

# HOUSE BILL 336

K2

EMERGENCY BILL

9lr2572  
CF 9lr2709

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By: Delegates Feldmark, Acevero, Attar, Atterbeary, Bagnall, Bartlett, Barve, Bhandari, Boyce, Branch, Bridges, Brooks, Busch, Cain, Cardin, Carey, Chang, Charkoudian, Charles, Clippinger, Conaway, Crosby, Crutchfield, Cullison, D.M. Davis, D.E. Davis, Dumais, Ebersole, Fennell, W. Fisher, Fraser-Hidalgo, Gilchrist, Glenn, Guyton, Harrison, Healey, Hettleman, Hill, Jackson, Johnson, Jones, Kaiser, Kelly, Kerr, Korman, Krimm, Lafferty, Lehman, J. Lewis, R. Lewis, Lierman, Lopez, Love, Luedtke, McIntosh, Moon, Mosby, Palakovich Carr, Patterson, Pena-Melnyk, Pendergrass, Qi, Queen, Reznik, Rogers, Rosenberg, Sample-Hughes, Shetty, Smith, Solomon, Stein, Stewart, Sydnor, Terrasa, Turner, Valderrama, Walker, C. Watson, R. Watson, Wells, Wilkins, Wilson, and K. Young

Introduced and read first time: January 28, 2019

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Civilian Federal Employees – Benefits**  
3 **(Federal Shutdown Paycheck Protection Act)**

4 FOR the purpose of specifying that, notwithstanding certain provisions of law, an  
5 individual who is a civilian employee of the federal government is eligible to receive  
6 unemployment benefits under certain circumstances; requiring the Department of  
7 Labor, Licensing, and Regulation to request certain documentation from the U.S.  
8 Department of Labor within a certain time period after the taking effect of this Act;  
9 making a certain provision of this Act subject to a certain contingency; making this  
10 Act an emergency measure; and generally relating to unemployment benefits for  
11 civilian federal employees.

12 BY repealing and reenacting, with amendments,  
13 Article – Labor and Employment  
14 Section 8–903  
15 Annotated Code of Maryland  
16 (2016 Replacement Volume and 2018 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Labor and Employment**

1  
2 8–903.

3 (a) (1) Except as otherwise provided in this section, to be eligible for benefits  
4 an individual shall be:

5 (i) able to work;

6 (ii) available for work; and

7 (iii) actively seeking work.

8 (2) In determining whether an individual actively is seeking work, the  
9 Secretary shall consider:

10 (i) whether the individual has made an effort that is reasonable and  
11 that would be expected of an unemployed individual who honestly is looking for work; and

12 (ii) the extent of the effort in relation to the labor market conditions  
13 in the area in which the individual is seeking work.

14 (3) A part–time worker may not be determined to be ineligible for the  
15 receipt of benefits for a week in which the part–time worker is available for and seeking  
16 only part–time work if the part–time worker:

17 (i) is actively seeking part–time work; and

18 (ii) is in a labor market in which a reasonable demand exists for  
19 part–time work.

20 (4) For the purposes of paragraph (3) of this subsection, an individual is  
21 seeking only part–time work if the individual is able to work:

22 (i) hours that are comparable to the individual’s work at the time of  
23 the most recent separation from part–time employment; and

24 (ii) at least 20 hours per week.

25 (b) The Secretary may not use the disability of a qualified individual with a  
26 disability as a factor in finding that an individual is not able to work, available for work, or  
27 actively seeking work under subsection (a)(1) or (3) of this section.

28 (c) Notwithstanding any other provision of this section or § 8–904 or § 8–907(a)  
29 of this subtitle, an individual who otherwise is eligible to receive benefits and who is in  
30 training with the approval of the Secretary may not be denied benefits:

1 (1) for failure to meet the requirements of subsection (a)(1)(ii) and (iii) of  
2 this section to be available for work and actively seeking work; or

3 (2) for failure to apply for or refusal to accept suitable work under § 8–1005  
4 of this title.

5 **(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, AN**  
6 **INDIVIDUAL WHO IS A CIVILIAN EMPLOYEE OF THE FEDERAL GOVERNMENT IS**  
7 **ELIGIBLE TO RECEIVE UNEMPLOYMENT BENEFITS IF THE EMPLOYEE:**

8 **(1) IS REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN**  
9 **THE STATE; AND**

10 **(2) IS NOT BEING PAID BECAUSE THE FEDERAL GOVERNMENT IS IN A**  
11 **FULL OR PARTIAL SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That, within 24 hours after the  
13 taking effect of this Act, the Department of Labor, Licensing, and Regulation shall request  
14 a determination letter from the U.S. Department of Labor confirming continued conformity  
15 of the Maryland Unemployment Insurance Law, as amended by Section 1 of this Act, with  
16 federal unemployment compensation program requirements.

17 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take  
18 effect contingent on the receipt by the Department of Labor, Licensing, and Regulation of  
19 a favorable determination letter from the U.S. Department of Labor confirming that the  
20 Maryland Unemployment Insurance Law, as amended by Section 1 of this Act, conforms  
21 with federal unemployment compensation program requirements. Section 1 of this Act shall  
22 take effect on the date notice of the letter is received by the Department of Legislative  
23 Services in accordance with this section. If the Department of Labor, Licensing, and  
24 Regulation does not receive a favorable determination letter or the U.S. Department of  
25 Labor determines that implementation of the Maryland Unemployment Insurance Law, as  
26 amended by Section 1 of this Act, would result in a loss of federal funding, Section 1 of this  
27 Act, with no further action required by the General Assembly, shall be null and void. The  
28 Department of Labor, Licensing, and Regulation, within 24 hours after receiving the  
29 determination letter from the U.S. Department of Labor, shall forward a copy of the letter  
30 to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

31 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this  
32 Act, this Act is an emergency measure, is necessary for the immediate preservation of the  
33 public health or safety, has been passed by a yea and nay vote supported by three-fifths of  
34 all the members elected to each of the two Houses of the General Assembly, and shall take  
35 effect from the date it is enacted.