
By: **Delegate McHale**
Introduced and read first time: February 2, 2000
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Temporary Total Disability - Secondary**
3 **Employment**

4 FOR the purpose of providing that, under certain circumstances, a covered employee
5 is eligible for compensation for temporary total disability even if the employee
6 engages in secondary employment.

7 BY repealing and reenacting, with amendments,
8 Article - Labor and Employment
9 Section 9-621
10 Annotated Code of Maryland
11 (1999 Replacement Volume)

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 9-621.

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

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

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

23 (2) If the average weekly wage of the covered employee is less than \$50
24 at the time of the accidental personal injury or the last injurious exposure to the
25 hazards of the occupational disease, the employer or its insurer shall pay the covered
26 employee compensation that equals the average weekly wage of the covered
27 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) IF A COVERED EMPLOYEE IS TEMPORARILY DISABLED IN THE COURSE OF
4 THE EMPLOYEE'S PRIMARY EMPLOYMENT FROM AN INJURY THAT ARISES OUT OF
5 DUTIES OF THE PRIMARY EMPLOYMENT, THE EMPLOYEE SHALL BE ELIGIBLE FOR
6 COMPENSATION FOR THE TEMPORARY TOTAL DISABILITY UNDER SUBSECTION (A)
7 OF THIS SECTION, EVEN IF THE EMPLOYEE ENGAGES IN SECONDARY EMPLOYMENT,
8 IF:

9 (1) THE EMPLOYEE BEGAN THE SECONDARY EMPLOYMENT BEFORE
10 THE EMPLOYEE WAS INJURED IN THE COURSE OF THE PRIMARY EMPLOYMENT;

11 (2) THE WORK SCHEDULE FOR THE SECONDARY EMPLOYMENT DOES
12 NOT CONFLICT WITH THE WORK SCHEDULE FOR THE PRIMARY EMPLOYMENT FROM
13 WHICH THE INJURY AROSE;

14 (3) THE COMPENSATION EARNED FROM THE SECONDARY EMPLOYMENT
15 DOES NOT EXCEED THE TOTAL COMPENSATION THAT WAS REGULARLY EARNED BY
16 THE COVERED EMPLOYEE BEFORE THE EMPLOYEE WAS INJURED; AND

17 (4) THE DUTIES OF THE EMPLOYEE IN THE SECONDARY EMPLOYMENT
18 ARE NOT LIKELY TO PROLONG THE DISABILITY.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000.