

HOUSE BILL 591

L2, K1

71r0364

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2007

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Workers’ Compensation – Average Weekly Wage**
3 **Computation**

4 **MC 701-07**

5 FOR the purpose of authorizing Montgomery County to use a certain method for
6 computing a certain wage for the purpose of determining the payment of
7 workers’ compensation awards; requiring the Workers’ Compensation
8 Commission to adopt certain regulations; providing for the application of this
9 Act; and generally relating to the computation method for workers’
10 compensation awards.

11 BY repealing and reenacting, without amendments,
12 Article – Labor and Employment
13 Section 9–601 and 9–602(a)
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2006 Supplement)

16 BY adding to
17 Article – Labor and Employment
18 Section 9–602(m)
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Labor and Employment**

2 9–601.

3 A provision of this subtitle may not be construed to change:

4 (1) a law relating to an accidental personal injury or an occupational
5 disease, that occurred before the effective date of the provision and for which a claim is
6 made under this title; or

7 (2) the payment basis in effect when an accidental personal injury or
8 an occupational disease, for which a claim is made under this title, occurred.

9 9–602.

10 (a) (1) Except as otherwise provided in this section, the average weekly
11 wage of a covered employee shall be computed by determining the average of the
12 weekly wages of the covered employee:

13 (i) when the covered employee is working full time; and

14 (ii) at the time of:

15 1. the accidental personal injury; or

16 2. the last injurious exposure of the covered employee to
17 the hazards of an occupational disease.

18 (2) For purposes of a computation under paragraph (1) of this
19 subsection, wages shall include:

20 (i) tips; and

21 (ii) the reasonable value of housing, lodging, meals, rent, and
22 other similar advantages that the covered employee received from the employer.

23 (3) If a covered employee establishes that, because of the age and
24 experience of the covered employee at the time of the accidental personal injury or last
25 injurious exposure to the hazards of the occupational disease, the wages of the covered
26 employee could be expected to increase under normal circumstances, the expected
27 increase may be taken into account when computing the average weekly wage of the
28 covered employee under paragraph (1) of this subsection.

1 **(M) (1) FOR THE PURPOSE OF COMPUTING THE AVERAGE WEEKLY**
2 **WAGE OF AN INDIVIDUAL WHO IS COVERED FOR WORKER’S COMPENSATION BY**
3 **THE MONTGOMERY COUNTY SELF-INSURANCE PROGRAM, THE WAGES OF THE**
4 **COVERED EMPLOYEE SHALL BE THE AVERAGE WAGE EARNED BY THE COVERED**
5 **EMPLOYEE DURING THE 14 WEEKS BEFORE THE ACCIDENTAL PERSONAL**
6 **INJURY, PROVIDED THAT PERIODS OF INVOLUNTARY LAYOFF OR INVOLUNTARY**
7 **AUTHORIZED ABSENCES ARE NOT INCLUDED IN THE 14 WEEKS.**

8 **(2) THE AVERAGE WEEKLY WAGE UNDER PARAGRAPH (1) OF THIS**
9 **SUBSECTION SHALL INCLUDE:**

10 **(I) THE WEEKS THAT THE COVERED EMPLOYEE ACTUALLY**
11 **WORKED DURING THE 14 WEEKS BEFORE THE ACCIDENTAL PERSONAL INJURY;**

12 **(II) VACATION WAGES PAID TO THE COVERED EMPLOYEE;**
13 **AND**

14 **(III) THE WAGE PROVISIONS SPECIFIED UNDER SUBSECTION**
15 **(A)(2) OF THIS SECTION.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Workers’
17 Compensation Commission shall adopt any regulations necessary to administer this
18 Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
20 construed to apply only prospectively and may not be applied or interpreted to have
21 any effect on or application to any claims for workers’ compensation before the
22 effective date of this Act.

23 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2007.