

HOUSE BILL 1002

K2

EMERGENCY BILL

1lr1171

By: **Delegate Charkoudian**

Introduced and read first time: February 5, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Revisions and Required Study**

3 FOR the purpose of requiring the Maryland Department of Labor to take certain actions to
4 carry out the State's unemployment insurance law; requiring the Maryland
5 Department of Labor to begin implementing a system through which claimants may
6 consent to the sharing of certain information with the Maryland Health Benefit
7 Exchange and the Maryland Department of Health for the purpose of determining
8 eligibility for certain health insurance; requiring the Maryland Department of Labor
9 to enter into a certain memorandum of understanding with the Maryland Health
10 Benefit Exchange and the Maryland Department of Health before a certain system
11 begins to operate; requiring that a certain consent request be placed in a certain
12 manner on the weekly claim certification form using certain language; requiring the
13 Maryland Department of Labor to cooperate with certain other agencies to claim the
14 maximum amount of certain available federal funding; requiring the Maryland
15 Department of Labor to report to a certain committee of the General Assembly on or
16 before a certain date each year; requiring the Secretary of Labor to waive the charge
17 of benefits against the earned rating record of an employing unit under certain
18 circumstances related to COVID-19; providing that the waiver may apply only to
19 certain benefits; altering the maximum amount of wages disregarded when
20 computing the weekly benefit amount to be paid to a claimant; requiring the
21 Maryland Department of Labor to conduct a certain study in collaboration with the
22 Office of the Attorney General and the Maryland Department of Health; requiring
23 the Maryland Department of Labor to report its findings and recommendations to
24 the Governor and certain committees of the General Assembly on or before a certain
25 date; making this Act an emergency measure; and generally relating to
26 unemployment insurance.

27 BY adding to
28 Article – Labor and Employment
29 Section 8-109
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2016 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–611(k) and 8–803(d)
Annotated Code of Maryland
(2016 Replacement Volume and 2020 Supplement)

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

Article – Labor and Employment

8–109.

(A) IN CARRYING OUT THE REQUIREMENTS OF THIS TITLE, THE
DEPARTMENT SHALL:

(1) ENSURE THAT AN INDIVIDUAL CONTACTING THE DEPARTMENT
HAS ADEQUATE AND TIMELY ACCESS TO LANGUAGE AND INTERPRETIVE SERVICES;

(2) ENSURE THAT CALL CENTER STAFFING IS ADEQUATE TO ALLOW
AN INDIVIDUAL TO REACH A DEPARTMENTAL EMPLOYEE OR CONTRACTOR TO ASK
QUESTIONS;

(3) ESTABLISH SYSTEMS AND PROCEDURES THAT ENSURE THAT AN
INDIVIDUAL DOES NOT NEED TO WAIT ON HOLD BEFORE BEING OFFERED AN
OPPORTUNITY TO LEAVE A PHONE NUMBER TO RECEIVE A CALL BACK;

(4) ENSURE THAT PHONE CALLS MADE BY DEPARTMENT STAFF AND
CONTRACTORS APPEAR ON CALLER ID AS ORIGINATING FROM THE DEPARTMENT;

(5) ENSURE THAT VOICEMAIL MESSAGES LEFT BY DEPARTMENT
STAFF OR CONTRACTORS INCLUDE CLEAR INSTRUCTIONS FOR NEXT STEPS,
INCLUDING A CALL-BACK NUMBER OTHER THAN THE GENERAL NUMBER FOR
UNEMPLOYMENT INSURANCE ASSISTANCE;

(6) ESTABLISH PROCEDURES THAT REQUIRE ATTEMPTS BY THE
DEPARTMENT TO CONTACT AN INDIVIDUAL RELATED TO A CLAIM FOR BENEFITS TO
BE TIMED IN SUCH A WAY THAT THE CALLS OCCUR OVER CONSECUTIVE AND
MULTIPLE DAYS;

(7) PERIODICALLY REVIEW AND REVISE FOR CLARITY AND
ORGANIZATION ALL PUBLIC COMMUNICATIONS, INCLUDING MATERIALS POSTED ON

1 THE DEPARTMENT'S WEBSITE OR MOBILE APPLICATION;

2 (8) ENSURE THAT THE APPLICATION FOR UNEMPLOYMENT
3 INSURANCE BENEFITS EXPLICITLY INFORMS APPLICANTS OF THE RIGHT TO
4 REQUEST BENEFITS IN THE FORM OF A PAPER CHECK AND PROVIDES A MECHANISM
5 TO MAKE THE REQUEST;

6 (9) ENSURE THAT AN APPLICANT IS INFORMED OF THE AVAILABILITY
7 TO AUTOMATICALLY TRANSFER FUNDS INTO A PERSONAL CHECKING ACCOUNT AND
8 PROVIDE A MECHANISM TO MAKE THE REQUEST;

9 (10) ESTABLISH SYSTEMS, PROCESSES, AND PROCEDURES THAT
10 ENABLE AN APPLICANT TO TRACK THE STATUS OF A CLAIM, INCLUDING THE
11 ANTICIPATED TIMELINE FOR THE RESOLUTION OF EACH PARTICULAR CLAIM;

12 (11) ENSURE THAT AN OVERPAYMENT NOTICE SENT TO A CLAIMANT
13 INCLUDES INFORMATION REGARDING THE CAUSE OF THE OVERPAYMENT AND THE
14 PERIOD DURING WHICH THE OVERPAYMENT OCCURRED;

15 (12) ESTABLISH AND MAINTAIN A PLAN TO:

16 (I) FILL ALL OPEN POSITIONS WITHIN THE DIVISION OF
17 UNEMPLOYMENT INSURANCE IN A TIMELY MANNER; AND

18 (II) IMMEDIATELY FILL ALL POSITIONS WITHIN THE DIVISION
19 OF UNEMPLOYMENT INSURANCE AND RAPIDLY EXPAND PERSONNEL IN RESPONSE
20 TO A CRISIS;

21 (13) ESTABLISH AND MAINTAIN A PLAN FOR ONGOING INVESTMENT IN
22 TECHNOLOGY;

23 (14) ESTABLISH STANDARDS FOR THE TIMELY PROCESSING OF CLAIMS
24 FOR BENEFITS UNDER WHICH:

25 (I) 92% OF CLAIMS ARE COMPLETED WITHIN 21 DAYS AFTER
26 THE RECEIPT OF THE INITIAL APPLICATION; AND

27 (II) 97% OF CLAIMS THAT REQUIRE ADJUDICATION ARE
28 RESOLVED WITHIN 8 WEEKS AFTER THE RECEIPT OF THE INITIAL APPLICATION;

29 (15) ESTABLISH A SINGLE POINT OF CONTACT WITHIN THE
30 DEPARTMENT TO OVERSEE AND PRIORITIZE THE RESOLUTION OF CLAIMS THAT
31 HAVE NOT BEEN COMPLETED WITHIN 8 WEEKS; AND

1 **(16) (I) TRACK THE PERCENTAGE OF LAID-OFF WORKERS WHO FILE**
2 **FOR UNEMPLOYMENT INSURANCE BENEFITS;**

3 **(II) ESTABLISH A GOAL FOR AN UNEMPLOYMENT INSURANCE**
4 **RECIPIENCY RATE; AND**

5 **(III) PUBLISH ON THE DEPARTMENT'S WEBSITE AT LEAST ONCE**
6 **PER MONTH:**

7 **1. THE PERCENTAGE OF LAID-OFF WORKERS WHO FILED**
8 **FOR BENEFITS; AND**

9 **2. THE RECIPIENCY RATE.**

10 **(B) (1) ON OR BEFORE SEPTEMBER 1, 2021, THE DEPARTMENT SHALL**
11 **BEGIN IMPLEMENTING A SYSTEM THROUGH WHICH A CLAIMANT MAY CONSENT, AS**
12 **PART OF ANY WEEKLY CLAIM CERTIFICATION, TO THE SHARING OF RELEVANT**
13 **COLLECTED INFORMATION BY THE DEPARTMENT WITH THE MARYLAND HEALTH**
14 **BENEFIT EXCHANGE AND THE MARYLAND DEPARTMENT OF HEALTH TO**
15 **DETERMINE WHETHER THE INDIVIDUAL QUALIFIES FOR FREE OR LOW-COST**
16 **HEALTH INSURANCE AND, IF SO, TO HELP THE INDIVIDUAL ENROLL.**

17 **(2) BEFORE THE SYSTEM DESCRIBED IN PARAGRAPH (1) OF THIS**
18 **SUBSECTION BEGINS TO OPERATE, THE DEPARTMENT SHALL ENTER INTO A**
19 **MEMORANDUM OF UNDERSTANDING WITH THE MARYLAND HEALTH BENEFIT**
20 **EXCHANGE AND THE MARYLAND DEPARTMENT OF HEALTH THAT ENABLES THE**
21 **SYSTEM TO OPERATE IN COMPLIANCE WITH ALL APPLICABLE FEDERAL AND STATE**
22 **REQUIREMENTS RELATED TO PRIVACY, DATA SECURITY, AND FUNDING.**

23 **(3) THE CONSENT REQUEST DESCRIBED IN PARAGRAPH (1) OF THIS**
24 **SUBSECTION SHALL BE PROMINENTLY PLACED ON THE WEEKLY CLAIM**
25 **CERTIFICATION FORM, USING LANGUAGE THAT CAN BE EASILY UNDERSTOOD BY**
26 **THE MAJORITY OF INDIVIDUALS WHO QUALIFY FOR BENEFITS.**

27 **(4) THE DEPARTMENT SHALL COOPERATE WITH THE MARYLAND**
28 **HEALTH BENEFIT EXCHANGE AND THE MARYLAND DEPARTMENT OF HEALTH TO**
29 **CLAIM THE MAXIMUM AMOUNT OF AVAILABLE FEDERAL FUNDING FOR THE**
30 **ESTABLISHMENT AND OPERATION OF THE SYSTEM DESCRIBED IN PARAGRAPH (1)**
31 **OF THIS SUBSECTION.**

32 **(C) ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT SHALL**
33 **REPORT TO THE JOINT COMMITTEE ON UNEMPLOYMENT INSURANCE OVERSIGHT,**

1 IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE
2 IMPLEMENTATION OF THIS SECTION.

3 8-611.

4 (k) (1) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE
5 Secretary may waive the charge of benefits paid to a claimant against the earned rating
6 record of an employing unit if:

7 (i) the benefits are paid to the claimant during a period in which the
8 claimant is temporarily unemployed because the employing unit shut down due to a natural
9 disaster; and

10 (ii) the Governor declared a state of emergency due to the natural
11 disaster.

12 (2) If the Secretary waives the charge of benefits under paragraph (1) of
13 this subsection, the waiver may be in effect only until the earlier of:

14 (i) 4 months after the natural disaster; or

15 (ii) the date the employing unit reopens.

16 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE
17 SECRETARY SHALL WAIVE THE CHARGE OF BENEFITS PAID TO A CLAIMANT AGAINST
18 THE EARNED RATING RECORD OF AN EMPLOYING UNIT IF THE BENEFITS WERE PAID
19 TO THE CLAIMANT DURING A PERIOD IN WHICH, DUE TO THE COVID-19 PANDEMIC:

20 (I) THE GOVERNOR HAD DECLARED A STATE OF EMERGENCY;
21 AND

22 (II) THE CLAIMANT IS OR WAS TEMPORARILY UNEMPLOYED
23 BECAUSE THE EMPLOYING UNIT SHUT DOWN OR MODIFIED OPERATIONS.

24 (4) IF THE SECRETARY WAIVES THE CHARGE OF BENEFITS UNDER
25 PARAGRAPH (3) OF THIS SUBSECTION, THE WAIVER MAY APPLY ONLY TO BENEFITS
26 PAID BEFORE THE EARLIER OF:

27 (I) 6 MONTHS AFTER THE END OF A STATE OF EMERGENCY
28 RELATED TO THE COVID-19 PANDEMIC; OR

29 (II) THE DATE THE EMPLOYING UNIT FULLY REOPENS.

30 8-803.

1 (d) (1) Except as provided in § 8–1207 of this title for the work sharing
2 program and § 8–1604 of this title for the Self–Employment Assistance Program, an eligible
3 claimant shall be paid a weekly benefit amount that is computed by:

4 (i) determining the claimant’s weekly benefit amount under this
5 section;

6 (ii) adding any allowance for a dependent to which the claimant is
7 entitled under § 8–804 of this subtitle; and

8 (iii) subtracting any wages exceeding [~~\$50~~] **\$300** payable to the
9 claimant for the week.

10 (2) In computing benefits under this subsection, a fraction of a dollar shall
11 be rounded to the next lower dollar.

12 SECTION 2. AND BE IT FURTHER ENACTED, That:

13 (a) The Maryland Department of Labor, in collaboration with the Office of the
14 Attorney General and the Joint Committee on Unemployment Insurance Oversight, shall
15 conduct a study related to the unemployment insurance program in the State.

16 (b) The study shall:

17 (1) examine expanding eligibility for unemployment insurance to include
18 individuals who leave their job:

19 (i) for family reasons, including accompanying a spouse to a new
20 work location or to fulfill a caregiving obligation; or

21 (ii) due to job schedule volatility;

22 (2) examine changes to the experience rating process;

23 (3) examine reducing or suspending the impact on an employer’s
24 experience rating when the employer establishes a work sharing agreement with the
25 Maryland Department of Labor under Title 8, Subtitle 12 of the Labor and Employment
26 Article;

27 (4) (i) examine whether the State is appropriately applying the
28 definition of “employee” to cover seasonal, temporary, and gig–economy workers; and

29 (ii) if needed, identify changes to law or establishing a new benefits
30 program to assist all seasonal, temporary, or gig–economy workers;

31 (5) examine increasing the maximum weekly benefit amount;

1 (6) examine automatically increasing the maximum weekly benefit
2 amount based on inflation or wage growth;

3 (7) examine changes to the dependent allowance, including allowing the
4 dependent allowance to be added to the maximum weekly benefit;

5 (8) examine automatically increasing the dependent allowance based on
6 inflation or wage growth; and

7 (9) examine establishing clear standards for when an employee is entitled
8 to claim unemployment insurance benefits if the employee:

9 (i) leaves a job due to unsafe working conditions;

10 (ii) leaves a job in order to guard against an unreasonable risk of
11 infection;

12 (iii) is terminated for refusing to work under unsafe work conditions;
13 or

14 (iv) declines to accept work due to unsafe work conditions.

15 (c) In conducting the study, the Maryland Department of Labor shall examine
16 and consider any report or recommendation made by the National Academy of Social
17 Insurance Unemployment Insurance Task Force of 2021.

18 (d) On or before December 1, 2021, the Department shall report its findings and
19 recommendations to the Governor and, in accordance with § 2-1257 of the State
20 Government Article, the Senate Finance Committee, the House Economic Matters
21 Committee, and the Joint Committee on Unemployment Insurance Oversight.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
23 measure, is necessary for the immediate preservation of the public health or safety, has
24 been passed by a ye and nay vote supported by three-fifths of all the members elected to
25 each of the two Houses of the General Assembly, and shall take effect from the date it is
26 enacted.