

HOUSE BILL 1119

K1

9lr1879

By: **Delegates Kerr, Ciliberti, and K. Young**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Workers’ Compensation – Occupational Disease and**
3 **Permanent Partial Disability – Deputy Sheriffs and Correctional Officers**

4 FOR the purpose of extending the presumption of a compensable occupational disease
5 under workers’ compensation law to include Frederick County deputy sheriffs and
6 correctional officers who suffer from heart disease or hypertension resulting in
7 partial or total disability or death under certain circumstances; requiring that
8 workers’ compensation benefits received under this Act are in addition to certain
9 retirement benefits, subject to a certain adjustment; providing for enhanced workers’
10 compensation benefits for Frederick County deputy sheriffs or correctional officers
11 for a compensable permanent partial disability of less than a certain number of
12 weeks; requiring certain Frederick County deputy sheriffs and correctional officers
13 to submit certain medical reports to the Frederick County Sheriff on or before a
14 certain date; providing for the application of certain provisions of this Act; and
15 generally relating to workers’ compensation benefits for Frederick County deputy
16 sheriffs and correctional officers.

17 BY repealing and reenacting, with amendments,
18 Article – Labor and Employment
19 Section 9–503(b) and (e) and 9–628(a)(9) and (10)
20 Annotated Code of Maryland
21 (2016 Replacement Volume and 2018 Supplement)

22 BY adding to
23 Article – Labor and Employment
24 Section 9–628(a)(11)
25 Annotated Code of Maryland
26 (2016 Replacement Volume and 2018 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article – Labor and Employment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–628(h) and 9–629
2 Annotated Code of Maryland
3 (2016 Replacement Volume and 2018 Supplement)

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

6 **Article – Labor and Employment**

7 9–503.

8 (b) (1) A paid police officer employed by an airport authority, a county, the
9 Maryland–National Capital Park and Planning Commission, a municipality, or the State,
10 a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this subsection, a
11 deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy
12 sheriff of Baltimore City, **DEPUTY SHERIFF OF FREDERICK COUNTY, FREDERICK**
13 **COUNTY CORRECTIONAL OFFICER**, Montgomery County correctional officer, Prince
14 George’s County deputy sheriff, Prince George’s County correctional officer, or deputy
15 sheriff of Allegany County is presumed to be suffering from an occupational disease that
16 was suffered in the line of duty and is compensable under this title if:

17 (i) the police officer, deputy sheriff, or correctional officer is
18 suffering from heart disease or hypertension; and

19 (ii) the heart disease or hypertension results in partial or total
20 disability or death.

21 (2) (i) A deputy sheriff of Anne Arundel County, Anne Arundel County
22 detention officer, deputy sheriff of Baltimore City, **DEPUTY SHERIFF OF FREDERICK**
23 **COUNTY, FREDERICK COUNTY CORRECTIONAL OFFICER**, Montgomery County
24 correctional officer, Prince George’s County deputy sheriff, or Prince George’s County
25 correctional officer is entitled to the presumption under this subsection only to the extent
26 that the individual suffers from heart disease or hypertension that is more severe than the
27 individual’s heart disease or hypertension condition existing prior to the individual’s
28 employment as a deputy sheriff of Anne Arundel County, Anne Arundel County detention
29 officer, deputy sheriff of Baltimore City, **DEPUTY SHERIFF OF FREDERICK COUNTY,**
30 **FREDERICK COUNTY CORRECTIONAL OFFICER**, Montgomery County correctional
31 officer, Prince George’s County deputy sheriff, or Prince George’s County correctional
32 officer.

33 (ii) To be eligible for the presumption under this subsection, a deputy
34 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
35 Baltimore City, **DEPUTY SHERIFF OF FREDERICK COUNTY, FREDERICK COUNTY**
36 **CORRECTIONAL OFFICER**, Montgomery County correctional officer, Prince George’s
37 County deputy sheriff, or Prince George’s County correctional officer, as a condition of
38 employment, shall submit to a medical examination to determine any heart disease or

1 hypertension condition existing prior to the individual's employment as a deputy sheriff of
2 Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of Baltimore
3 City, **DEPUTY SHERIFF OF FREDERICK COUNTY, FREDERICK COUNTY**
4 **CORRECTIONAL OFFICER**, Montgomery County correctional officer, Prince George's
5 County deputy sheriff, or Prince George's County correctional officer.

6 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
7 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
8 Marshal, paid police officer, paid law enforcement employee of the Department of Natural
9 Resources, deputy sheriff of Anne Arundel County, Anne Arundel County detention officer,
10 **DEPUTY SHERIFF OF FREDERICK COUNTY, FREDERICK COUNTY CORRECTIONAL**
11 **OFFICER**, park police officer of the Maryland–National Capital Park and Planning
12 Commission, deputy sheriff of Montgomery County, deputy sheriff of Baltimore City,
13 Montgomery County correctional officer, deputy sheriff of Prince George's County, or Prince
14 George's County correctional officer who is eligible for benefits under subsection (a), (b), (c),
15 or (d) of this section or the dependents of those individuals shall receive the benefits in
16 addition to any benefits that the individual or the dependents of the individual are entitled
17 to receive under the retirement system in which the individual was a participant at the
18 time of the claim.

19 (2) The benefits received under this title shall be adjusted so that the
20 weekly total of those benefits and retirement benefits does not exceed the weekly salary
21 that was paid to the paid law enforcement employee of the Department of Natural
22 Resources, a park police officer of the Maryland–National Capital Park and Planning
23 Commission, firefighter, fire fighting instructor, sworn member of the Office of the State
24 Fire Marshal, police officer, deputy sheriff, **FREDERICK COUNTY**, Prince George's County,
25 or Montgomery County correctional officer, or Anne Arundel County detention officer.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
27 as follows:

28 Article – Labor and Employment

29 9–628.

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

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

34 (i) courthouse security;

35 (ii) prisoner transportation;

36 (iii) service of warrants;

1 (iv) personnel management; or

2 (v) other administrative duties; [or]

3 (10) a State correctional officer; **OR**

4 **(11) A FREDERICK COUNTY DEPUTY SHERIFF OR CORRECTIONAL**
5 **OFFICER.**

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

10 9–629.

11 If a covered employee is awarded compensation for a period equal to or greater than
12 75 weeks but less than 250 weeks, the employer or its insurer shall pay the covered
13 employee weekly compensation that equals two–thirds of the average weekly wage of the
14 covered employee but does not exceed one–third of the State average weekly wage.

15 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the
16 provisions of § 9–503(b)(2) of the Labor and Employment Article, as enacted by Section 1 of
17 this Act, a Frederick County deputy sheriff or correctional officer who is employed on or
18 before September 30, 2019:

19 (1) as a condition of continued employment, shall provide to the Frederick
20 County Sheriff on or before December 31, 2019, a copy of a baseline medical report
21 disclosing and describing any existing heart disease or hypertension from which the deputy
22 sheriff or correctional officer may be suffering; and

23 (2) is entitled to the presumption under § 9–503(b)(2) of the Labor and
24 Employment Article, as enacted by Section 1 of this Act, only to the extent that the
25 individual suffers from heart disease or hypertension condition existing as of the date of
26 the medical report provided under paragraph (1) of this section.

27 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be
28 construed to apply only prospectively and may not be applied or interpreted to have any
29 effect on or application to any claims arising from events occurring before the effective date
30 of this Act.

31 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2019.