



Maryland Association for Justice, Inc.

2021 Position Paper

HB 85 - Baltimore County - Workers' Compensation - Permanent Partial Disability - Detention and Correctional Officers

Maryland Association for Justice Urges Favorable Report

The Maryland Association for Justice (MAJ) is an association of trial lawyers, many of whom represent workers injured on the job.

Permanent Partial Disability – First and Second Tier Benefits

Permanent partial disability is a workers' compensation benefit that compensates employees who must cope with pain or limitations left over from the accidental injury or occupational disease. It recognizes that wounded workers, over the remainder of their careers, will likely make less money than people who are not hindered by partial disabilities.

This bill address what are known as first tier and second tier permanent partial disability benefits. The two-tier system was adopted in recognition that some permanent partial disabilities are not as serious as other disabilities which are likely to cause a more significant impact on a claimant's future earning capacity. Based on this notion, when the Commission enters a second-tier award, the claimant receives twice as much compensation as he or she would have if a first tier award had entered.

When the two-tier system was set up, the General Assembly recognized that, for public safety workers who place themselves in harm's way for the public good - police and firefighters - there is no such thing as a minor disability. In recognition of the dangers they encounter, public safety workers who receive an award that would have been paid at the first-tier rate, are paid at the second-tier rate.

Over the years, the list of public safety workers has grown. Most notably, for purposes of this bill, Maryland State correctional officers and correctional officers from a number of counties are now included as public safety.

HB 85 - Correctional Officers are Public Safety

Correctional work is at least as dangerous as policing. Correctional officers, armed only with pepper spray and a baton, are locked in with inmates. They are not allowed to carry firearms for personal protection. Day in and day out, they interact with dangerous inmates, many of whom take out their frustrations with the system on the officers guarding them.



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For these correctional officers, charged with maintaining order and protecting their fellow officers, unarmed, there is no such thing as a minor (first tier) disability. Also, given that the General Assembly has recognized that state correctional officers and officers from other counties are worthy of enhanced public safety benefits, the brave men and women who encounter the same dangers as Baltimore County correctional officers are entitled to the same benefits as their counterparts in these other jurisdictions.

Maryland Association for Justice Respectfully Urges Favorable Report