

SENATE BILL 78

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1998 Regular Session
8lr6030
CF 8lr6159

(PRE-FILED)

By: **Chairman, Finance Committee (Departmental - Labor, Licensing and Regulation)**

Requested: October 31, 1997

Introduced and read first time: January 14, 1998

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 1998

CHAPTER _____

1 AN ACT concerning

2 **Unemployment Insurance - Information - Release to Child Support**
3 **Enforcement Units**

4 FOR the purpose of authorizing the Secretary of Labor, Licensing, and Regulation
5 and the Board of Appeals to provide access to certain unemployment insurance
6 records to certain agents of child support enforcement units; defining a certain
7 term; establishing penalties for the misuse of certain information; and generally
8 relating to the unemployment insurance law.

9 BY renumbering
10 Article - Labor and Employment
11 Section 8-101(h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), and (w),
12 respectively
13 to be Section 8-101(j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), and
14 (y), respectively
15 Annotated Code of Maryland
16 (1991 Volume and 1997 Supplement)

17 BY adding to
18 Article - Labor and Employment
19 Section 8-101(h) and (i) and 8-811
20 Annotated Code of Maryland
21 (1991 Volume and 1997 Supplement)

22 BY repealing and reenacting, with amendments,

1 Article - Labor and Employment
2 Section 8-625 and 8-807
3 Annotated Code of Maryland
4 (1991 Volume and 1997 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That Section(s) 8-101(h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t),
7 (u), (v), and (w), respectively, of Article - Labor and Employment of the Annotated
8 Code of Maryland be renumbered to be Section(s) 8-101(j), (k), (l), (m), (n), (o), (p), (q),
9 (r), (s), (t), (u), (v), (w), (x), and (y), respectively.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article - Labor and Employment**

13 8-101.

14 (H) "CHILD SUPPORT" MEANS AN OBLIGATION THAT IS ENFORCED UNDER A
15 PLAN THAT:

16 (1) IS DESCRIBED IN § 454 OF THE SOCIAL SECURITY ACT; AND

17 (2) HAS BEEN APPROVED BY THE UNITED STATES SECRETARY OF
18 HEALTH AND HUMAN SERVICES UNDER PART D OF TITLE IV OF THE SOCIAL
19 SECURITY ACT.

20 (I) "CHILD SUPPORT ENFORCEMENT UNIT" MEANS A UNIT OF A STATE OR
21 POLITICAL SUBDIVISION OF A STATE THAT OPERATES UNDER A PLAN THAT:

22 (1) IS DESCRIBED IN § 454 OF THE SOCIAL SECURITY ACT; AND

23 (2) HAS BEEN APPROVED BY THE UNITED STATES SECRETARY OF
24 HEALTH AND HUMAN SERVICES UNDER PART D OF TITLE IV OF THE SOCIAL
25 SECURITY ACT.

26 8-625.

27 (a) Each employer shall keep employment records that are accurate and
28 contain information that the Secretary or Board of Appeals requires.

29 (b) The Secretary or Board of Appeals may inspect and copy at any reasonable
30 time and as often as necessary:

31 (1) any record that an employer is required to keep under this section;
32 and

33 (2) cash disbursement journals, check registers, tax returns, and other
34 documents that corroborate or supplement those records.

1 (c) As necessary for the effective administration of this title, the Secretary or
2 Board of Appeals may require that:

3 (1) an employer submit any report with respect to individuals it employs;
4 and

5 (2) the report be made under oath.

6 (d) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
7 SUBSECTION, THE Secretary and Board of Appeals may not publish or allow public
8 inspection of information obtained under this section in any manner that reveals the
9 identity of the employer except to public employees in the performance of their public
10 duties.

11 (2) (I) THE SECRETARY AND BOARD OF APPEALS MAY ALLOW
12 INSPECTION OF INFORMATION OBTAINED UNDER THIS SECTION TO ANY AGENT OF A
13 CHILD SUPPORT ENFORCEMENT UNIT IF THE AGENT IS UNDER CONTRACT WITH THE
14 UNIT FOR THE PURPOSES OF ESTABLISHING AND COLLECTING CHILD SUPPORT
15 OBLIGATIONS FROM AND LOCATING INDIVIDUALS OWING SUCH OBLIGATIONS.

16 (II) THE AGENT OF THE UNIT SHALL COMPLY WITH SAFEGUARDS
17 ESTABLISHED BY THE UNITED STATES DEPARTMENT OF LABOR AND THE
18 SECRETARY AND IS SUBJECT TO THE PENALTIES UNDER § 8-1305(C) OF THIS TITLE.

19 (3) To the extent necessary for proper presentation of a claim, the
20 Secretary or Board of Appeals shall provide information from the records to a
21 claimant at a hearing before a special examiner, hearing examiner, the Secretary, or
22 the Board of Appeals.

23 8-807.

24 [(a) (1) In this section the following words have the meanings indicated.

25 (2) "Child support" means an obligation that is enforced under a plan
26 that:

27 (i) is described in § 454 of the Social Security Act; and

28 (ii) has been approved by the United States Secretary of Health and
29 Human Services under Part D of Title IV of the Social Security Act.

30 (3) "Child support enforcement unit" means a unit of a state or political
31 subdivision of a state that operates under a plan that:

32 (i) is described in § 454 of the Social Security Act; and

33 (ii) has been approved by the United States Secretary of Health and
34 Human Services under Part D of Title IV of the Social Security Act.

1 (b) (A) If a claimant who is eligible for benefits discloses an obligation to pay
2 child support, the Secretary shall send notice of the eligibility to the child support
3 enforcement unit that is enforcing the obligation.

4 [(c)] (B) The Secretary shall deduct and withhold from any benefit payable to
5 a claimant who is liable for child support the greater of:

6 (1) the amount specified by the claimant to be deducted and withheld to
7 satisfy the child support obligation;

8 (2) the amount determined under an agreement submitted to the
9 Secretary under § 454(19)(b)(i) of the Social Security Act; or

10 (3) any amount otherwise required to be deducted and withheld through
11 legal process as defined in [§ 462(e)] § 459(I)(5) of the Social Security Act.

12 [(d)] (C) The Secretary shall:

13 (1) pay any amount deducted and withheld under subsection [(b)] ~~(A)~~ of
14 this section to the appropriate child support enforcement unit; and

15 (2) treat the amount as if it were paid to the claimant as benefits.

16 [(e)] (D) The child support enforcement unit shall reimburse the Secretary for
17 administrative costs incurred to carry out this section.

18 8-811.

19 (A) IN THIS SECTION, "CLAIM INFORMATION" MEANS INFORMATION
20 REGARDING:

21 (1) WHETHER AN INDIVIDUAL IS RECEIVING, HAS RECEIVED, OR HAS
22 APPLIED FOR BENEFITS UNDER THIS TITLE;

23 (2) THE AMOUNT OF BENEFITS AN INDIVIDUAL IS RECEIVING OR IS
24 ENTITLED TO RECEIVE;

25 (3) AN INDIVIDUAL'S CURRENT OR MOST RECENT HOME ADDRESS;

26 (4) WHETHER AN INDIVIDUAL HAS REFUSED AN OFFER OF WORK AND IF
27 SO, A DESCRIPTION OF THE JOB OFFERED, INCLUDING TERMS, CONDITIONS, AND
28 RATE OF PAY; AND

29 (5) ANY OTHER INFORMATION THAT IS NEEDED BY THE CHILD SUPPORT
30 ENFORCEMENT UNIT TO VERIFY ELIGIBILITY FOR AND THE AMOUNT OF BENEFITS.

31 (B) IF AN AGENT OF A CHILD SUPPORT ENFORCEMENT UNIT IS UNDER
32 CONTRACT WITH THE CHILD SUPPORT ENFORCEMENT UNIT FOR THE PURPOSES OF
33 ESTABLISHING AND COLLECTING CHILD SUPPORT OBLIGATIONS FROM AND
34 LOCATING INDIVIDUALS OWING SUCH OBLIGATIONS, THE SECRETARY AND THE
35 BOARD OF APPEALS MAY ALLOW THE AGENT TO INSPECT CLAIM INFORMATION.

1 (C) THE AGENT OF THE CHILD SUPPORT ENFORCEMENT UNIT SHALL COMPLY
2 WITH SAFEGUARDS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF LABOR
3 AND THE SECRETARY ~~REGARDING CLAIM INFORMATION~~ AND IS SUBJECT TO THE
4 PENALTIES UNDER § 8-1305(C) OF THIS TITLE.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 1998.