

Article - Labor and Employment

§8-1204.

(a) Except as provided in subsection (b) of this section, the Secretary shall approve a work sharing plan that meets the following requirements:

(1) a work sharing plan shall:

(i) identify the affected unit;

(ii) identify each employee in the affected unit by name, Social Security number, normal weekly work hours, and any other information that the Secretary requires;

(iii) specify the requested start date of the work sharing plan that, unless waived by the Secretary for good cause, shall begin on a Sunday no earlier than 7 days after the plan is submitted and an expiration date that is not more than 6 months after the effective date of the work sharing plan;

(iv) provide for reduction of normal weekly work hours of affected employees in each affected unit which shall be:

1. applied equally to all employees in the affected unit for all weeks of the plan unless waived by the Secretary for good cause; and

2. at least 20% but not more than 50% of the normal weekly work hours of each employee;

(v) identify any week during the term of the plan for which the employer regularly provides no work for its employees;

(vi) specify the effect that work sharing will have on the fringe benefits of each employee in the affected unit including:

1. holiday and vacation pay;

2. sick leave; and

3. similar advantages;

(vii) include an estimate of the number of employees who would be laid off in the absence of the plan and the aggregate normal weekly work hours for those employees that must be equivalent to the aggregate hours reduced under the work sharing plan;

(viii) include a brief description of the circumstances requiring the use of work sharing to avoid layoffs;

(ix) contain the employer's certification that:

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

2. the total reduction in normal weekly work hours under the work sharing plan is instead of temporary or permanent layoffs, or both, that would have affected at least one employee and that would have resulted in an equivalent reduction in work hours;

3. participation in the plan and its implementation is consistent with the employer's obligations under applicable federal and State law;

4. the employer will not hire new employees in, or transfer employees to, the affected unit while the plan is in effect;

5. the work sharing plan will not serve as a subsidy of temporary or intermittent employment; and

6. health benefits and retirement benefits, if any, provided to any employee whose usual weekly work hours are reduced under the work sharing plan will continue to be provided:

A. to each employee participating in the work sharing plan under the same terms and conditions as though the usual weekly work hours of the employee had not been reduced; or

B. to the same extent as other employees not participating in the program; and

(x) 1. contain the written approval of the collective bargaining agent for each collective bargaining agreement that covers any affected employee in the affected unit; and

2. for any affected employee not covered by a collective bargaining agreement:

A. describe how notice of the plan will be provided to employees who will be subject to the plan; or

B. if advance notice to employees subject to the plan is not feasible, provide a detailed explanation as to why advance notice is not feasible.

(2) an employer is deemed to have satisfied its obligation to provide the certificate required under item (1)(ix)6 of this subsection if the employer certifies that a reduction in health benefits and retirement benefits scheduled to occur while the plan is in effect applies to employees who are participating in work sharing in the same

manner as it applies to those employees who are not participating in work sharing.

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

(4) the work sharing employer shall agree to:

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

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

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

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

3. to comply with any other requirement the Secretary deems necessary that is consistent with this subtitle and federal unemployment insurance law.

(b) The Secretary may not approve a work sharing plan that:

(1) is submitted by a new employer as defined in § 8-609 of this title;

(2) is submitted by an employer that has failed to:

(i) file quarterly wage reports or other reports required under this title; or

(ii) pay all contributions, assessments, reimbursements in lieu of contributions, interest, and penalties due through the date of the employer's application; or

(3) is inconsistent with this subtitle and the purpose of work sharing.