

HOUSE BILL 631

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By: **Howard County Delegation**

Introduced and read first time: February 4, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Permanent Partial Disability – Howard County**
3 **Deputy Sheriffs**

4 **Ho. Co. 11–16**

5 FOR the purpose of altering the circumstances under which Howard County deputy sheriffs
6 are eligible for enhanced workers' compensation benefits for certain permanent
7 partial disability claims; providing for the application of this Act; and generally
8 relating to workers' compensation benefits for Howard County deputy sheriffs.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 9–628
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Labor and Employment
16 Section 9–629
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2015 Supplement)

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

21 **Article – Labor and Employment**

22 9–628.

23 (a) In this section, “public safety employee” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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- 1 (1) a firefighter, fire fighting instructor, or paramedic employed by:
- 2 (i) a municipal corporation;
- 3 (ii) a county;
- 4 (iii) the State;
- 5 (iv) the State Airport Authority; or
- 6 (v) a fire control district;
- 7 (2) a volunteer firefighter or volunteer ambulance, rescue, or advanced life
8 support worker who is a covered employee under § 9–234 of this title and who provides
9 volunteer fire or rescue services to:
- 10 (i) a municipal corporation;
- 11 (ii) a county;
- 12 (iii) the State;
- 13 (iv) the State Airport Authority; or
- 14 (v) a fire control district;
- 15 (3) a police officer employed by:
- 16 (i) a municipal corporation;
- 17 (ii) a county;
- 18 (iii) the State;
- 19 (iv) the State Airport Authority;
- 20 (v) the Maryland–National Capital Park and Planning Commission;
- 21 or
- 22 (vi) the Washington Metropolitan Area Transit Authority;
- 23 (4) a Prince George’s County deputy sheriff or correctional officer;
- 24 (5) a Montgomery County deputy sheriff or correctional officer;
- 25 (6) an Allegany County deputy sheriff;

1 (7) a Howard County deputy sheriff[, but only when the deputy sheriff is
2 performing law enforcement duties expressly requested, defined, and authorized in
3 accordance with a written memorandum of understanding executed between the Howard
4 County Sheriff and other law enforcement agencies];

5 (8) an Anne Arundel County deputy sheriff or detention officer; or

6 (9) a Baltimore County deputy sheriff, but only when the deputy sheriff
7 sustains an accidental personal injury that arises out of and in the course and scope of
8 performing duties directly related to:

9 (i) courthouse security;

10 (ii) prisoner transportation;

11 (iii) service of warrants;

12 (iv) personnel management; or

13 (v) other administrative duties.

14 (b) Except as provided in subsections (g) and (h) of this section, if a covered
15 employee is awarded compensation for less than 75 weeks in a claim arising from events
16 occurring on or after January 1, 1988, the employer or its insurer shall pay the covered
17 employee compensation that equals one-third of the average weekly wage of the covered
18 employee but does not exceed \$80.

19 (c) Except as provided in subsections (g) and (h) of this section, if a covered
20 employee is awarded compensation for less than 75 weeks in a claim arising from events
21 occurring on or after January 1, 1989, the employer or its insurer shall pay the covered
22 employee compensation that equals one-third of the average weekly wage of the covered
23 employee but does not exceed \$82.50.

24 (d) Except as provided in subsections (g) and (h) of this section, if a covered
25 employee is awarded compensation for less than 75 weeks in a claim arising from events
26 occurring on or after January 1, 1993, the employer or its insurer shall pay the covered
27 employee compensation that equals one-third of the average weekly wage of the covered
28 employee but does not exceed \$94.20.

29 (e) Except as provided in subsections (g) and (h) of this section, if a covered
30 employee is awarded compensation for less than 75 weeks in a claim arising from events
31 occurring on or after January 1, 2000, the employer or its insurer shall pay the covered
32 employee compensation that equals one-third of the average weekly wage of the covered
33 employee but does not exceed \$114.

34 (f) Except as provided in subsections (g) and (h) of this section, if a covered
35 employee is awarded compensation for less than 75 weeks, the employer or its insurer shall

1 pay to the covered employee compensation that equals one-third of the average weekly
2 wage of the covered employee but does not exceed:

3 (1) for claims arising from events occurring on or after January 1, 2009,
4 but before January 1, 2010, 14.3% of the State average weekly wage;

5 (2) for claims arising from events occurring on or after January 1, 2010,
6 but before January 1, 2011, 15.4% of the State average weekly wage; and

7 (3) for claims arising from events occurring on or after January 1, 2011,
8 16.7% of the State average weekly wage.

9 (g) If a covered employee is awarded compensation for less than 75 weeks for a
10 disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall pay the
11 covered employee weekly compensation at the rate set for an award of compensation for a
12 period greater than or equal to 75 weeks but less than 250 weeks under § 9-629 of this
13 subtitle.

14 (h) If a public safety employee is awarded compensation for less than 75 weeks,
15 the employer or its insurer shall pay the public safety employee compensation at the rate
16 set for an award of compensation for a period greater than or equal to 75 weeks but less
17 than 250 weeks under § 9-629 of this subtitle.

18 9-629.

19 If a covered employee is awarded compensation for a period equal to or greater than
20 75 weeks but less than 250 weeks, the employer or its insurer shall pay the covered
21 employee weekly compensation that equals two-thirds of the average weekly wage of the
22 covered employee but does not exceed one-third of the State average weekly wage.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
24 apply only prospectively and may not be applied or interpreted to have any effect on or
25 application to any claims arising from events that occurred before the effective date of this
26 Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2016.