

Chapter 209

(Senate Bill 58)

AN ACT concerning

Workers' Compensation – Division of Rehabilitation Services – Unpaid Work-Based Learning Experiences

FOR the purpose of providing that certain individuals in unpaid work-based learning experiences with the Division of Rehabilitation Services in the State Department of Education are covered employees for the purpose of coverage under the State workers' compensation laws; designating the employer of a certain individual in an unpaid work-based learning experience for the purpose of coverage under the State workers' compensation laws; requiring the participating employer to secure certain workers' compensation coverage; requiring the Department to reimburse an employer for certain costs; defining certain terms; providing for the application of this Act; and generally relating to workers' compensation coverage for certain individuals in unpaid work-based learning experiences with the Division of Rehabilitation Services in the State Department of Education.

BY adding to

Article – Education

Section 21–310

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 9–228

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Article – Education

21–310.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) **“DORS” MEANS THE DIVISION OF REHABILITATION SERVICES IN THE STATE DEPARTMENT OF EDUCATION.**

(3) **“DORS CONSUMER” MEANS AN INDIVIDUAL DETERMINED ELIGIBLE FOR REHABILITATION SERVICES UNDER § 21-306 OF THIS SUBTITLE WHO IS PLACED BY DORS IN AN UNPAID WORK-BASED LEARNING EXPERIENCE.**

(4) **“UNPAID WORK-BASED LEARNING EXPERIENCE” MEANS A PROGRAM THAT PROVIDES A DORS CONSUMER WITH STRUCTURED EMPLOYER-SUPERVISED LEARNING THAT:**

(I) **OCCURS IN THE WORKPLACE;**

(II) **LINKS WITH AN INDIVIDUALIZED PLAN FOR EMPLOYMENT;**

(III) **IS COORDINATED BY A DORS REHABILITATION SPECIALIST; AND**

(IV) **IS CONDUCTED IN ACCORDANCE WITH THE TERMS OF AN INDIVIDUAL WRITTEN WORK-BASED LEARNING EXPERIENCE AGREEMENT BETWEEN DORS AND THE EMPLOYER OF THAT PARTICIPATING DORS CONSUMER.**

(B) **A DORS CONSUMER WHO IS PLACED WITH AN EMPLOYER IN AN UNPAID WORK-BASED LEARNING EXPERIENCE IS A COVERED EMPLOYEE OF THAT EMPLOYER, AS DEFINED IN TITLE 9 OF THE LABOR AND EMPLOYMENT ARTICLE FOR THE PURPOSE OF COVERAGE FOR MEDICAL SERVICES AND TREATMENT UNDER THE STATE WORKERS’ COMPENSATION LAWS.**

(C) (1) **THE PARTICIPATING EMPLOYER WHERE A DORS CONSUMER IS PLACED IN AN UNPAID WORK-BASED LEARNING EXPERIENCE SHALL SECURE WORKERS’ COMPENSATION COVERAGE FOR THAT DORS CONSUMER.**

(2) **THE STATE DEPARTMENT OF EDUCATION SHALL REIMBURSE THE EMPLOYER IN AN AMOUNT EQUAL TO THE LESSER OF:**

(I) **THE COST OF THE PREMIUM FOR THE WORKERS’ COMPENSATION COVERAGE; OR**

(II) **\$250.**

Article – Labor and Employment

9-228.

(a) (1) A student with a disability as defined in § 8-401(a)(2) of the Education Article is a covered employee while working for an employer without wages in a work assignment in accordance with § 8-402 of the Education Article.

(2) For the purposes of this title, the employer for whom the student with a disability works is the employer of that student.

(b) (1) An individual is a covered employee while working as a student intern or student teacher under § 6-107 of the Education Article.

(2) For the purposes of this title, the Board of School Commissioners of Baltimore City or the board of education for any other county is the employer of an individual who is a covered employee under this subsection in that county.

(c) (1) A student is a covered employee when the student has been placed with an employer in an unpaid work-based learning experience coordinated by a county board or private noncollegiate institution under § 7-114 of the Education Article.

(2) For purposes of this title, the employer for whom the student works in the unpaid work-based learning experience is the employer of that student.

(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "DORS" MEANS THE DIVISION OF REHABILITATION SERVICES IN THE STATE DEPARTMENT OF EDUCATION.

(III) "DORS CONSUMER" HAS THE MEANING STATED IN § 21-310 OF THE EDUCATION ARTICLE.

(2) A DORS CONSUMER IS A COVERED EMPLOYEE WHEN THE INDIVIDUAL HAS BEEN PLACED BY DORS WITH AN EMPLOYER IN AN UNPAID WORK-BASED LEARNING EXPERIENCE.

(3) FOR PURPOSES OF THIS TITLE, THE EMPLOYER FOR WHOM THE DORS CONSUMER WORKS IN THE UNPAID WORK-BASED LEARNING EXPERIENCE IS THE EMPLOYER OF THE DORS CONSUMER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be applicable to students in unpaid work-based learning experiences, as defined in § 21-310 of the Education Article as enacted by this Act, beginning on the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.