

SENATE BILL 388

F3, K1

2lr0631
CF 2lr2771

By: **Senators Kittleman, Kasemeyer, Robey, Brinkley, and Getty**

Introduced and read first time: February 1, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll and Howard Counties – Workers’ Compensation – Students in Unpaid**
3 **Work–Based Learning Experiences**

4 FOR the purpose of authorizing the boards of education in Carroll County and Howard
5 County to waive the requirement that a participating employer reimburse the
6 county for the cost of certain workers’ compensation insurance coverage for
7 students placed in unpaid work–based learning experiences; and generally
8 relating to the waiver of workers’ compensation reimbursement in connection
9 with unpaid work–based learning experiences.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 7–114
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Labor and Employment
17 Section 9–228(c)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2011 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 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Private noncollegiate institution” means a school or other
2 institution that is not under the general control and supervision of a county board of
3 education.

4 (3) “Unpaid work–based learning experience” means a program that
5 provides a student with structured employer–supervised learning that:

6 (i) Occurs in the workplace;

7 (ii) Links with classroom instruction;

8 (iii) Is coordinated by a county board or private noncollegiate
9 institution; and

10 (iv) Is conducted in accordance with the terms of an individual
11 written work–based learning agreement between the county board of education or
12 private noncollegiate institution placing a participating student and the employer of
13 that participating student.

14 (b) A student who has been placed with an employer in an unpaid
15 work–based learning experience coordinated by a county board or private
16 noncollegiate institution is a covered employee of that employer, as defined in Title 9
17 of the Labor and Employment Article, for the purposes of coverage under the State
18 workers’ compensation laws.

19 (c) (1) The participating employer where a student is placed in an unpaid
20 work–based learning experience under this section shall secure workers’ compensation
21 coverage for that student.

22 (2) The participating employer may satisfy its obligation to secure
23 workers’ compensation coverage under this subsection if the county board or private
24 noncollegiate institution that places the student in the unpaid work–based learning
25 experience chooses to secure workers’ compensation coverage for that student.

26 (d) (1) The county board or private noncollegiate institution that places a
27 student with an employer in an unpaid work–based learning experience under this
28 section may secure workers’ compensation coverage for that student.

29 (2) Subject to subsection (e) of this section, if a county board or private
30 noncollegiate institution chooses to secure workers’ compensation coverage under this
31 subsection, the participating employer shall reimburse the county board or private
32 noncollegiate institution in an amount equal to the lesser of:

33 (i) The cost of the premium for the workers’ compensation
34 insurance coverage; or

35 (ii) A fee of \$250.

1 (e) The Allegany County Board [and], **THE CARROLL COUNTY BOARD**, the
2 Cecil County Board, **AND THE HOWARD COUNTY BOARD** may waive the
3 requirement for reimbursement under subsection (d)(2) of this section.

4 **Article – Labor and Employment**

5 9–228.

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2012.