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By: **Delegate Wood**

Introduced and read first time: February 9, 2006

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Temporary Total Disability - Exclusions**

3 FOR the purpose of providing that an employer is not liable for the payment of  
4 temporary total disability compensation under the workers' compensation law  
5 for certain employees to whom benefits would otherwise be due under certain  
6 circumstances; providing for the application of this Act; and generally relating to  
7 temporary total disability compensation under workers' compensation law.

8 BY repealing and reenacting, without amendments,  
9 Article - Labor and Employment  
10 Section 9-221  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2005 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Labor and Employment  
15 Section 9-618 and 9-621  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2005 Supplement)

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

20 **Article - Labor and Employment**

21 9-221.

22 (a) A prisoner is a covered employee while the prisoner is:

23 (1) working for a board of county commissioners, a county council, or a  
24 county roads board if:

25 (i) the county pays the prisoner a wage or stipulated sum; and

1 (ii) the prisoner sustains permanent partial or permanent total  
2 disability or dies, as a result of an accidental personal injury; or

3 (2) engaged in work while under the supervision of Maryland  
4 Correctional Enterprises in the Federal Prison Industry Enhancement Program as  
5 provided in § 10-308(d) of the Correctional Services Article.

6 (b) In Allegany, Anne Arundel, Charles, Montgomery, Washington, and  
7 Wicomico counties, payment of a stipend or other money into an account that a  
8 correctional institution administers for a prisoner does not constitute payment of a  
9 wage or stipulated sum under subsection (a)(1)(i) of this section.

10 9-618.

11 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B), A covered employee who is  
12 temporarily totally disabled due to an accidental personal injury or an occupational  
13 disease shall be paid compensation in accordance with this Part III of this subtitle.

14 (B) AN EMPLOYER IS NOT LIABLE FOR THE PAYMENT OF TEMPORARY TOTAL  
15 DISABILITY BENEFITS FOR ANY EMPLOYEE WHO:

16 (1) IS RECEIVING RETIREMENT OR DISABILITY BENEFITS FROM ANY  
17 SOURCE AND IS NOT CURRENTLY EMPLOYED;

18 (2) IS INCARCERATED AND IS NOT:

19 (I) A COVERED EMPLOYEE UNDER § 9-221(A) OF THIS TITLE; OR

20 (II) PARTICIPATING IN A WORK-RELEASE PROGRAM; OR

21 (3) WITHIN 3 YEARS BEFORE THE CLAIMED PERIOD OF TEMPORARY  
22 TOTAL DISABILITY, HAS NOT BEEN EMPLOYED AND HAS NOT RECEIVED TEMPORARY  
23 TOTAL DISABILITY OR VOCATIONAL REHABILITATION BENEFITS.

24 9-621.

25 (a) (1) Except as provided in paragraph (2) of this subsection AND § 9-618(B)  
26 OF THIS SUBTITLE, if a covered employee is temporarily totally disabled due to an  
27 accidental personal injury or an occupational disease, the employer or its insurer  
28 shall pay the covered employee compensation that equals two-thirds of the average  
29 weekly wage of the covered employee, but:

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

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

32 (2) If the average weekly wage of the covered employee is less than \$50  
33 at the time of the accidental personal injury or the last injurious exposure to the  
34 hazards of the occupational disease, the employer or its insurer shall pay the covered  
35 employee compensation that equals the average weekly wage of the covered  
36 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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2006, and shall apply to the payment of any temporary total disability  
5 compensation due on or after October 1, 2006.