

SENATE BILL 152

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1998 Regular Session
8r1384

By: **Senator Della**

Introduced and read first time: January 23, 1998

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Temporary Total Disability - Fire and Rescue**
3 **Employees**

4 FOR the purpose of requiring that certain public safety employees be eligible to
5 receive payments for temporary total disability under certain circumstances
6 regardless of whether the employee engages in certain secondary employment;
7 providing for the circumstances under which the public safety employees may
8 receive payment for a temporary total disability; and generally relating to the
9 payment to public safety employees of temporary total disability compensation
10 under the workers' compensation law.

11 BY repealing and reenacting, with amendments,
12 Article - Labor and Employment
13 Section 9-621
14 Annotated Code of Maryland
15 (1991 Volume and 1997 Supplement)

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

18 **Article - Labor and Employment**

19 9-621.

20 (a) (1) Except as provided in paragraph (2) of this subsection, if a covered
21 employee is temporarily totally disabled due to an accidental personal injury or an
22 occupational disease, the employer or its insurer shall pay the covered employee
23 compensation that equals two-thirds of the average weekly wage of the covered
24 employee, but:

25 (i) does not exceed the average weekly wage of the State; and

26 (ii) is not less than \$50.

27 (2) If the average weekly wage of the covered employee is less than \$50
28 at the time of the accidental personal injury or the last injurious exposure to the

1 hazards of the occupational disease, the employer or its insurer shall pay the covered
2 employee compensation that equals the average weekly wage of the covered
3 employee.

4 (b) The employer or its insurer shall pay the compensation for the period that
5 the covered employee is temporarily totally disabled.

6 (C) A FIREFIGHTER, EMERGENCY MEDICAL SERVICES WORKER, PARAMEDIC,
7 OR RESCUE SERVICE EMPLOYEE EMPLOYED BY THE STATE, A MUNICIPAL
8 CORPORATION, A COUNTY, OR A FIRE CONTROL DISTRICT SHALL BE ELIGIBLE FOR
9 COMPENSATION FOR A TEMPORARY TOTAL DISABILITY UNDER SUBSECTION (A) OF
10 THIS SECTION IF THE EMPLOYEE IS TEMPORARILY DISABLED FROM THE DUTIES OF
11 THE PUBLIC SAFETY EMPLOYMENT THAT GAVE RISE TO THE INJURY, REGARDLESS
12 OF WHETHER THE EMPLOYEE ENGAGES IN SECONDARY EMPLOYMENT, PROVIDED
13 THAT:

14 (1) THE SECONDARY EMPLOYMENT COMMENCED PRIOR TO THE
15 INJURY;

16 (2) THE WORK SCHEDULE OF THE SECONDARY EMPLOYMENT DOES NOT
17 CONFLICT WITH THE WORK SCHEDULE WHICH WOULD BE APPLICABLE TO THE
18 PUBLIC SAFETY EMPLOYMENT THAT GAVE RISE TO THE INJURY;

19 (3) THE COMPENSATION DERIVED FROM THE SECONDARY
20 EMPLOYMENT DOES NOT EXCEED THE TOTAL AMOUNT OF COMPENSATION
21 REGULARLY EARNED BY THE FIREFIGHTER, EMERGENCY MEDICAL SERVICES
22 WORKER, PARAMEDIC, OR RESCUE SERVICE EMPLOYEE PRIOR TO THE DATE OF THE
23 INJURY; AND

24 (4) THE DUTIES OF THE SECONDARY EMPLOYMENT ARE NOT LIKELY TO
25 CAUSE A PROLONGATION OF THE DISABILITY.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1998.