

SENATE BILL 845

K1

4lr2028

By: **Senator Klausmeier**

Introduced and read first time: February 2, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Temporary Partial Disability – Concurrent**
3 **Employment**

4 FOR the purpose of requiring the employer at the employment where the accidental
5 personal injury or occupational disease occurred or its insurer to pay a temporarily
6 partially disabled covered employee who holds concurrent employment
7 compensation that equals a certain proportion of the average weekly wage of the
8 covered employee under certain circumstances; and generally relating to temporary
9 partial disability benefits.

10 BY repealing and reenacting, with amendments,
11 Article – Labor and Employment
12 Section 9–615
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2023 Supplement)

15 BY adding to
16 Article – Labor and Employment
17 Section 9–616
18 Annotated Code of Maryland
19 (2016 Replacement Volume and 2023 Supplement)

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

22 **Article – Labor and Employment**

23 9–615.

24 (a) (1) Subject to paragraph (2) of this subsection **AND EXCEPT AS PROVIDED**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **IN § 9-616 OF THIS SUBTITLE**, if the wage earning capacity of a covered employee is less
2 while temporarily partially disabled, the employer or its insurer shall pay the covered
3 employee compensation that equals 50% of the difference between:

4 (i) the average weekly wage of the covered employee; and

5 (ii) the wage earning capacity of the covered employee in the same
6 or other employment while temporarily partially disabled.

7 (2) The compensation payable under paragraph (1) of this subsection may
8 not exceed 50% of the State average weekly wage.

9 (b) The employer or its insurer shall pay the weekly compensation for the period
10 that the covered employee is temporarily partially disabled.

11 **9-616.**

12 (A) **THIS SECTION APPLIES ONLY WITH RESPECT TO A COVERED EMPLOYEE**
13 **WHO:**

14 (1) **IS TEMPORARILY PARTIALLY DISABLED AS A RESULT OF AN**
15 **ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE;**

16 (2) **WAS CONCURRENTLY EMPLOYED BY MORE THAN ONE EMPLOYER**
17 **AT THE TIME THAT THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL**
18 **DISEASE OCCURRED;**

19 (3) **IS UNABLE TO PERFORM AT THE EMPLOYMENT WHERE THE**
20 **ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE OCCURRED; AND**

21 (4) **IS ABLE TO PERFORM AT A CONCURRENT EMPLOYMENT.**

22 (B) **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE EMPLOYER AT THE**
23 **EMPLOYMENT WHERE THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL**
24 **DISEASE OCCURRED OR ITS INSURER SHALL PAY A COVERED EMPLOYEE**
25 **COMPENSATION THAT EQUALS TWO-THIRDS OF THE AVERAGE WEEKLY WAGE OF**
26 **THE COVERED EMPLOYEE IF:**

27 (1) **THE COVERED EMPLOYEE IS NOT AT MAXIMUM MEDICAL**
28 **IMPROVEMENT;**

29 (2) **A PHYSICIAN CERTIFIES IN WRITING THAT THE COVERED**
30 **EMPLOYEE IS:**

1 **(I) TEMPORARILY PARTIALLY DISABLED FROM THE**
2 **EMPLOYMENT WHERE THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL**
3 **DISEASE OCCURRED; AND**

4 **(II) CAPABLE OF CONTINUING WORK IN THE CONCURRENT**
5 **EMPLOYMENT; AND**

6 **(3) THE COVERED EMPLOYEE WORKED IN THE CONCURRENT**
7 **EMPLOYMENT FOR AT LEAST 8 WEEKS BEFORE THE INJURY OR OCCUPATIONAL**
8 **DISEASE OCCURRED.**

9 **(C) (1) THE COMPENSATION PAYABLE UNDER SUBSECTION (B) OF THIS**
10 **SECTION MAY NOT:**

11 **(I) EXCEED THE STATE-DESIGNATED MAXIMUM RATE; OR**

12 **(II) BE LESS THAN \$50.**

13 **(2) AN EMPLOYER MAY NOT BE REQUIRED TO PAY THE**
14 **COMPENSATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR A PERIOD**
15 **OF MORE THAN 6 MONTHS.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
17 apply only prospectively and may not be applied or interpreted to have any effect on or
18 application to any claim filed before the effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2024.