

Article - Labor and Employment

9-104.

(a) (1) Except as otherwise provided in this title, a covered employee or an employer of a covered employee may not by agreement, rule, or regulation:

(i) exempt the covered employee or the employer from a duty of the covered employee or the employer under this title; or

(ii) waive a right of the covered employee or the employer under this title.

(2) An agreement, rule, or regulation that violates paragraph (1) of this subsection is void to the extent of the violation.

(b) (1) If federal law provides an exclusive remedy and compensation to an employee of a common carrier by railroad in this State or a dependent of the employee for disability or death caused by an accidental personal injury sustained in interstate or foreign commerce, the carrier and the employee may enter into an agreement that provides:

(i) for the payment by the carrier of compensation, in accordance with the federal law, to the employee or a dependent of the employee for disability or death caused by an accidental personal injury sustained in intrastate commerce; and

(ii) except as otherwise provided in the agreement, that the carrier may not be civilly liable for the disability or death of the employee caused by the accidental personal injury.

(2) To enter into an agreement with any employees of a common carrier by railroad under paragraph (1) of this subsection, the carrier shall:

(i) submit, under seal, to the Commission a document that:

1. offers to enter into an agreement with each of its employees in the State under paragraph (1) of this subsection; and

2. refers to the applicable federal law; and

(ii) publish notice of the offer once a week for 3 successive weeks after the document is submitted to the Commission:

1. in a newspaper published in each county through which the carrier regularly runs a freight or passenger train; and

2. if the carrier regularly runs a freight or passenger train within Baltimore City, in 2 newspapers published in Baltimore City.

(3) Thirty days after a common carrier by railroad submits to the Commission a document making an offer under paragraph (2) of this subsection, each employee of the carrier shall be conclusively presumed to have entered into the agreement unless, within the 30 days, an employee submits to the Commission a written notice declining the offer.