

# HOUSE BILL 1417

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By: **Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: February 13, 2014

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, February 26, 2014

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Unemployment Insurance – Work Sharing**

3 FOR the purpose of altering certain provisions that apply to the work sharing  
4 unemployment insurance program; clarifying the intent of the program;  
5 requiring that a decision by the Secretary of Labor, Licensing, and Regulation to  
6 disapprove a work sharing plan shall identify the reasons for the disapproval;  
7 altering the requirements for a work sharing plan; prohibiting the Secretary  
8 from approving certain work sharing plans; altering certain eligibility criteria  
9 for certain affected employees; altering the computation of work sharing  
10 benefits; authorizing certain individuals to be paid certain unemployment  
11 insurance benefits under certain circumstances; providing that a decision of the  
12 Secretary to revoke approval of a work sharing plan is final and not subject to  
13 appeal; altering the benefit charging provisions for employing units that  
14 participate in work sharing; providing that certain affected employees are  
15 eligible to receive certain extended benefits; ~~providing that certain provisions of~~  
16 ~~federal unemployment insurance law shall be given effect under certain~~  
17 ~~circumstances; providing for the impact of certain provisions of State law that~~  
18 ~~are in conflict with certain provisions of federal unemployment insurance law~~;  
19 defining certain terms; altering certain definitions; and generally relating to the  
20 work sharing unemployment insurance program.

21 BY repealing and reenacting, with amendments,  
22 Article – Labor and Employment

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section ~~8-611(d)~~, 8-1201 through ~~8-1204~~ 8-1204, and 8-1206 through 8-1208  
 2 Annotated Code of Maryland  
 3 (2008 Replacement Volume and 2013 Supplement)

4 BY repealing and reenacting, without amendments,  
 5 Article – Labor and Employment  
 6 Section 8-611(b) and (g) and 8-1205  
 7 Annotated Code of Maryland  
 8 (2008 Replacement Volume and 2013 Supplement)

9 BY adding to  
 10 Article – Labor and Employment  
 11 Section ~~8-1209 and 8-1210~~  
 12 Annotated Code of Maryland  
 13 (2008 Replacement Volume and 2013 Supplement)

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

16 **Article – Labor and Employment**

17 8-611.

18 (b) Except as provided in subsection (d) of this section, the Secretary shall  
 19 charge pro rata against the earned rating record of each base period employer all  
 20 regular benefits and the share of extended benefits required under subsection (c) of  
 21 this section in the same proportion as the wages paid by the base period employer is to  
 22 the total wages of the claimant during the base period, and rounded to the nearest  
 23 dollar.

24 (d) The Secretary shall charge all regular and extended benefits paid to a  
 25 claimant against the earned rating record of an employing unit that caused the  
 26 claimant's unemployment during any period in which the unemployment is caused  
 27 by[:

28 (1) participation of the employing unit in a work sharing  
 29 unemployment insurance program that the Secretary has approved; or

30 (2)] a shutdown of the employing unit:

31 [(i)] (1) to have employees take their vacations at the same  
 32 time;

33 [(ii)] (2) for inventory;

34 [(iii)] (3) for retooling; or

1                    [(iv)] (4) for any other purpose that is primarily other than a  
2 lack of work and that causes unemployment for a definite period.

3            (g) The Secretary may not charge the earned rating record of an employing  
4 unit that has employed a claimant on a continuous part-time basis and continues to  
5 do so while the claimant is separated from other employment and is eligible for  
6 benefits because of that separation.

7 8-1201.

8            (a) In this subtitle the following words have the meanings indicated.

9            (b) “Affected employee” means an individual **TO WHOM AN APPROVED**  
10 **WORK SHARING PLAN APPLIES, HIRED ON A FULL-TIME BASIS OR AS A**  
11 **PERMANENT PART-TIME WORKER**, who has been continuously on the payroll of an  
12 affected unit for at least 3 months immediately before the employing unit submits a  
13 work sharing plan.

14            (c) “Affected unit” means a specific plant, department, shift, or other  
15 definable unit of an employing unit:

16                    (1) that has at least 2 employees; and

17                    (2) to which an approved work sharing plan applies.

18            (d) “Approved work sharing plan” means a plan that satisfies the purpose  
19 under § 8-1202 of this subtitle and receives the approval of the Secretary.

20            (e) “Employer association” means:

21                    (1) an association that is a party to a collective bargaining agreement  
22 under which it may negotiate a work sharing plan; or

23                    (2) an association authorized by all of its members to become a party  
24 to a work sharing plan.

25            (F) **“HEALTH AND RETIREMENT BENEFITS” MEANS**  
26 **EMPLOYER-PROVIDED HEALTH BENEFITS AND RETIREMENT BENEFITS UNDER**  
27 **A DEFINED BENEFIT PENSION PLAN AS DEFINED IN § 414(J) OF THE INTERNAL**  
28 **REVENUE CODE OR CONTRIBUTIONS UNDER A DEFINED CONTRIBUTION PLAN**  
29 **AS DEFINED IN § 414(I) OF THE INTERNAL REVENUE CODE THAT ARE**  
30 **INCIDENTS OF EMPLOYMENT IN ADDITION TO THE CASH REMUNERATION**  
31 **EARNED.**

1           **(G) “INTERMITTENT EMPLOYMENT” MEANS EMPLOYMENT THAT IS NOT**  
2 **CONTINUOUS, BUT MAY CONSIST OF PERIODIC INTERVALS OF WEEKLY WORK**  
3 **AND INTERVALS OF NO WEEKLY WORK.**

4           **[(f)] (H) “Normal weekly work hours” means [the lesser of:**

5                   (1) the number of hours in a week that an employee usually works for  
6 the regular employing unit; or

7                   (2) 40 hours] **THE USUAL HOURS OF WORK FOR A FULL-TIME OR**  
8 **REGULAR PART-TIME WORKER IN THE AFFECTED UNIT WHEN THAT UNIT IS**  
9 **OPERATING ON ITS REGULAR BASIS, NOT TO EXCEED 40 HOURS AND NOT**  
10 **INCLUDING OVERTIME WORK.**

11           **(I) “TEMPORARY EMPLOYMENT” MEANS EMPLOYMENT IN WHICH AN**  
12 **EMPLOYEE:**

13                   **(1) IS EXPECTED TO REMAIN IN A POSITION FOR ONLY A LIMITED**  
14 **PERIOD OF TIME; OR**

15                   **(2) IS HIRED BY A TEMPORARY AGENCY OR OTHER ENTITY TO**  
16 **FILL A GAP IN THE EMPLOYER’S WORKFORCE.**

17           **[(g)] (J) (1) “Work sharing benefit” means benefits payable to an**  
18 **affected employee for work performed under an approved work sharing plan.**

19                   (2) “Work sharing benefit” includes benefits payable to a federal  
20 civilian employee or former service member under Title 5, Chapter 85 of the United  
21 States Code.

22                   (3) “Work sharing benefit” does not include benefits that are otherwise  
23 payable under this title.

24           **[(h)] (K) “Work sharing employer” means an employing unit or employer**  
25 **association for which a work sharing plan has been approved.**

26           **[(i)] (L) “Work sharing plan” means a plan of an employing unit or**  
27 **employer association under which:**

28                   (1) normal weekly work hours of affected employees are reduced **TO**  
29 **AVOID LAYOFFS; and**

30                   (2) affected employees share the work that remains after the  
31 reduction.

1 8-1202.

2 (A) The work sharing unemployment insurance program seeks to:

3 (1) preserve the jobs of employees and the work force of an employer  
4 during **PERIODS OF** lowered economic activity by reduction in work hours or  
5 workdays rather than by a layoff of some employees while other employees continue  
6 their normal weekly work hours or workdays; and

7 (2) ameliorate the adverse effect of reduction in business activity by  
8 providing benefits for the part of the normal weekly work hours or workdays in which  
9 an employee does not work.

10 (B) **THE WORK SHARING UNEMPLOYMENT INSURANCE PROGRAM IS NOT**  
11 **INTENDED TO SUBSIDIZE:**

12 (1) **NORMAL OR EXPECTED FLUCTUATIONS IN ECONOMIC**  
13 **ACTIVITY THAT ARE AN INHERENT PART OF AN INDUSTRY OR OCCUPATION; OR**

14 (2) **AN EMPLOYER'S USUAL OPERATION ON A LONG-TERM BASIS.**

15 8-1203.

16 (a) An employing unit or employer association that wishes to participate in  
17 the work sharing unemployment insurance program shall submit to the Secretary a  
18 written work sharing plan that the employing unit or representative of the employer  
19 association has signed.

20 (b) Within 15 days after receipt of a work sharing plan, the Secretary shall  
21 give written approval or disapproval of the plan.

22 (C) **A DECISION BY THE SECRETARY TO DISAPPROVE A WORK SHARING**  
23 **PLAN SHALL IDENTIFY THE REASONS FOR THE DISAPPROVAL.**

24 [(c)] (D) (1) When the Secretary disapproves a work sharing plan, the  
25 decision is final and may not be appealed.

26 (2) After 15 days after the Secretary disapproves a work sharing plan,  
27 the employing unit or employer association may submit a new work sharing plan.

28 8-1204.

29 (A) [The] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**  
30 **THE** Secretary shall approve a work sharing plan that meets the following  
31 requirements:

1 (1) [the work sharing plan shall apply to:

2 (i) at least 10% of the employees in the affected unit; or

3 (ii) at least 20 employees in an affected unit in which the work  
4 sharing plan applies equally to all affected employees.

5 (2) the normal weekly work hours of affected employees in the affected  
6 unit shall be reduced by at least 10% but, unless waived by the Secretary, the  
7 reduction may not exceed 50%.

8 (3)] a work sharing plan shall:

9 (i) identify the affected unit;

10 (ii) identify each employee in the affected unit by name, Social  
11 Security number, **NORMAL WEEKLY WORK HOURS**, and any other information that  
12 the Secretary requires;

13 (iii) specify **THE REQUESTED START DATE OF THE WORK**  
14 **SHARING PLAN THAT, UNLESS WAIVED BY THE SECRETARY FOR GOOD CAUSE,**  
15 **SHALL BEGIN ON A SUNDAY NO EARLIER THAN 7 DAYS AFTER THE PLAN IS**  
16 **SUBMITTED AND** an expiration date that is not more than 6 months after the effective  
17 date of the work sharing plan;

18 (IV) **PROVIDE FOR REDUCTION OF NORMAL WEEKLY WORK**  
19 **HOURS OF AFFECTED EMPLOYEES IN EACH AFFECTED UNIT WHICH SHALL BE:**

20 1. **APPLIED EQUALLY TO ALL EMPLOYEES IN THE**  
21 **AFFECTED UNIT FOR ALL WEEKS OF THE PLAN UNLESS WAIVED BY THE**  
22 **SECRETARY FOR GOOD CAUSE; AND**

23 2. **AT LEAST 20% ~~BUT, UNLESS WAIVED BY THE~~**  
24 **~~SECRETARY, BUT~~ NOT MORE THAN 50% OF THE NORMAL WEEKLY WORK HOURS**  
25 **OF EACH EMPLOYEE;**

26 (V) **IDENTIFY ANY WEEK DURING THE TERM OF THE PLAN**  
27 **FOR WHICH THE EMPLOYER REGULARLY PROVIDES NO WORK FOR ITS**  
28 **EMPLOYEES;**

29 [(iv)] (VI) specify the effect that work sharing will have on the  
30 fringe benefits of each employee in the affected unit including:

31 1. [health insurance for hospital, medical, dental, and  
32 similar services;

1                   2. retirement benefits under benefit pension plans as  
2 defined in § 3(35) of the federal Employee Retirement Income Security Act of 1974;

3                   3.] holiday and vacation pay;

4                   [4.] 2. sick leave; and

5                   [5.] 3. similar advantages;

6                   **(VII) INCLUDE AN ESTIMATE OF THE NUMBER OF EMPLOYEES**  
7 **WHO WOULD BE LAID OFF IN THE ABSENCE OF THE PLAN AND THE AGGREGATE**  
8 **NORMAL WEEKLY WORK HOURS FOR THOSE EMPLOYEES THAT MUST BE**  
9 **EQUIVALENT TO THE AGGREGATE HOURS REDUCED UNDER THE WORK SHARING**  
10 **PLAN;**

11                   **(VIII) INCLUDE A BRIEF DESCRIPTION OF THE**  
12 **CIRCUMSTANCES REQUIRING THE USE OF WORK SHARING TO AVOID LAYOFFS;**

13                   **[(v)] (IX) [certify] CONTAIN THE EMPLOYER'S**  
14 **CERTIFICATION that:**

15                   1. each affected employee has been continuously on the  
16 payroll of the employing unit for 3 months immediately before the date on which the  
17 employing unit or employer association submits the work sharing plan; and

18                   2. the total reduction in normal weekly work hours  
19 **UNDER THE WORK SHARING PLAN** is instead of **TEMPORARY OR PERMANENT**  
20 **layoffs, OR BOTH,** that would have affected at least [the number of employees  
21 specified in item (1) of this section] **ONE EMPLOYEE** and that would have resulted in  
22 an equivalent reduction in work hours;

23                   **3. PARTICIPATION IN THE PLAN AND ITS**  
24 **IMPLEMENTATION IS CONSISTENT WITH THE EMPLOYER'S OBLIGATIONS UNDER**  
25 **APPLICABLE FEDERAL AND STATE LAW;**

26                   4. **THE EMPLOYER WILL NOT HIRE NEW EMPLOYEES**  
27 **IN, OR TRANSFER EMPLOYEES TO, THE AFFECTED UNIT WHILE THE PLAN IS IN**  
28 **EFFECT;**

29                   5. **THE WORK SHARING PLAN WILL NOT SERVE AS A**  
30 **SUBSIDY OF TEMPORARY OR INTERMITTENT EMPLOYMENT; AND**

1                   **6. HEALTH BENEFITS AND RETIREMENT BENEFITS,**  
2 **IF ANY, PROVIDED TO ANY EMPLOYEE WHOSE USUAL WEEKLY WORK HOURS ARE**  
3 **REDUCED UNDER THE WORK SHARING PLAN WILL CONTINUE TO BE PROVIDED:**

4                   **A. TO EACH EMPLOYEE PARTICIPATING IN THE**  
5 **WORK SHARING PLAN UNDER THE SAME TERMS AND CONDITIONS AS THOUGH**  
6 **THE USUAL WEEKLY WORK HOURS OF THE EMPLOYEE HAD NOT BEEN REDUCED;**  
7 **OR**

8                   **B. TO THE SAME EXTENT AS OTHER EMPLOYEES NOT**  
9 **PARTICIPATING IN THE PROGRAM; and**

10                   **[(vi)] (X) 1. contain the written approval of[:**

11                               **1.] the collective bargaining agent for each collective**  
12 **bargaining agreement that covers any affected employee in the affected unit; [or] AND**

13                               **2. [if there is no agent, a representative of the employees**  
14 **or employee association in the affected unit] FOR ANY AFFECTED EMPLOYEE NOT**  
15 **COVERED BY A COLLECTIVE BARGAINING AGREEMENT:**

16                   **A. DESCRIBE HOW NOTICE OF THE PLAN WILL BE**  
17 **PROVIDED TO EMPLOYEES WHO WILL BE SUBJECT TO THE PLAN; OR**

18                   **B. IF ADVANCE NOTICE TO EMPLOYEES SUBJECT TO**  
19 **THE PLAN IS NOT FEASIBLE, PROVIDE A DETAILED EXPLANATION AS TO WHY**  
20 **ADVANCE NOTICE IS NOT FEASIBLE.**

21                   **(2) AN EMPLOYER IS DEEMED TO HAVE SATISFIED ITS**  
22 **OBLIGATION TO PROVIDE THE CERTIFICATE REQUIRED UNDER ITEM (1)(IX)6 OF**  
23 **THIS SUBSECTION IF THE EMPLOYER CERTIFIES THAT A REDUCTION IN HEALTH**  
24 **BENEFITS AND RETIREMENT BENEFITS SCHEDULED TO OCCUR WHILE THE PLAN**  
25 **IS IN EFFECT APPLIES TO EMPLOYEES WHO ARE PARTICIPATING IN WORK**  
26 **SHARING IN THE SAME MANNER AS IT APPLIES TO THOSE EMPLOYEES WHO ARE**  
27 **NOT PARTICIPATING IN WORK SHARING.**

28                   **[(4)] (3) if a work sharing plan serves the work sharing employer as**  
29 **a transitional step to permanent staff reduction, the work sharing plan shall contain a**  
30 **reemployment assistance plan for each affected employee that the work sharing**  
31 **employer develops with the Secretary.**

32                   **[(5)] (4) the work sharing employer shall agree to:**

33                               **(i) submit to the Secretary reports that are necessary to**  
34 **administer the work sharing plan; and**



1 (ii) allow the Department to have access to all records  
2 necessary:

3 1. to verify the work sharing plan before its approval;

4 [and]

5 2. to monitor and evaluate the application of the work  
6 sharing plan after its approval; AND

7 **3. TO COMPLY WITH ANY OTHER REQUIREMENT THE**  
8 **SECRETARY DEEMS NECESSARY THAT IS CONSISTENT WITH THIS SUBTITLE AND**  
9 **FEDERAL UNEMPLOYMENT INSURANCE LAW.**

10 **[(6)] (B) [a work sharing plan may not subsidize an employing unit**  
11 **that traditionally has used employees who work less than 30 hours a week.] THE**  
12 **SECRETARY MAY NOT APPROVE A WORK SHARING PLAN THAT:**

13 **(1) IS SUBMITTED BY A NEW EMPLOYER AS DEFINED IN § 8-609**  
14 **OF THIS TITLE;**

15 **(2) IS SUBMITTED BY AN EMPLOYER THAT HAS FAILED TO:**

16 **(I) FILE QUARTERLY WAGE REPORTS OR OTHER REPORTS**  
17 **REQUIRED UNDER THIS TITLE; OR**

18 **(II) PAY ALL CONTRIBUTIONS, ASSESSMENTS,**  
19 **REIMBURSEMENTS IN LIEU OF CONTRIBUTIONS, INTEREST, AND PENALTIES DUE**  
20 **THROUGH THE DATE OF THE EMPLOYER'S APPLICATION; OR**

21 **(3) IS INCONSISTENT WITH THIS SUBTITLE AND THE PURPOSE OF**  
22 **WORK SHARING.**

23 8-1205.

24 (a) An approved work sharing plan may be modified if the modification  
25 meets the requirements for approval under § 8-1204 of this subtitle and the Secretary  
26 approves the modification.

27 (b) An employing unit may add an employee to a work sharing plan under  
28 this section when the employee has been continuously on the payroll for 3 months.

29 (c) An approved modification of a work sharing plan may not change its  
30 expiration date.

1 8–1206.

2 (a) An affected employee is eligible under § 8–1207 of this subtitle to receive  
3 work sharing benefits for each week in which the Secretary determines that the  
4 affected employee:

5 (1) is able to work; and

6 (2) is available for [more hours of work or full–time work] **THE**  
7 **EMPLOYEE’S NORMAL WEEKLY WORK HOURS** for the work sharing employer.

8 **(B) FOR PURPOSES OF SUBSECTION (A) OF THIS SECTION, AN**  
9 **AFFECTED EMPLOYEE IS ABLE AND AVAILABLE TO WORK FOR THE WORK**  
10 **SHARING EMPLOYER FOR ALL HOURS IN WHICH THE EMPLOYEE PARTICIPATES**  
11 **IN TRAINING, INCLUDING EMPLOYER–SPONSORED TRAINING OR WORKER**  
12 **TRAINING FUNDED UNDER THE WORKFORCE INVESTMENT ACT OF 1998, TO**  
13 **ENHANCE JOB SKILLS IF THE PROGRAM HAS BEEN APPROVED BY THE**  
14 **SECRETARY AND THE TRAINING HAS BEEN AUTHORIZED BY THE EMPLOYER.**

15 **[(b)] (C)** (1) An affected employee who otherwise is eligible may not be  
16 denied work sharing benefits for failure to actively seek work under § 8–903(a)(1)(iii)  
17 of this title from a person other than the work sharing employer.

18 (2) An affected employee may not be disqualified under § 8–1005 of  
19 this title for refusal to apply for or accept suitable work from a person other than the  
20 work sharing employer.

21 **[(c)] (D)** An affected employee who is otherwise eligible for benefits:

22 (1) is considered to be unemployed for the purpose of the work sharing  
23 unemployment insurance program; and

24 (2) is not subject to the requirement under § 8–801 of this title that an  
25 individual be unemployed.

26 **[(d)] (E)** Unless the result would be inconsistent with this subtitle, the  
27 provisions of this title that apply to a claim for and payment of other benefits apply to  
28 a claim for and payment of work sharing benefits.

29 8–1207.

30 (a) Work sharing benefits shall be determined in accordance with this  
31 section.

32 (b) (1) To compute work sharing benefits:

1 (i) the weekly benefit amount of an affected employee under §  
2 8–803 of this title shall be multiplied by the percentage of reduction in the employee’s  
3 normal weekly work hours under the approved work sharing plan; and

4 (ii) the hours for which an affected employee receives [holiday  
5 or vacation pay] PAID LEAVE shall be counted as hours worked IF THE AFFECTED  
6 EMPLOYEE PERFORMED SOME WORK DURING THE WORK WEEK.

7 **(2) IF THE AFFECTED EMPLOYEE WAS ABSENT FROM WORK**  
8 **WITHOUT THE APPROVAL OF THE EMPLOYER OR USED UNPAID LEAVE, THE**  
9 **AFFECTED EMPLOYEE WILL NOT BE CONSIDERED TO HAVE WORKED ALL THE**  
10 **HOURS OFFERED BY THE WORK SHARING EMPLOYER IN A WORK WEEK, AND THE**  
11 **EMPLOYEE SHALL BE DENIED WORK SHARING BENEFITS FOR THAT WEEK.**

12 **[(2)] (3)** The product obtained under paragraph (1)(i) of this  
13 subsection shall be rounded to the next lower dollar.

14 (c) (1) An affected employee is eligible to receive not more than [26] 52  
15 weeks of work sharing benefits during each benefit year.

16 (2) The total amount of benefits payable under Subtitle 8 of this title  
17 and work sharing benefits payable under this section may not exceed the total for the  
18 benefit year under § 8–808(c) of this title.

19 (d) An allowance for a dependent is payable to an affected employee in  
20 accordance with § 8–804 of this title.

21 (e) An affected employee who receives a work sharing benefit is not subject  
22 to the limitation on benefits for partial unemployment under § 8–803(d) of this title.

23 (f) During a week in which an individual who otherwise is eligible for  
24 benefits does not work for the work sharing employer:

25 (1) the individual shall be paid benefits in accordance with Subtitle 8  
26 of this title; and

27 (2) the week does not count as a week for which a work sharing benefit  
28 is received.

29 (g) **[(1)]** During a week in which an [employee earns wages] **INDIVIDUAL**  
30 **PERFORMS WORK** under an approved work sharing plan and [other wages, the work  
31 sharing benefit shall be reduced by the same percentage that the combined wages are  
32 of wages for normal weekly work hours if the other wages:

33 (i) exceed the wages earned under the approved work sharing  
34 plan; and

1 (ii) do not exceed 90% of the wages the individual earns for  
2 normal weekly work hours.

3 (2) The computation under paragraph (1) of this subsection applies  
4 regardless of whether the employee earned the other wage from the work sharing  
5 employer or another employer.] **PERFORMS WORK FOR ANOTHER EMPLOYER, THE  
6 INDIVIDUAL'S WORK SHARING BENEFIT SHALL BE COMPUTED IN THE SAME  
7 MANNER AS IF THE INDIVIDUAL WORKED SOLELY FOR THE WORK SHARING  
8 EMPLOYER.**

9 **(H) AN INDIVIDUAL WHO IS NOT PROVIDED ANY WORK BY THE WORK  
10 SHARING EMPLOYER DURING A WEEK IN WHICH A WORK SHARING PLAN IS IN  
11 EFFECT, BUT WHO WORKS FOR ANOTHER EMPLOYER AND IS OTHERWISE  
12 ELIGIBLE FOR UNEMPLOYMENT BENEFITS, MAY BE PAID REGULAR BENEFITS  
13 FOR THAT WEEK UNDER SUBTITLE 8 OF THIS TITLE SUBJECT TO THE  
14 DISQUALIFYING INCOME REQUIREMENTS OF § 8-803(D) OF THIS TITLE AND  
15 OTHER PROVISIONS APPLICABLE TO CLAIMS FOR REGULAR COMPENSATION.**

16 **(I) AN INDIVIDUAL WHO IS PROVIDED LESS THAN 50% OF THE  
17 INDIVIDUAL'S NORMAL WEEKLY WORK HOURS WITH THE WORK SHARING  
18 EMPLOYER DURING A WEEK IN WHICH A WORK SHARING PLAN IS IN EFFECT,  
19 AND IS OTHERWISE ELIGIBLE FOR UNEMPLOYMENT BENEFITS, MAY BE PAID  
20 REGULAR BENEFITS FOR THAT WEEK UNDER SUBTITLE 8 OF THIS TITLE  
21 SUBJECT TO THE DISQUALIFYING INCOME REQUIREMENTS OF § 8-803(D) OF  
22 THIS TITLE AND OTHER PROVISIONS APPLICABLE TO CLAIMS FOR REGULAR  
23 COMPENSATION.**

24 **[(h)] (J)** While an affected employee applies for or receives work sharing  
25 benefits, the affected employee is not eligible for:

26 (1) extended benefits;

27 (2) supplemental federal unemployment compensation; or

28 (3) benefits under any other federal or State program.

29 8-1208.

30 **(A)** The Secretary may revoke approval of an approved work sharing plan for  
31 good cause, including:

32 (1) conduct or an occurrence that tends to defeat the intent and  
33 effective operation of the approved work sharing plan;

- 1           (2) failure to comply with an assurance in the approved work sharing  
2 plan;
- 3           (3) unreasonable revision of a productivity standard of the affected  
4 unit; and
- 5           (4) violation of a criterion on which the Secretary based approval of  
6 the approved work sharing plan.

7           **(B) THE DECISION OF THE SECRETARY TO REVOKE APPROVAL OF A**  
8 **WORK SHARING PLAN IS FINAL AND IS NOT SUBJECT TO APPEAL.**

9 **8-1209.**

10           AN AFFECTED EMPLOYEE WHO HAS RECEIVED ALL OF THE WORK  
11 SHARING BENEFITS OR COMBINED UNEMPLOYMENT BENEFITS AND WORK  
12 SHARING BENEFITS AVAILABLE IN A BENEFIT YEAR SHALL BE:

13           (1) CONSIDERED AN EXHAUSTEE FOR PURPOSES OF EXTENDED  
14 BENEFITS, AS PROVIDED UNDER § 8-1104 OF THIS TITLE; AND

15           (2) IF OTHERWISE ELIGIBLE, SHALL BE ELIGIBLE TO RECEIVE  
16 EXTENDED BENEFITS UNDER SUBTITLE 11 OF THIS TITLE.

17 ~~8-1210.~~

18           ~~(A) TO THE EXTENT PROVISIONS AND DEFINITIONS IN FEDERAL~~  
19 ~~UNEMPLOYMENT INSURANCE LAW ARE IN CONFLICT WITH, OR SUPPLEMENT~~  
20 ~~THE PROVISIONS OF THIS SUBTITLE OR THE CHARGING PROVISIONS~~  
21 ~~APPLICABLE TO WORK SHARING IN § 8-611 OF THIS TITLE, THE PROVISIONS~~  
22 ~~AND DEFINITIONS OF FEDERAL UNEMPLOYMENT INSURANCE LAW SHALL APPLY~~  
23 ~~AND SHALL BE GIVEN EFFECT.~~

24           ~~(B) IF ANY PROVISION OR DEFINITION IN THIS SUBTITLE OR THE~~  
25 ~~CHARGING PROVISION APPLICABLE TO WORK SHARING IN § 8-611 OF THIS~~  
26 ~~TITLE IS DETERMINED TO BE IN CONFLICT WITH FEDERAL UNEMPLOYMENT~~  
27 ~~INSURANCE LAW, THAT PROVISION SHALL BE INVALID AND SHALL NOT AFFECT~~  
28 ~~ANY OTHER PROVISION OF THIS SUBTITLE WHICH CAN BE GIVEN FULL EFFECT.~~

29           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 July 1, 2014.