

## Article - Labor and Employment

§8-1104.

(a) In this subsection, “suitable work” means work:

- (1) that is within the capabilities of an individual;
- (2) for which the gross average weekly compensation exceeds the sum of the individual’s weekly extended benefit amount plus any supplemental unemployment compensation benefits as defined in § 501(c)(17)(d) of the Internal Revenue Code that are payable to the individual for the week;
- (3) for which wages equal or exceed the higher of:
  - (i) the minimum wage under § 6(a)(1) of the federal Fair Labor Standards Act, without regard to exemptions; or
  - (ii) an applicable State or local minimum wage;
- (4) that is listed with the Division of Workforce Development or offered in writing to the individual; and
- (5) that is suitable under § 8-1005 of this title to the extent that § 8-1005 of this title is not inconsistent with items (1) through (4) of this subsection.

(b) To be eligible for extended benefits for a week during an eligibility period, an individual:

- (1) shall be unemployed for the week for which benefits are claimed;
- (2) shall meet each requirement of this title for regular benefits that applies to a claim for extended benefits;
- (3) shall not be subject to disqualification from receiving regular benefits;
- (4) may not have a right to unemployment allowances or benefits under the Railroad Unemployment Insurance Act or any other federal law that the United States Secretary of Labor specifies by regulation;
- (5) shall not have received and shall not be seeking unemployment benefits under the unemployment insurance law of Canada or if benefits have been sought under that law, shall have been finally determined by the appropriate unit not to be eligible; and
- (6) shall have exhausted regular benefits as provided in this subsection.

(c) (1) An individual has exhausted the regular benefits for a week of unemployment during the individual’s eligibility period if:

(i) before that week, the individual has received all regular benefits and allowances for dependents and benefits payable to federal civilian employees and former servicemembers under 5 U.S.C. § 8501 et seq. that were available to the individual under this title or the unemployment insurance law of another state that has been approved by the United States Secretary of Labor under 26 U.S.C. § 3304; or

(ii) if the benefit year expired during the eligibility period, the individual has no wages or has insufficient wages to establish a new benefit year that would include that week.

(2) An individual who otherwise has received all regular benefits shall be considered to have exhausted regular benefits under paragraph (1)(i) of this subsection even if the individual later may be determined to be entitled to additional regular benefits as a result of a pending appeal about wages that were not considered in the initial monetary determination of the individual's 1st claim for that benefit year.

(d) During the base period for which the individual has exhausted regular benefits, the total wages for covered employment shall exceed 150% of the wages for covered employment during the calendar quarter of the base period in which the individual's wages for covered employment were the highest.

(e) If an individual is disqualified from regular benefits for a specified period of weeks under § 8–1001, § 8–1003, or § 8–1005 of this title, the individual may not receive extended benefits unless:

(1) the period of disqualification has ended; and

(2) the individual has been employed after the date of the disqualification.

(f) (1) An individual shall:

(i) make a sustained and systematic effort throughout the week to find work; and

(ii) submit tangible evidence of the effort to the Secretary.

(2) Except as provided in paragraph (3) of this subsection, an individual is disqualified for extended benefits for any week of unemployment during the individual's eligibility period during which the individual fails to accept an offer of suitable work or apply for suitable work referred by the Secretary.

(3) If an individual provides evidence that satisfies the Secretary that the individual has good prospects for obtaining work in the individual's usual occupation within a reasonably short period, suitability of the work shall be determined in accordance with § 8–1005 rather than paragraph (1) of this subsection.

(g) The Secretary shall refer an individual who applies for extended benefits to work that is suitable.