

Article - Labor and Employment

§8-620.

(a) (1) Reimbursement payments shall be made in accordance with this section.

(2) Unless there is an application for review and redetermination of a bill under § 8-621 of this subtitle, a not for profit organization or governmental entity shall pay the bill under this section within 30 days after the Secretary mailed the bill to the last known address of the not for profit organization or governmental entity or otherwise delivered the bill to it.

(b) If benefits paid to an individual are based on wages paid by 2 or more employing units, the amount payable by each employing unit under an election shall be an amount whose ratio to total benefits paid is the same as the ratio that total base period wages paid to the individual by that employing unit has to total base period wages paid by all base period employing units.

(c) Except as provided in subsection (d) of this section, at the end of each calendar quarter or any other period set by the Secretary, the Secretary shall send:

(1) to each not for profit organization that has made an election or if the Secretary has approved a group account under § 8-619 of this subtitle, to the group representative, a bill for all regular and work sharing benefits, and 50% of extended benefits paid during that period that are attributable to covered employment for that not for profit organization; and

(2) to each governmental entity that has made an election, a bill for all regular, work sharing, and extended benefits paid during that period that are attributable to covered employment for that governmental entity.

(d) (1) On request, the Secretary may allow a not for profit organization or governmental entity that has made an election to make reimbursement payments as provided in this subsection.

(2) If the Secretary approves a request, the method of payment shall become effective on approval.

(3) At the end of each calendar quarter or other period set by the Secretary, the Secretary shall mail to a not for profit organization or governmental entity at its last known address or otherwise deliver to it:

(i) a bill for a percentage of its total payroll for the immediately preceding calendar year as determined by the Secretary, based each year on the average cost of benefits that are attributable to covered employment for the not for profit organization or governmental entity during the immediately preceding calendar year; or

(ii) if the not for profit organization or governmental entity did not pay wages during the 4 calendar quarters of the preceding calendar year, a bill for a percentage of its payroll during that year as determined by the Secretary.

(4) At the end of each calendar year:

(i) the Secretary may modify the periodic percentage of payroll payable under this subsection for the upcoming year to minimize excess or insufficient payments;

(ii) the Secretary shall determine the difference between payments made by a not for profit organization or governmental entity and the amount it is required to reimburse to the Unemployment Insurance Fund under § 8–616 of this subtitle; and

(iii) if the Unemployment Insurance Fund has not been reimbursed fully, the Secretary shall mail to the not for profit organization or governmental entity at its last known address or otherwise deliver to it a bill for the difference and require payment in accordance with subsection (a)(2) of this section.

(5) If the total payments for a calendar year exceed the amount required to be reimbursed, the Secretary may:

(i) refund all or part of the excess from the Unemployment Insurance Fund; or

(ii) retain all or part of the excess in the Unemployment Insurance Fund as part of the payments that may be required for the next calendar year.

(e) An employing unit may not deduct, wholly or partly, any payment made under this subtitle from the compensation of individuals in the employ of the not for profit organization or governmental entity.

(f) (1) Except as provided in paragraph (2) of this subsection, if the Secretary recovers benefits charged to a not for profit organization or governmental entity under § 8–809 of this title, the Secretary shall remove those charges from the account of the not for profit organization or governmental entity.

(2) (i) The Secretary may not remove a benefit charge recovered by the Secretary under § 8–809 of this title from the account of a not for profit organization or governmental entity if:

1. the benefit was paid as a direct or indirect result of the failure of the not for profit organization or governmental entity, either directly or through an 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 not for profit organization or governmental entity has not demonstrated 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. the not for profit organization or governmental entity, either directly or through an agent, must raise the issue of good cause in writing for the issue to be considered; and

2. the not for profit organization or governmental entity, either directly or through an agent, has the burden of proving there was good cause for failing to provide timely or adequate information.