

SENATE BILL 954

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EMERGENCY BILL

1lr3025

By: **Senator Ready**

Introduced and read first time: February 18, 2021

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Nonmonetary Eligibility – Alterations to**
3 **Disqualifications**

4 FOR the purpose of authorizing the Secretary of Labor, for purposes of determining
5 unemployment insurance benefit eligibility, to find that a cause of voluntarily
6 leaving employment is good cause if it is directly attributable to, arising from, or
7 connected with a certain condition or circumstance; authorizing the Secretary to find
8 that a cause of voluntarily leaving employment is good cause if it is directly
9 attributable to, arising from, or connected with an individual leaving employment to
10 follow a spouse under certain circumstances; repealing provisions of law that, for
11 purposes of determining unemployment insurance benefit disqualification duration,
12 allow an individual to voluntarily leave employment for certain valid circumstances;
13 altering the period of time during which an individual is disqualified from receiving
14 unemployment insurance benefits, if the individual is disqualified for certain
15 reasons; making stylistic changes; making this Act an emergency measure; and
16 generally relating to unemployment insurance benefits.

17 BY repealing and reenacting, with amendments,
18 Article – Labor and Employment
19 Section 8–1001, 8–1003, and 8–1005(c)
20 Annotated Code of Maryland
21 (2016 Replacement Volume and 2020 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Labor and Employment
24 Section 8–1005(a)
25 Annotated Code of Maryland
26 (2016 Replacement Volume and 2020 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Labor and Employment

8–1001.

(a) (1) An individual who otherwise is eligible to receive benefits is disqualified from receiving benefits if the Secretary finds that unemployment results from voluntarily leaving work without good cause.

(2) A claimant who is otherwise eligible for benefits from the loss of full-time employment may not be disqualified from the benefits attributable to the full-time employment because the claimant voluntarily quit a part-time employment, if the claimant quit the part-time employment before the loss of the full-time employment.

(b) The Secretary may find that a cause for voluntarily leaving is good cause only if:

(1) the cause is directly attributable to, arising from, or connected with:

(i) the conditions of employment; [or]

(ii) the actions of the employing unit;

(III) A CONDITION OR CIRCUMSTANCE OF SUCH NECESSITOUS OR COMPELLING NATURE THAT THE INDIVIDUAL HAS NO REASONABLE ALTERNATIVE OTHER THAN LEAVING THE EMPLOYMENT; OR

(IV) THE INDIVIDUAL LEAVING EMPLOYMENT TO FOLLOW A SPOUSE IF:

1. THE SPOUSE:

A. SERVES IN THE UNITED STATES MILITARY; OR

B. IS A CIVILIAN EMPLOYEE OF THE MILITARY OR OF A FEDERAL AGENCY INVOLVED IN MILITARY OPERATIONS; AND

2. THE SPOUSE’S EMPLOYER REQUIRES A MANDATORY TRANSFER TO A NEW LOCATION;

(2) an individual:

(i) is laid off from employment through no fault of the individual;

(ii) obtains subsequent employment that pays weekly wages that total less than 50% of the weekly wage earned in the employment from which the individual was laid off; and

(iii) leaves the subsequent employment to attend a training program for which the individual has been chosen that:

1. is offered under the Maryland Workforce Development Act; or

2. otherwise is approved by the Secretary; or

(3) the cause is directly attributable to the individual or the individual's spouse, minor child, or parent being a victim of domestic violence as defined in § 4-513 of the Family Law Article and the individual:

(i) reasonably believes that the individual's continued employment would jeopardize the individual's safety or the safety of the individual's spouse, minor child, or parent; and

(ii) provides one of the following types of documentation to the Secretary substantiating domestic violence:

1. an active or a recently issued temporary protective order under § 4-505 of the Family Law Article, a protective order under § 4-506 of the Family Law Article, or any other court order documenting the domestic violence; or

2. a police record documenting recent domestic violence.

(c) [(1) A circumstance for voluntarily leaving work is valid only if it is:

(i) a substantial cause that is directly attributable to, arising from, or connected with conditions of employment or actions of the employing unit;

(ii) of such necessitous or compelling nature that the individual has no reasonable alternative other than leaving the employment; or

(iii) caused by the individual leaving employment to follow a spouse if:

1. the spouse:

A. serves in the United States military; or

B. is a civilian employee of the military or of a federal agency involved in military operations; and

2. the spouse's employer requires a mandatory transfer to a new location.

(2)] For determination of the application of [paragraph (1)(ii)]
SUBSECTION (B)(1)(III) of this [subsection] SECTION to an individual who leaves
employment because of the health of the individual or another for whom the individual
must care, the individual shall submit a written statement or other documentary evidence
of the health problem from a hospital or physician.

(d) In addition to other circumstances for which a disqualification may be
imposed, [neither] good cause [nor a valid circumstance exists] DOES NOT EXIST and a
disqualification shall be imposed if an individual leaves employment:

(1) to become self-employed;

(2) to accompany a spouse to a new location or to join a spouse in a new
location, unless the requirements of subsection [(c)(1)(iii)] (B)(1)(IV) of this section are
met; or

(3) to attend an educational institution.

(e) A disqualification under this section[:

(1)] shall:

(1) begin with the first week for which unemployment is caused by
voluntarily leaving without good cause; and

(2) [subject to subsection (c) of this section, shall] continue[:

(i) if a valid circumstance exists, for a total of at least 5 but not more
than 10 weeks, as determined by the Secretary based on the seriousness of the
circumstance; or

(ii) if a valid circumstance does not exist,] until the individual is
reemployed and has earned wages for covered employment that equal at least 15 times the
weekly benefit amount of the individual.

8–1003.

(a) An individual who otherwise is eligible to receive benefits is disqualified from
receiving benefits if the Secretary finds that unemployment results from discharge or
suspension as a disciplinary measure for behavior that the Secretary finds is misconduct
in connection with employment but that is not:

(1) aggravated misconduct, under § 8–1002.1 of this subtitle; or

(2) gross misconduct under § 8–1002 of this subtitle.

(b) A disqualification under this section shall:

(1) begin with the first week for which unemployment is caused by discharge or suspension for misconduct; and

(2) continue [for a total of at least 10 but not more than 15 weeks, as determined by the Secretary, based on the seriousness of the misconduct] **UNTIL THE INDIVIDUAL IS REEMPLOYED AND HAS EARNED WAGES FOR COVERED EMPLOYMENT THAT EQUAL AT LEAST 10 TIMES THE WEEKLY BENEFIT AMOUNT OF THE INDIVIDUAL.**

8–1005.

(a) Subject to subsection (d) of this section, an individual who otherwise is eligible to receive benefits is disqualified from receiving benefits if the Secretary finds that the individual, without good cause, failed to:

(1) apply for work that is available and suitable when directed to do so by the Secretary;

(2) accept suitable work when offered; or

(3) return to the individual's usual self-employment when directed to do so by the Secretary.

(c) A disqualification under this section **SHALL**:

(1) [shall] be effective beginning with the latest week in which the individual:

(i) was to have applied for work at the direction of the Secretary;

(ii) was notified that suitable work had become available to the individual; or

(iii) was to return to the usual self-employment of the individual at the direction of the Secretary; and

(2) [shall] continue[:

(i) for a total of at least 5 but not more than 10 weeks; or

(ii)] until the individual is reemployed and has earned wages for covered employment that equal at least 10 times the weekly benefit amount of the individual.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted.