

(PRE-FILED)

By: **Senator Kittleman**
Requested: November 15, 2004
Introduced and read first time: January 12, 2005
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing the parent or guardian of a student involved in
5 unpaid work-based learning experiences to provide a certain waiver stating
6 that the student shall not be considered a covered employee for the purposes of
7 coverage under the State workers' compensation laws; and generally relating to
8 workers' compensation coverage for students in unpaid work-based learning
9 experiences.

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 7-114(b)
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Labor and Employment
17 Section 9-228(c)
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2004 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 7-114.

24 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
25 A student who has been placed with an employer in an unpaid work-based learning
26 experience coordinated by a county board is a covered employee of that employer, as

1 defined in Title 9 of the Labor and Employment Article, for the purposes of coverage
2 under the State workers' compensation laws.

3 (2) (I) A PARENT OR GUARDIAN OF A STUDENT MAY PROVIDE AN
4 AFFIRMATIVE WRITTEN WAIVER STATING THAT THE STUDENT IS NOT TO BE
5 CONSIDERED A COVERED EMPLOYEE FOR THE PURPOSES OF COVERAGE UNDER THE
6 STATE WORKERS' COMPENSATION LAWS.

7 (II) THE WAIVER SHALL BE SUBMITTED PRIOR TO THE START OF
8 THE WORK-BASED LEARNING EXPERIENCE AND STATE THE SPECIFIC UNPAID
9 WORK-BASED LEARNING EXPERIENCE FOR WHICH THE WAIVER WILL APPLY.

10 **Article - Labor and Employment**

11 9-228.

12 (c) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
13 A student is a covered employee when the student has been placed with an employer
14 in an unpaid work-based learning experience coordinated by a county board under §
15 7-114 of the Education Article.

16 (2) For purposes of this title, the employer for whom the student works
17 in the unpaid work-based learning experience is the employer of the student.

18 (3) (I) A PARENT OR GUARDIAN OF A STUDENT MAY PROVIDE AN
19 AFFIRMATIVE WRITTEN WAIVER STATING THAT THE STUDENT IS NOT TO BE
20 CONSIDERED A COVERED EMPLOYEE FOR THE PURPOSES OF COVERAGE UNDER THE
21 STATE WORKERS' COMPENSATION LAWS.

22 (II) THE WAIVER SHALL BE SUBMITTED PRIOR TO THE START OF
23 THE WORK-BASED LEARNING EXPERIENCE AND STATE THE SPECIFIC UNPAID
24 WORK-BASED LEARNING EXPERIENCE FOR WHICH THE WAIVER WILL APPLY.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 2005.