

## Article - Labor and Employment

§8-611.

(a) For each employing unit, the Secretary shall keep an earned rating record that shows all benefits that are based on covered employment that was performed for the employing unit.

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

(c) (1) Notwithstanding any other provision of this title, the Secretary may not charge against the earned rating record of an employing unit an extended benefit payment for which the State receives full reimbursement from the federal government.

(2) Except as provided in subsection (d) of this section, the appropriate share of extended benefits:

(i) for a governmental entity, is all extended benefits paid to a claimant; and

(ii) for other employing units, is 50% of extended benefits paid to a claimant.

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

(1) to have employees take their vacations at the same time;

(2) for inventory;

(3) for retooling; or

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

(e) The Secretary may not charge benefits paid to a claimant against the earned rating record of an employing unit if:

(1) the claimant left employment voluntarily without good cause attributable to the employing unit;

(2) the claimant was discharged by the employing unit for gross

misconduct as defined in § 8–1002 of this title;

(3) the claimant was discharged by the employing unit for aggravated misconduct as defined in § 8–1002.1 of this title;

(4) the claimant left employment voluntarily to accept better employment or enter training approved by the Secretary;

(5) the employing unit participates in a work release program that is designed to give an inmate of a correctional institution an opportunity to work while imprisoned and unemployment was the result of the claimant's release from prison;

(6) the claimant was paid additional training benefits under § 8–812 of this title; or

(7) the claimant left employment for good cause directly attributable to the claimant or the claimant's spouse, minor child, or parent being a victim of domestic violence as defined in § 8–1001(b)(3) of this title.

(f) (1) Except as provided in paragraph (2) of this subsection, if the Secretary determines before the first day of the calendar year for which the rate is assigned, that benefits that have been charged against the earned rating record of an employing unit are recoverable under § 8–809 of this title, the Secretary shall remove those charges from the earned rating record before computation of the earned rate.

(2) (i) The Secretary may not remove a benefit charge from an earned rating record if:

1. the benefit was paid as a direct or indirect result of the failure of the employing unit, or the employing unit's agent, to provide timely or adequate information relating to a claim for benefits in response to a request for information made by the Secretary under this title or regulations adopted to carry out this title; and

2. the employing unit, or the employing unit's agent, has not shown good cause for failing to provide timely or adequate information.

(ii) In determining whether the Secretary is prohibited from removing a benefit charge under subparagraph (i) of this paragraph:

1. an employing unit, or the employing unit's agent, must raise the issue of good cause in writing for the issue to be considered; and

2. the employing unit, or the employing unit's agent, has the burden of proving there was good cause for failing to provide timely or adequate information.

(g) The Secretary may not charge the earned rating record of an employing unit

that has employed a claimant on a continuous part–time basis and continues to do so while the claimant is separated from other employment and is eligible for benefits because of that separation.

(h) The Secretary may not charge the earned rating record of an employing unit for benefits that are paid to a claimant during a period in which the claimant is disqualified as a result of a reversal or redetermination.

(i) (1) If, as a direct or indirect result of an erroneous report of wages or other information by an employing unit, benefits are paid to a claimant who is not entitled to the benefits, the Secretary shall charge the benefits against the earned rating record of the employing unit responsible for the erroneous report.

(2) Notwithstanding paragraph (1) of this subsection, on request of an employing unit, the Secretary for cause may waive a charge to the employing unit earned rating record that results from erroneous report by the employing unit.

(j) (1) If the Secretary allows an adjustment or refund under this title, the Secretary shall correct the employing unit’s earned rating record.

(2) (i) The Secretary may not change an earned rate assigned to an employing unit as a result of an adjustment or refund unless under this title the application is submitted by the December 31 preceding the calendar year for which the rate is assigned.

(ii) The Secretary shall waive the December 31 deadline for good cause.