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**By: Eastern Shore Delegation**

Introduced and read first time: January 29, 1996

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Unemployment Insurance - Employing Unit - Custom Poultry Work**

3 FOR the purpose of establishing, for purposes of unemployment compensation law, that  
4 under certain circumstances, a certain crew leader is an employing unit for certain  
5 individuals who perform certain custom poultry work; establishing, for purposes of  
6 unemployment compensation law, that under certain circumstances, the person to  
7 whom the crew leader provides an individual who performs certain custom poultry  
8 work is an employing unit for the individual; providing for the application of this  
9 Act; and generally relating to the employing unit, for purposes of unemployment  
10 compensation law, of an individual who performs certain custom poultry work.

11 BY repealing and reenacting, with amendments,  
12 Article - Labor and Employment  
13 Section 8-207(d)  
14 Annotated Code of Maryland  
15 (1991 Volume and 1995 Supplement)

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

18 **Article - Labor and Employment**

19 8-207.

20 (d) (1) The crew leader is the employing unit for an individual employed in  
21 agricultural work who is not an employee of another employing unit if:

22 (i) the crew leader holds a valid certificate of registration under the  
23 federal Migrant and Seasonal Agricultural Worker Protection Act; [ or]

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1 (ii) substantially all of the individuals maintain or operate tractors,  
2 mechanized harvesting or cropdusting equipment, or any other mechanized equipment  
3 that the crew leader provides; OR

4 (III) THE INDIVIDUAL:

5 1. PERFORMS CUSTOM POULTRY WORK, INCLUDING  
6 HARVESTING, BREEDING, DEBEAKING, SEXING, AND HEALTH SERVICES; AND

7 2. IS NOT REQUIRED TO BE AWAY FROM THE INDIVIDUAL'S  
8 PERMANENT PLACE OF RESIDENCE OTHER THAN DURING NORMAL WORKING  
9 HOURS.

10 (2) If the crew leader is not the employing unit for an individual employed  
11 in agricultural work under paragraph (1) of this subsection, the person to whom the crew  
12 leader provides the individual is the employing unit of the individual.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed  
14 retroactively and shall apply to and be interpreted to affect all determinations by the  
15 Secretary of the former Department of Economic and Employment Development and by  
16 the Secretary of the Department of Labor, Licensing, and Regulation of (1) rates of  
17 contributions for employing units for all calendar years beginning on or after January 1,  
18 1989; and (2) benefit charges for unemployment insurance for benefits based on work  
19 performed on or after January 1, 1989.

20 SECTION ~~2~~ 3, AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 1996.