURS IN THE WORKPLACE;

7 (2) LINKS WITH CLASSROOM INSTRUCTION; AND

8 (3) IS COORDINATED BY A COUNTY BOARD OF EDUCATION.

9 (B) A STUDENT WHO HAS BEEN PLACED WITH AN EMPLOYER IN AN UNPAID
10 WORK-BASED LEARNING EXPERIENCE COORDINATED BY A COUNTY BOARD OF
11 EDUCATION IS A COVERED EMPLOYEE, AS DEFINED IN TITLE 9 OF THE LABOR AND
12 EMPLOYMENT ARTICLE, OF THE EMPLOYER FOR THE PURPOSES OF WORKERS'
13 COMPENSATION.

14 (C) COMPENSATION FOR INJURY OR DEATH TO A STUDENT UNDER THIS
15 SECTION SHALL BE BASED ON THE FEDERAL MINIMUM WAGE IN EFFECT AT THE
16 TIME OF THE STUDENT'S INJURY TIMES THE AVERAGE NUMBER OF HOURS PER
17 WEEK THE STUDENT SPENDS IN AN UNPAID WORK-BASED LEARNING EXPERIENCE.

18 **Article - Labor and Employment**

19 9-228.

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

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

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

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

30 (C) (1) A STUDENT IS A COVERED EMPLOYEE WHEN THE STUDENT HAS
31 BEEN PLACED WITH AN EMPLOYER IN AN UNPAID WORK-BASED LEARNING
32 EXPERIENCE COORDINATED BY A COUNTY BOARD OF EDUCATION UNDER § 7-112
33 OF THE EDUCATION ARTICLE.

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

37 (3) COMPENSATION FOR INJURY OR DEATH TO A STUDENT UNDER THIS
38 SUBSECTION SHALL BE BASED ON THE FEDERAL MINIMUM WAGE IN EFFECT AT THE

3

1 TIME OF THE STUDENT'S INJURY TIMES THE AVERAGE NUMBER OF HOURS PER
2 WEEK THE STUDENT SPENDS IN AN UNPAID WORK-BASED LEARNING EXPERIENCE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
4 applicable to all students in unpaid work-based learning experiences as of the beginning
5 of the 1997-1998 school year.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 1997.