

9-615. PAYMENT OF COMPENSATION.

(A) AMOUNT OF PAYMENT.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE WAGE EARNING CAPACITY OF A COVERED EMPLOYEE IS LESS WHILE TEMPORARILY PARTIALLY 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) DURATION OF PAYMENT.

THE EMPLOYER OR ITS INSURER SHALL PAY THE WEEKLY COMPENSATION FOR THE PERIOD THAT THE COVERED EMPLOYEE IS TEMPORARILY PARTIALLY DISABLED.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from the first sentences of former Art. 101, § 36(5).

Subsection (b) of this section is new language added to state expressly the duration of the payments under this section.

In the introductory language of subsection (a)(1) and in subsection (b) of this section, the reference to "the employer or its insurer" is added to clarify that the employer or its insurer is responsible for paying compensation under this title and to conform to other provisions of this subtitle.

In subsection (a)(2) of this section, the phrase "of the State of Maryland" which formerly modified "State average weekly wage" is deleted as surplusage.

Also in subsection (a)(2) of this section, the phrase "as determined by the Department of Employment Security", which formerly modified "State average weekly wage" is deleted as unnecessary in light of § 9-603 of this subtitle.

Defined terms: "Compensation" § 9-101

"Covered employee" § 9-101