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March 2, 2020

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Dear Delegates :

Please be advised that I represent a Harford County Deputy Sheriff that is a correctional officer at the Harford County Detention Center. This officer was injured when he was attacked by an inmate in the jail and received a permanent injury to his hand and wrist while protecting himself.

I filed a Workers Compensation claim on his behalf after he received medical care and treatment for a number of months. He was released by his doctor as having received maximum medical improvement, meaning there was nothing else he could do to his injury. He was left with a substantial injury to his right dominant hand and wrist.

He was rated as nature and extent of permanent partial disability. As you are aware, Workers Compensation benefits are controlled by the number of weeks of benefits. It was determined that his injuries were less than 75 weeks of benefits, even though he was found to have a 13% permanent partial disability to his right dominant hand/wrist in this matter.

Under the Workers Compensation Law, specifically Labor & Employment article section 9-628 (h), it states that "if a public safety employee is awarded compensation for less than 75 weeks, the employer/insurer shall pay the public safety employee compensation set at the rate set for an award of compensation for a period greater than or equal to 75 weeks, but less than 250 weeks" under 9-629 of this article.

This law concerning public safety employees set forth under Labor & Employment section 9-628 (h), means that a public safety employee as defined in section 9-628 receives Tier II rates of Workers Compensation benefits instead of Tier I rates of Workers Compensation benefits even though the award is less than 75 weeks of benefits.

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A person is defined as a public safety employee is set forth in section 9-628 (a) where public safety employee is defined. This generally deals with fire fighters, fire fighter instructors and paramedics, volunteer fire fighters, volunteer ambulance and advanced life support workers, police officers and pursuant to 9-628 (a)(4) includes Prince George's County Correctional officers, and under (5) Montgomery County Correction officer and under section (8) Anne Arundel Deputy Sheriff or Detention officer, and under (10) a State Correctional officer.

You will note that Harford County Deputy Sheriff's that are working as a Correctional Officer are not covered under Labor & Employment section 9-628 and therefore they are denied the benefit of being designated as a public safety employee under Labor & Employment section 9-628 (h), which provides payments for Tier II Workers Compensation rates if the Award is less 75 weeks. Therefore, a Harford County Deputy Sheriff that is a Correctional Officer is denied the same benefits that are given to Prince George's County Correctional Officers, Montgomery County Correctional Officers, Anne Arundel County Detention Officers, and State Correctional Officers.

In this case, my client was paid at Tier I rates for every week of disability. Tier I rates for 2019 are \$183.00 per week of benefit. Tier II rates for 2019 are \$365 per week of benefits. My client received about 50% of what a Prince George's County correctional officer would receive for the same injury.

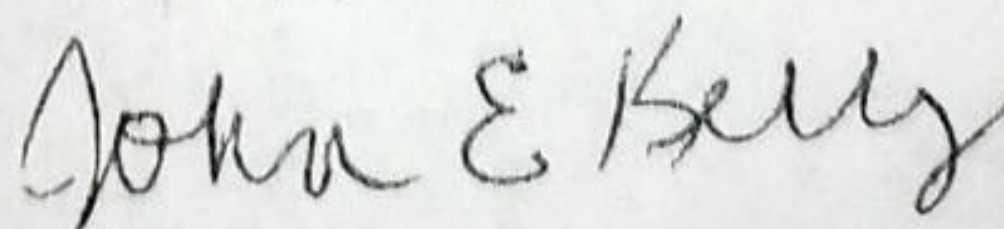
I am asking that you amend the Labor & Employment article 9-628 to provide for equal benefits to Harford County Deputy Sheriff's employees that are Correctional Officers and add them into the covered groups to get the benefits for public safety employees under Labor & Employment article 9-628 (h).

This is just simply justice and fairness to Harford County Deputy Sheriff's that are acting as Correctional Officers.

Would you please introduce in the upcoming session of the legislature an amendment to the Workers Compensation law in accordance with this letter. I am sending a copy of this letter to the Workers Compensation Oversight Committee as well.

I greatly appreciate your consideration of this change in legislation. I think Harford County Sheriff Officers who are Correctional Officers should be entitled to the same protections as the other covered Counties and State Correctional officers. I will gladly appear to testify concerning such a change.

Very truly yours,



JOHN E. KELLY