

HOUSE BILL 783

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By: **Delegate Barnes**

Introduced and read first time: February 9, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Washington Metropolitan Area Transit Authority**
3 **Police – Occupational Disease Presumption**

4 FOR the purpose of extending the presumption of a compensable occupational disease
5 under workers' compensation law to include paid police officers employed by the
6 Washington Metropolitan Area Transit Authority who suffer from heart disease
7 or hypertension resulting in partial or total disability or death under certain
8 circumstances; requiring that workers' compensation benefits received under
9 this Act are in addition to certain retirement benefits, subject to a certain
10 adjustment; requiring certain paid police officers employed by the Washington
11 Metropolitan Area Transit Authority to submit certain medical reports to the
12 Washington Metropolitan Area Transit Authority on or before a certain date;
13 making a technical change; and generally relating to compensability under
14 workers' compensation law to include paid police officers employed by the
15 Washington Metropolitan Area Transit Authority.

16 BY repealing and reenacting, with amendments,
17 Article – Labor and Employment
18 Section 9–503(b) and (e) and 9–628(a)
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2011 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Labor and Employment
23 Section 9–628(f)(3) and (h)
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2011 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Labor and Employment**

2 9–503.

3 (b) (1) A paid police officer employed by an airport authority, a county,
4 the Maryland–National Capital Park and Planning Commission, a municipality, or the
5 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this
6 subsection, a deputy sheriff of Anne Arundel County, deputy sheriff of Baltimore City,
7 Montgomery County correctional officer, Prince George’s County deputy sheriff, Prince
8 George’s County correctional officer, [or] deputy sheriff of Allegany County, **OR PAID**
9 **POLICE OFFICER EMPLOYED BY THE WASHINGTON METROPOLITAN AREA**
10 **TRANSIT AUTHORITY** is presumed to be suffering from an occupational disease that
11 was suffered in the line of duty and is compensable under this title if:

12 (i) the police officer, deputy sheriff, or correctional officer is
13 suffering from heart disease or hypertension; and

14 (ii) the heart disease or hypertension results in partial or total
15 disability or death.

16 (2) (i) A deputy sheriff of Anne Arundel County, [a] deputy sheriff
17 of Baltimore City, Montgomery County correctional officer, Prince George’s County
18 deputy sheriff, [or] Prince George’s County correctional officer, **OR PAID POLICE**
19 **OFFICER EMPLOYED BY THE WASHINGTON METROPOLITAN AREA TRANSIT**
20 **AUTHORITY** is entitled to the presumption under this subsection only to the extent
21 that the individual suffers from heart disease or hypertension that is more severe than
22 the individual’s heart disease or hypertension condition existing prior to the
23 individual’s employment as a deputy sheriff of Anne Arundel County, deputy sheriff of
24 Baltimore City, Montgomery County correctional officer, Prince George’s County
25 deputy sheriff, [or] Prince George’s County correctional officer, **OR PAID POLICE**
26 **OFFICER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.**

27 (ii) To be eligible for the presumption under this subsection, a
28 deputy sheriff of Anne Arundel County, [a] deputy sheriff of Baltimore City,
29 Montgomery County correctional officer, Prince George’s County deputy sheriff, [or]
30 Prince George’s County correctional officer, **OR PAID POLICE OFFICER OF THE**
31 **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**, as a condition of
32 employment, shall submit to a medical examination to determine any heart disease or
33 hypertension condition existing prior to the individual’s employment as a deputy
34 sheriff of Anne Arundel County, deputy sheriff of Baltimore City, Montgomery County
35 correctional officer, Prince George’s County deputy sheriff, [or] Prince George’s County
36 correctional officer, **OR PAID POLICE OFFICER OF THE WASHINGTON**
37 **METROPOLITAN AREA TRANSIT AUTHORITY.**

38 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
39 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire

1 Marshal, paid police officer, paid law enforcement employee of the Department of
2 Natural Resources, deputy sheriff of Anne Arundel County, park police officer or
3 employee of the Maryland–National Capital Park and Planning Commission, deputy
4 sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County
5 correctional officer, deputy sheriff of Prince George’s County, [or] Prince George’s
6 County correctional officer, **OR PAID POLICE OFFICER OF THE WASHINGTON**
7 **METROPOLITAN AREA TRANSIT AUTHORITY** who is eligible for benefits under
8 subsection (a), (b), (c), or (d) of this section or the dependents of those individuals shall
9 receive the benefits in addition to any benefits that the individual or the dependents of
10 the individual are entitled to receive under the retirement system in which the
11 individual was a participant at the time of the claim.

12 (2) The benefits received under this title shall be adjusted so that the
13 weekly total of those benefits and retirement benefits does not exceed the weekly
14 salary that was paid to the paid law enforcement employee of the Department of
15 Natural Resources, a park police officer or employee of the Maryland–National Capital
16 Park and Planning Commission, firefighter, fire fighting instructor, sworn member of
17 the Office of the State Fire Marshal, police officer, deputy sheriff, [or] Prince George’s
18 County or Montgomery County correctional officer, **OR PAID POLICE OFFICER OF**
19 **THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.**

20 9–628.

21 (a) In this section, “public safety employee” means:

22 (1) a firefighter, fire fighting instructor, or paramedic employed by:

23 (i) a municipal corporation;

24 (ii) a county;

25 (iii) the State;

26 (iv) the State Airport Authority; or

27 (v) a fire control district;

28 (2) a volunteer firefighter or volunteer ambulance, rescue, or advanced
29 life support worker who is a covered employee under § 9–234 of this title and who
30 provides volunteer fire or rescue services to:

31 (i) a municipal corporation;

32 (ii) a county;

33 (iii) the State;

1 (iv) the State Airport Authority; or

2 (v) a fire control district;

3 (3) a police officer employed by:

4 (i) a municipal corporation;

5 (ii) a county;

6 (iii) the State;

7 (iv) the State Airport Authority; [or]

8 (v) the Maryland–National Capital Park and Planning

9 Commission; **OR**

10 **(VI) THE WASHINGTON METROPOLITAN AREA TRANSIT**
 11 **AUTHORITY;**

12 (4) a Prince George’s County deputy sheriff or correctional officer;

13 (5) a Montgomery County deputy sheriff or correctional officer;

14 (6) an Allegany County deputy sheriff; or

15 (7) a Howard County deputy sheriff, but only when the deputy sheriff
 16 is performing law enforcement duties expressly requested, defined, and authorized in
 17 accordance with a written memorandum of understanding executed between the
 18 Howard County Sheriff and other law enforcement agencies.

19 (f) Except as provided in subsections (g) and (h) of this section, if a covered
 20 employee is awarded compensation for less than 75 weeks, the employer or its insurer
 21 shall pay to the covered employee compensation that equals one–third of the average
 22 weekly wage of the covered employee but does not exceed:

23 (3) for claims arising from events occurring on or after January 1,
 24 2011, 16.7% of the State average weekly wage.

25 (h) If a public safety employee is awarded compensation for less than 75
 26 weeks, the employer or its insurer shall pay the public safety employee compensation
 27 at the rate set for an award of compensation for a period greater than or equal to 75
 28 weeks but less than 250 weeks under § 9–629 of this subtitle.

29 **SECTION 2. AND BE IT FURTHER ENACTED,** That, notwithstanding the
 30 provisions of § 9–503(b)(2) of the Labor and Employment Article, as enacted by Section

1 1 of this Act, a paid police officer of the Washington Metropolitan Area Transit
2 Authority who is employed on or before September 30, 2012:

3 (1) as a condition of continued employment, shall provide to the
4 Washington Metropolitan Area Transit Authority on or before December 31, 2012, a
5 copy of a baseline medical report disclosing and describing any existing heart disease
6 or hypertension from which the police officer may be suffering; and

7 (2) is entitled to the presumption under § 9-503(b)(2) of the Labor and
8 Employment Article, as enacted by Section 1 of this Act, only to the extent that the
9 individual suffers from heart disease or hypertension existing as of the date of the
10 medical report provided under item (1) of this section.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2012.