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By: **Delegates W. Baker, Heller, Bozman, McClenahan, and Rudolph**  
Introduced and read first time: February 26, 1999  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of providing workers' compensation coverage to students in certain  
5 work assignments; establishing the components of unpaid work-based learning  
6 experiences; describing the employer of students in certain situations for  
7 purposes of workers' compensation coverage; providing for the application of this  
8 Act; and generally relating to workers' compensation coverage for students in  
9 unpaid work assignments.

10 BY adding to  
11 Article - Education  
12 Section 7-113  
13 Annotated Code of Maryland  
14 (1997 Replacement Volume and 1998 Supplement)

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 1998 Supplement)

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

22                                   **Article - Education**

23 7-113.

24 (A) IN THIS SECTION, "UNPAID WORK-BASED LEARNING EXPERIENCE" MEANS  
25 A PROGRAM THAT PROVIDES A STUDENT WITH STRUCTURED  
26 EMPLOYER-SUPERVISED LEARNING THAT:

27                   (1) OCCURS IN THE WORKPLACE;

- 1 (2) LINKS WITH CLASSROOM INSTRUCTION;
- 2 (3) IS COORDINATED BY A COUNTY BOARD OF EDUCATION; AND
- 3 (4) IS CONDUCTED IN ACCORDANCE WITH THE TERMS OF AN  
4 INDIVIDUAL WRITTEN WORK-BASED LEARNING AGREEMENT BETWEEN A COUNTY  
5 BOARD OF EDUCATION AND AN EMPLOYER FOR EACH PARTICIPATING STUDENT.

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

11 (C) COMPENSATION FOR SERIOUS PERMANENT PARTIAL DISABILITY UNDER §  
12 9-637 OF THE LABOR - EMPLOYMENT ARTICLE OR PERMANENT TOTAL DISABILITY  
13 UNDER § 9-630 OF THE LABOR - EMPLOYMENT ARTICLE TO A STUDENT UNDER THIS  
14 SECTION SHALL BE BASED ON THE FEDERAL MINIMUM WAGE IN EFFECT AT THE  
15 TIME OF THE STUDENT'S INJURY TIMES THE AVERAGE NUMBER OF HOURS PER  
16 WEEK THE STUDENT SPENDS IN AN UNPAID WORK-BASED LEARNING EXPERIENCE.

17 (D) A COUNTY BOARD OF EDUCATION THAT PLACES A STUDENT WITH AN  
18 EMPLOYER IN AN UNPAID WORK-BASED LEARNING EXPERIENCE UNDER THIS  
19 SECTION MAY SECURE WORKERS' COMPENSATION COVERAGE FOR THAT STUDENT.

20 **Article - Labor and Employment**

21 9-228.

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

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

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

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

33 (C) (1) A STUDENT IS A COVERED EMPLOYEE WHEN THE STUDENT HAS  
34 BEEN PLACED WITH AN EMPLOYER IN AN UNPAID WORK-BASED LEARNING  
35 EXPERIENCE COORDINATED BY A COUNTY BOARD OF EDUCATION UNDER § 7-113 OF  
36 THE EDUCATION ARTICLE.

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

4           (3)     COMPENSATION FOR SERIOUS PERMANENT PARTIAL DISABILITY  
5 UNDER § 9-637 OF THIS TITLE OR PERMANENT TOTAL DISABILITY UNDER § 9-630 OF  
6 THIS TITLE TO A STUDENT UNDER THIS SUBSECTION SHALL BE BASED ON THE  
7 FEDERAL MINIMUM WAGE IN EFFECT AT THE TIME OF THE STUDENT'S INJURY  
8 TIMES THE AVERAGE NUMBER OF HOURS PER WEEK THE STUDENT SPENDS IN AN  
9 UNPAID WORK-BASED LEARNING EXPERIENCE.

10     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
11 applicable to students in unpaid work-based learning experiences, as defined by §  
12 7-113 of the Education Article, as of the beginning of the 1999-2000 school year.

13     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
14 effect July 1, 1999.