



Senate Finance Committee  
March 5, 2024

## Testimony of Chesapeake Employers' Insurance Company and Injured Workers' Insurance Fund in Opposition to Senate Bill 845

Senate Bill 845 proposes to allow an injured worker to collect temporary total disability benefit rates as a result of a work-related injury covered by the Workers' Compensation Act even though the injured worker continues to work in a job other than the employment that led to the injury. For the forgoing reasons, Chesapeake Employers and Injured Workers' Insurance Fund respectfully oppose Senate Bill 845.

Currently, if an injured worker has concurrent employment, he or she is unable to collect temporary total disability unless he or she cannot work either employment. Hence the term total disability. If an injured worker can work one of his or her jobs, but not both, he or she would be entitled to temporary partial disability pursuant to Section 9-615 of the Labor and Employment Article, payments, therefore, are based on one's physical state (See *Buckler v. Willett Construction Co.*, 345 Md. 350 (1997)).

Senate Bill 845 effectively removes the long-standing concept of temporary partial disability from the statute while also overruling case law going back 25 years.

More importantly, however, Senate Bill 845 would cause significant financial impact on certain businesses that routinely employ workers who may have second jobs, such as restaurants, bars, and related fields. Because of the requirement to pay total disability rates for individuals only partially incapacitated, insurance premium would be based on disability not caused by the insured business. This effect on insurance rates would be detrimental to all businesses but certainly those mentioned above.

For the forgoing reasons, Chesapeake Employers' Insurance Company and Injured Workers' Insurance Fund respectfully request an unfavorable report on Senate Bill 845.

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