

§ 9-602 Average Weekly Wage

(a)(1) Except as otherwise provided in this section, the average weekly wage of a covered employee shall be computed by determining the average of the weekly wages of the covered employee:

(i) when the covered employee is working full time; and

(ii) at the time of:

1. the accidental personal injury; or

2. the last injurious exposure of the covered employee to the hazards of an occupational disease.

(2) For purposes of a computation under paragraph (1) of this subsection, wages shall include:

(i) tips; and

(ii) the reasonable value of housing, lodging, meals, rent, and other similar advantages that the covered employee received from the employer.

(3) If a covered employee establishes that, because of the age and experience of the covered employee at the time of the accidental personal injury or last injurious exposure to the hazards of the occupational disease, the wages of the covered employee could be expected to increase under normal circumstances, the expected increase may be taken into account when computing the average weekly wage of the covered employee under paragraph (1) of this subsection.

(4) THIS SUBSECTION APPLIES ONLY TO A COVERED EMPLOYEE

(i) WHO HAS SUFFERED AN ACCIDENTAL INJURY OR OCCUPATIONAL DISEASE AND

(ii) WAS CONCURRENTLY EMPLOYED BY MORE THAN ONE EMPLOYER AT THE TIME OF THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE; AND

(iii) AS A RESULT OF THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE, IS UNABLE TO WORK AT ANY EMPLOYMENT THE COVERED EMPLOYEE WAS ENGAGED IN AT THE TIME OF THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE OR ANY SIMILAR TYPE OF EMPLOYMENT.

(iv) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE WEEKLY WAGES FROM THE EMPLOYMENTS THE COVERED EMPLOYEE WAS ENGAGED IN AT THE TIME OF THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE SHALL BE COMBINED FOR PURPOSES OF COMPUTING THE AVERAGE WEEKLY WAGE OF THE COVERED EMPLOYEE.

(v) THIS SUBSECTION SHALL NOT BE INTERPRETED TO:

(1). EXCEPT AS OTHERWISE PROVIDED UNDER THIS TITLE, RELIEVE THE EMPLOYER IN WHOSE EMPLOYMENT THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE OCCURRED FROM LIABILITY TO PAY COMPENSATION; OR

(2). CREATE LIABILITY TO PAY COMPENSATION ON THE PART OF ANOTHER EMPLOYER IN WHOSE EMPLOYMENT THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE DID NOT OCCUR.

(vi) THIS SUBSECTION APPLIES TO A COVERED EMPLOYEE ONLY IF THE APPLICATION OF THIS SUBSECTION RESULTS IN A HIGHER COMBINED AVERAGE WEEKLY WAGE.

§9-615 – Payment of Compensation

(a)(1) Subject to paragraph (2) of this subsection, if the wage earning capacity of a covered employee is less while temporarily partial disabled, the employer or its insurer shall pay the covered employee compensation that equals 50% of the difference between:

- (i) the average weekly wage of the covered employee; and
- (ii) the wage earning capacity of the covered employee in the same or other employment while temporarily partially disabled.

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

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

(c)(1) THIS SUBSECTION APPLIES TO THE PAYMENT OF WEEKLY COMPENSATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION ONLY IF THE AVERAGE WEEKLY WAGE OF THE COVERED EMPLOYEE IS COMPUTED UNDER §9-602(A)(4) OF THIS SUBTITLE.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE EMPLOYER IN WHOSE EMPLOYMENT THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE OCCURRED OR THE EMPLOYER'S INSURER SHALL PAY THE COVERED EMPLOYEE WEEKLY COMPENSATION.

(3)(i) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, THE SUBSEQUENT INJURY FUND OR THE UNINSURED EMPLOYERS' FUND SHALL REIMBURSE THE EMPLOYER OR THE EMPLOYER'S INSURER FOR THE AMOUNT OF WEEKLY COMPENSATION PAID UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT IS BASED ON THE WEEKLY WAGES OF THE COVERED EMPLOYEE AT OTHER EMPLOYMENT.

(ii) THE FUND WITH THE HIGHER BALANCE AT THE BEGINNING OF THE FISCAL YEAR IN WHICH THE REIMBURSEMENT REQUIRED UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH IS TO BE MADE SHALL REIMBURSE THE EMPLOYER OR THE EMPLOYER'S INSURER UNDER SUBPARAGRAPH (1) OF THIS PARAGRAPH.

(iii) THE OBLIGATION OF THE SUBSEQUENT INJURY FUND OR THE UNINSURED EMPLOYERS' FUND TO REIMBURSE AN EMPLOYER OR THE EMPLOYER'S INSURER UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH IS SUBJECT TO A RIGHT OF THE SUBSEQUENT INJURY FUND OR THE UNINSURED EMPLOYERS' FUND TO BE IMPLEAD AND TO BE ABLE TO DEFEND A CLAIM INVOLVING A PAYMENT OBLIGATION UNDER THIS SUBSECTION.

§ 9-621 – Payment of Compensation

(a)(1) Except as provided in paragraph (2) of this subsection, if a covered employee is temporarily totally disabled due to an accidental personal injury or an occupational disease, the employer or its insurer shall pay the covered employee compensation that equals two-thirds of the average weekly wage of the covered employee, but:

- (i) does not exceed the average weekly wage of the State; and
- (ii) is not less than \$50.

(2) If the average weekly wages of the covered employee is less than \$50 at the time of the accidental personal injury or the last injurious exposure to the hazards of the occupational disease, the employer or its insurer shall pay the covered employee compensation that equals the average weekly wage of the covered employee.

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

(c)(1) THIS SUBSECTION APPLIES TO THE PAYMENT OF WEEKLY COMPENSATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION ONLY IF THE AVERAGE WEEKLY WAGE OF THE COVERED EMPLOYEE IS COMPUTED UNDER §9-602(A)(4) OF THIS SUBTITLE.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE EMPLOYER IN WHOSE EMPLOYMENT THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE OCCURRED OR THE EMPLOYER'S INSURER SHALL PAY THE COVERED EMPLOYEE WEEKLY COMPENSATION.

(3)(i) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, THE SUBSEQUENT INJURY FUND OR THE UNINSURED EMPLOYERS' FUND SHALL REIMBURSE THE EMPLOYER OR THE EMPLOYER'S INSURER FOR THE AMOUNT OF WEEKLY COMPENSATION PAID UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT IS BASED ON THE WEEKLY WAGES OF THE COVERED EMPLOYEE AT OTHER EMPLOYMENT.

(ii) THE FUND WITH THE HIGHER BALANCE AT THE BEGINNING OF THE FISCAL YEAR IN WHICH THE REIMBURSEMENT REQUIRED UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH IS TO BE MADE SHALL REIMBURSE THE EMPLOYER OR THE EMPLOYER'S INSURER UNDER SUBPARAGRAPH (1) OF THIS PARAGRAPH.

(iii) THE OBLIGATION OF THE SUBSEQUENT INJURY FUND OR THE UNINSURED EMPLOYERS' FUND TO REIMBURSE AN EMPLOYER OR THE EMPLOYER'S INSURER UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH IS SUBJECT TO A RIGHT OF THE SUBSEQUENT INJURY FUND OR THE UNINSURED EMPLOYERS' FUND TO BE IMPLEAD AND TO BE ABLE TO DEFEND A CLAIM INVOLVING A PAYMENT OBLIGATION UNDER THIS SUBSECTION.