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**By: Delegate Cummings**

Introduced and read first time: February 7, 1996

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance - Temporary Employee - Active Work Search**

3 FOR the purpose of establishing a rebuttable presumption to be applied under certain  
4 circumstances to determine whether an individual seeking unemployment insurance  
5 benefits is actively seeking work; making the presumption applicable to a temporary  
6 employee of a temporary help firm under certain circumstances; allowing the  
7 presumption to be applied only if the firm has made certain disclosures to the  
8 employee and the employee does not contact the firm for reassignment upon  
9 completion of an assignment; defining certain terms; and generally relating to  
10 temporary employees of temporary help firms.

11 BY renumbering

12 Article - Labor and Employment  
13 Section 8-101(u), (v), and (w), respectively  
14 to be Section 8-101(w), (x), and (y), respectively  
15 Annotated Code of Maryland  
16 (1991 Volume and 1995 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article - Labor and Employment  
19 Section 8-101(a)  
20 Annotated Code of Maryland  
21 (1991 Volume and 1995 Supplement)

22 BY adding to

23 Article - Labor and Employment  
24 Section 8-101(u) and (v)  
25 Annotated Code of Maryland  
26 (1991 Volume and 1995 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - Labor and Employment  
29 Section 8-903  
30 Annotated Code of Maryland

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1 (1991 Volume and 1995 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That Section(s) 8-101(u), (v), and (w), respectively, of Article - Labor  
4 and Employment of the Annotated Code of Maryland be renumbered to be Section(s)  
5 8-101(w), (x), and (y), respectively.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
7 read as follows:

8 **Article - Labor and Employment**

9 8-101.

10 (a) In this title the following words have the meanings indicated.

11 (U) "TEMPORARY EMPLOYEE" MEANS AN EMPLOYEE ASSIGNED BY A  
12 TEMPORARY HELP FIRM TO WORK FOR THE FIRM'S CLIENTS.

13 (V) "TEMPORARY HELP FIRM" MEANS A FIRM THAT HIRES ITS OWN  
14 EMPLOYEES AND ASSIGNS THEM TO CLIENTS TO SUPPORT OR SUPPLEMENT THE  
15 CLIENT'S WORK FORCE.

16 8-903.

17 (a) (1) Except as otherwise provided in this section, to be eligible for benefits  
18 an individual shall be:

19 (i) able to work;

20 (ii) available for work; and

21 (iii) actively seeking work.

22 (2) [In] SUBJECT TO SUBSECTION (D) OF THIS SECTION, IN determining  
23 whether an individual actively is seeking work, the Secretary shall consider:

24 (i) whether the individual has made an effort that is reasonable and  
25 that would be expected of an unemployed individual who honestly is looking for work;  
26 and

27 (ii) the extent of the effort in relation to the labor market conditions in  
28 the area in which the individual is seeking work.

29 (b) The Secretary may not use the disability of a qualified individual with a  
30 disability as a factor in finding that an individual is not able to work under subsection  
31 (a)(1)(i) of this section.

32 (c) Notwithstanding any other provision of this section or § 8-904 or § 8-907(a) or  
33 (b) of this subtitle, an individual who otherwise is eligible to receive benefits and who is  
34 in training with the approval of the Secretary may not be denied benefits:

35 (1) for failure to meet the requirements of subsection (a)(1)(ii) and (iii) of  
36 this section to be available for work and actively seeking work; or

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1 (2) for failure to apply for or refusal to accept suitable work under § 8-1005  
2 of this title.

3 (D) (1) FOR AN INDIVIDUAL WHO IS A TEMPORARY EMPLOYEE, THERE IS A  
4 REBUTTABLE PRESUMPTION THAT THE INDIVIDUAL IS NOT ACTIVELY SEEKING  
5 WORK IF:

6 (I) ON COMPLETION OF AN ASSIGNMENT, THE INDIVIDUAL FAILS  
7 TO CONTACT THE TEMPORARY HELP FIRM RESPONSIBLE FOR THE COMPLETED  
8 ASSIGNMENT TO ASK FOR A REASSIGNMENT; OR

9 (II) THE INDIVIDUAL REFUSES TO ACCEPT A REASSIGNMENT OF  
10 SUBSTANTIALLY SIMILAR WORK.

11 (2) THE PRESUMPTION UNDER THIS SUBSECTION APPLIES ONLY IF THE  
12 TEMPORARY HELP FIRM ADVISED THE TEMPORARY EMPLOYEE, IN WRITING AND  
13 BEFORE COMPLETION OF THE TEMPORARY EMPLOYEE'S LAST ASSIGNMENT, THAT A  
14 DENIAL OF THE UNEMPLOYMENT INSURANCE BENEFITS MAY RESULT FROM  
15 FAILURE TO ASK FOR A REASSIGNMENT OR REFUSAL TO ACCEPT A REASSIGNMENT  
16 FOR SUBSTANTIALLY SIMILAR WORK.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 1996.