

HOUSE BILL 794

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SB 152/98 - FIN

1999 Regular Session
9r1867
CF 9r1621

By: **Delegate McHale**

Introduced and read first time: February 12, 1999

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Temporary Total Disability - Covered Employees**

3 FOR the purpose of making covered employees eligible for temporary total disability
4 compensation regardless of whether the employee engages in secondary
5 employment under certain circumstances; and generally relating to temporary
6 total disability compensation for covered employees under the workers'
7 compensation law.

8 BY repealing and reenacting, with amendments,
9 Article - Labor and Employment
10 Section 9-621
11 Annotated Code of Maryland
12 (1991 Volume and 1998 Supplement)

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

15 **Article - Labor and Employment**

16 9-621.

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

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

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

24 (2) If the average weekly wage of the covered employee is less than \$50
25 at the time of the accidental personal injury or the last injurious exposure to the
26 hazards of the occupational disease, the employer or its insurer shall pay the covered
27 employee compensation that equals the average weekly wage of the covered
28 employee.

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

3 (C) A COVERED EMPLOYEE SHALL BE ELIGIBLE FOR COMPENSATION FOR A
4 TEMPORARY TOTAL DISABILITY UNDER SUBSECTION (A) OF THIS SECTION IF THE
5 EMPLOYEE IS TEMPORARILY DISABLED FROM THE DUTIES OF THE EMPLOYMENT
6 THAT GAVE RISE TO THE INJURY, REGARDLESS OF WHETHER THE EMPLOYEE
7 ENGAGES IN SECONDARY EMPLOYMENT, PROVIDED THAT:

8 (1) THE SECONDARY EMPLOYMENT COMMENCED PRIOR TO THE
9 INJURY;

10 (2) THE WORK SCHEDULE OF THE SECONDARY EMPLOYMENT DOES NOT
11 CONFLICT WITH THE WORK SCHEDULE WHICH WOULD BE APPLICABLE TO THE
12 EMPLOYMENT THAT GAVE RISE TO THE INJURY;

13 (3) THE COMPENSATION DERIVED FROM THE SECONDARY
14 EMPLOYMENT DOES NOT EXCEED THE TOTAL AMOUNT OF COMPENSATION
15 REGULARLY EARNED BY THE COVERED EMPLOYEE PRIOR TO THE DATE OF THE
16 INJURY; AND

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1999.