

SENATE BILL 58

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0lr0104

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Education)**

Requested: October 15, 2009

Introduced and read first time: January 13, 2010

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 2, 2010

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Division of Rehabilitation Services – Unpaid**
3 **Work-Based Learning Experiences**

4 FOR the purpose of providing that certain individuals in unpaid work-based learning
5 experiences with the Division of Rehabilitation Services in the State
6 Department of Education are covered employees for the purpose of coverage
7 under the State workers' compensation laws; designating the employer of a
8 certain individual in an unpaid work-based learning experience for the purpose
9 of coverage under the State workers' compensation laws; requiring the
10 participating employer to secure certain workers' compensation coverage;
11 requiring the Department to reimburse an employer for certain costs; defining
12 certain terms; providing for the application of this Act; and generally relating to
13 workers' compensation coverage for certain individuals in unpaid work-based
14 learning experiences with the Division of Rehabilitation Services in the State
15 Department of Education.

16 BY adding to

17 Article – Education

18 Section 21–310

19 Annotated Code of Maryland

20 (2008 Replacement Volume and 2009 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Labor and Employment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 9-228
2 Annotated Code of Maryland
3 (2008 Replacement Volume and 2009 Supplement)

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

6 **Article – Education**

7 **21-310.**

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
9 MEANINGS INDICATED.

10 (2) “DORS” MEANS THE DIVISION OF REHABILITATION
11 SERVICES IN THE STATE DEPARTMENT OF EDUCATION.

12 (3) “DORS CONSUMER” MEANS AN INDIVIDUAL DETERMINED
13 ELIGIBLE FOR REHABILITATION SERVICES UNDER § 21-306 OF THIS SUBTITLE
14 WHO IS PLACED BY DORS IN AN UNPAID WORK-BASED LEARNING EXPERIENCE.

15 (4) “UNPAID WORK-BASED LEARNING EXPERIENCE” MEANS A
16 PROGRAM THAT PROVIDES A DORS CONSUMER WITH STRUCTURED
17 EMPLOYER-SUPERVISED LEARNING THAT:

18 (I) OCCURS IN THE WORKPLACE;

19 (II) LINKS WITH AN INDIVIDUALIZED PLAN FOR
20 EMPLOYMENT;

21 (III) IS COORDINATED BY A DORS REHABILITATION
22 SPECIALIST; AND

23 (IV) IS CONDUCTED IN ACCORDANCE WITH THE TERMS OF
24 AN INDIVIDUAL WRITTEN WORK-BASED LEARNING EXPERIENCE AGREEMENT
25 BETWEEN DORS AND THE EMPLOYER OF THAT PARTICIPATING DORS
26 CONSUMER.

27 (B) A DORS CONSUMER WHO IS PLACED WITH AN EMPLOYER IN AN
28 UNPAID WORK-BASED LEARNING EXPERIENCE IS A COVERED EMPLOYEE OF
29 THAT EMPLOYER, AS DEFINED IN TITLE 9 OF THE LABOR AND EMPLOYMENT
30 ARTICLE FOR THE PURPOSE OF COVERAGE UNDER THE STATE WORKERS’
31 COMPENSATION LAWS.

1 **(C) (1) THE PARTICIPATING EMPLOYER WHERE A DORS CONSUMER**
2 **IS PLACED IN AN UNPAID WORK-BASED LEARNING EXPERIENCE SHALL SECURE**
3 **WORKERS' COMPENSATION COVERAGE FOR THAT DORS CONSUMER.**

4 **(2) THE STATE DEPARTMENT OF EDUCATION SHALL REIMBURSE**
5 **THE EMPLOYER IN AN AMOUNT EQUAL TO THE LESSER OF:**

6 **(I) THE COST OF THE PREMIUM FOR THE WORKERS'**
7 **COMPENSATION COVERAGE; OR**

8 **(II) \$250.**

9 **Article – Labor and Employment**

10 9–228.

11 (a) (1) A student with a disability as defined in § 8–401(a)(2) of the
12 Education Article is a covered employee while working for an employer without wages
13 in a work assignment in accordance with § 8–402 of the Education Article.

14 (2) For the purposes of this title, the employer for whom the student
15 with a disability works is the employer of that student.

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

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

21 (c) (1) A student is a covered employee when the student has been placed
22 with an employer in an unpaid work-based learning experience coordinated by a
23 county board or private noncollegiate institution under § 7–114 of the Education
24 Article.

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

27 **(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
28 **THE MEANINGS INDICATED.**

29 **(II) “DORS” MEANS THE DIVISION OF REHABILITATION**
30 **SERVICES IN THE STATE DEPARTMENT OF EDUCATION.**

31 **(III) “DORS CONSUMER” HAS THE MEANING STATED IN §**
32 **21–310 OF THE EDUCATION ARTICLE.**

1 **(2) A DORS CONSUMER IS A COVERED EMPLOYEE WHEN THE**
2 **INDIVIDUAL HAS BEEN PLACED BY DORS WITH AN EMPLOYER IN AN UNPAID**
3 **WORK-BASED LEARNING EXPERIENCE.**

4 **(3) FOR PURPOSES OF THIS TITLE, THE EMPLOYER FOR WHOM**
5 **THE DORS CONSUMER WORKS IN THE UNPAID WORK-BASED LEARNING**
6 **EXPERIENCE IS THE EMPLOYER OF THE DORS CONSUMER.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
8 applicable to students in unpaid work-based learning experiences, as defined in §
9 21-310 of the Education Article as enacted by this Act, beginning on the effective date
10 of this Act.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.