

(2) THE COST OF LIVING ADJUSTMENT MAY NOT EXCEED 5%.

(D) DETERMINATION OF ADJUSTMENT.

THE COMPENSATION PAYABLE TO A COVERED EMPLOYEE UNDER THIS PART V OF THIS SUBTITLE SHALL BE ADJUSTED BY:

(1) MULTIPLYING THE INITIAL RATE OF COMPENSATION BY THE COST OF LIVING ADJUSTMENT; AND

(2) ADDING THE PRODUCT TO THE COMPENSATION, AS ADJUSTED, PAID DURING THE PRIOR YEAR.

(E) REDUCTION DUE TO SOCIAL SECURITY BENEFITS.

(1) IF A COVERED EMPLOYEE WHO IS ENTITLED TO COMPENSATION UNDER THIS PART V OF THIS SUBTITLE ALSO RECEIVES FEDERAL SOCIAL SECURITY DISABILITY INSURANCE BENEFITS, THE ADJUSTED ANNUAL COMPENSATION PAID SHALL BE REDUCED TO THE EXTENT NECESSARY TO AVOID A DIMINUTION OF THE FEDERAL SOCIAL SECURITY DISABILITY INSURANCE BENEFITS.

(2) IF FEDERAL SOCIAL SECURITY LAW ON DISABILITY INSURANCE BENEFITS NO LONGER IMPOSES A DIMINUTION IN THE PAYMENT OF THE ADJUSTMENT IN COMPENSATION, PAYMENTS OF COMPENSATION SHALL BE MADE TO THE FULL EXTENT ALLOWED UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from the second through eighth sentences of former Art. 101, § 36(1)(a).

In the introductory language of subsection (d) of this section, the former words "fiscal year" are deleted as unnecessary and possibly misleading since the cost of living adjustment is applied for a calendar year, rather than a fiscal year.

Defined terms: "Commission" § 9-101

"Compensation" § 9-101 "Covered employee" § 9-101

9-639. BENEFITS ADDITIONAL.

COMPENSATION FOR A PERMANENT TOTAL DISABILITY UNDER THIS PART V OF THIS SUBTITLE SHALL BE PAID IN ADDITION TO AND CONSECUTIVELY WITH COMPENSATION FOR A TEMPORARY TOTAL DISABILITY UNDER PART III OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 36(1)(d).

Defined term: "Compensation" § 9-101