

SENATE BILL 167

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HB 1124/99 - ECM

2000 Regular Session
0lr1705
CF 0lr1332

By: **Senator Conway**
Introduced and read first time: January 21, 2000
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance - Eligibility for Benefits - Birth or Adoption of**
3 **Child**

4 FOR the purpose of expanding eligibility for unemployment benefits to certain
5 individuals who voluntarily leave work immediately following the birth or
6 adoption of a child to provide the primary care for the child; providing that the
7 birth or adoption of a child may constitute good cause for voluntarily leaving
8 work in certain circumstances; providing for the period of time during which
9 certain individuals are entitled to receive unemployment benefits and the
10 amount of those benefits; providing that certain individuals are deemed to be in
11 compliance with certain requirements; and generally relating to eligibility for
12 unemployment benefits for an absence following the birth or adoption of a child
13 to provide the primary care for the child.

14 BY repealing and reenacting, with amendments,
15 Article - Labor and Employment
16 Section 8-808, 8-902, 8-903, 8-1001, and 8-1005
17 Annotated Code of Maryland
18 (1999 Replacement Volume)

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

21 **Article - Labor and Employment**

22 8-808.

23 (a) (1) Notwithstanding any provision of § 8-805 and § 8-806 of this subtitle
24 or Subtitle 10 of this title, the Secretary promptly shall pay benefits to a claimant in
25 accordance with a determination until it has been modified or reversed by a later
26 determination or decision.

27 (2) If a determination is modified or reversed by a subsequent
28 determination or decision, the Secretary promptly shall pay or deny benefits for any

1 week of unemployment that follows in accordance with the subsequent determination
2 or decision.

3 (b) In accordance with the regulations of the Secretary, all benefits shall be
4 paid from the unemployment insurance fund through employment offices.

5 (c) Except as provided in SUBSECTION (D) OF THIS SECTION, Subtitle 11 and
6 Subtitle 12 of this [title] TITLE, or any provision of federal law, during a benefit year:

7 (1) a claimant is entitled to a total amount of benefits equal to 26 times
8 the claimant's weekly benefit amount; and

9 (2) for each week during which benefits are payable, a claimant is
10 entitled to allowances for dependents under § 8-804 of this subtitle.

11 (D) A CLAIMANT WHO IS ELIGIBLE FOR BENEFITS ONLY UNDER § 8-1001(B)(3)
12 OF THIS TITLE IS ENTITLED TO:

13 (1) THE CLAIMANT'S WEEKLY BENEFIT AMOUNT FOR EACH WEEK THAT
14 THE CLAIMANT IS ABSENT FROM WORK UNDER § 8-1001(B)(3) OF THIS TITLE, NOT
15 EXCEEDING 12 WEEKS OF BENEFITS; AND

16 (2) AN ALLOWANCE FOR DEPENDENTS UNDER § 8-804 OF THIS SUBTITLE
17 FOR EACH WEEK DURING WHICH BENEFITS ARE PAYABLE.

18 8-902.

19 (a) To be eligible for benefits, in accordance with the regulations of the
20 Secretary, an individual shall:

21 (1) register for work at an employment office; and

22 (2) report to the employment office.

23 (b) Subject to § 8-808(b) of this title, by regulation, the Secretary may alter or
24 waive the requirements of subsection (a) of this section for:

25 (1) an individual attached to a regular job; [or]

26 (2) an individual for whom the Secretary finds that compliance with
27 those requirements would be oppressive or inconsistent with the purposes of this title;
28 OR

29 (3) AN INDIVIDUAL WHO LEAVES WORK VOLUNTARILY WITH GOOD
30 CAUSE, AS DETERMINED BY THE SECRETARY IN ACCORDANCE WITH § 8-1001(B)(3) OF
31 THIS TITLE.

32 8-903.

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

- 1 (i) able to work;
- 2 (ii) available for work; and
- 3 (iii) actively seeking work.

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

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

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

11 (b) The Secretary may not use the disability of a qualified individual with a
12 disability as a factor in finding that an individual is not able to work under subsection
13 (a)(1)(i) of this section.

14 (c) Notwithstanding any other provision of this section or § 8-904 or §
15 8-907(a) or (b) of this subtitle, an individual who otherwise is eligible to receive
16 benefits and who is in training with the approval of the Secretary may not be denied
17 benefits:

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

20 (2) for failure to apply for or refusal to accept suitable work under §
21 8-1005 of this title.

22 (D) AN INDIVIDUAL WHO LEAVES WORK VOLUNTARILY WITH GOOD CAUSE, AS
23 DETERMINED BY THE SECRETARY IN ACCORDANCE WITH § 8-1001(B)(3) OF THIS
24 TITLE, IS DEEMED TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF
25 SUBSECTION (A) OF THIS SECTION.

26 8-1001.

27 (a) (1) An individual who otherwise is eligible to receive benefits is
28 disqualified from receiving benefits if the Secretary finds that unemployment results
29 from voluntarily leaving work without good cause.

30 (2) A claimant who is otherwise eligible for benefits from the loss of
31 full-time employment may not be disqualified from the benefits attributable to the
32 full-time employment because the claimant voluntarily quit a part-time
33 employment, if the claimant quit the part-time employment before the loss of the
34 full-time employment.

35 (b) The Secretary may find that a cause for voluntarily leaving is good cause
36 only if:

- 1 (1) the cause is directly attributable to, arising from, or connected with:
- 2 (i) the conditions of employment; or
- 3 (ii) the actions of the employing unit; [or]
- 4 (2) an individual:
- 5 (i) is laid off from employment through no fault of the individual;
- 6 (ii) obtains subsequent employment that pays weekly wages that
- 7 total less than 50% of the weekly wage earned in the employment from which the
- 8 individual was laid off; and
- 9 (iii) leaves the subsequent employment to attend a training
- 10 program for which the individual has been chosen that:
- 11 1. is offered under the Maryland Job Training Partnership
- 12 Act; or
- 13 2. otherwise is approved by the Secretary; OR
- 14 (3) AN INDIVIDUAL:
- 15 (I) IS OTHERWISE ELIGIBLE FOR BENEFITS UNDER THIS TITLE;
- 16 (II) VOLUNTARILY LEAVES EMPLOYMENT IMMEDIATELY
- 17 FOLLOWING THE BIRTH OR ADOPTION OF A CHILD OF THE INDIVIDUAL TO CARE FOR
- 18 THE CHILD;
- 19 (III) IS THE PRIMARY PROVIDER OF CARE FOR THE CHILD; AND
- 20 (IV) IS NOT RECEIVING, AND IS NOT ENTITLED TO, WAGES OR
- 21 SALARY FROM THE INDIVIDUAL'S EMPLOYER.
- 22 (c) (1) A circumstance for voluntarily leaving work is valid only if it [is]:
- 23 (i) IS a substantial cause that is directly attributable to, arising
- 24 from, or connected with conditions of employment or actions of the employing unit;
- 25 [or]
- 26 (II) INVOLVES THE BIRTH OR ADOPTION OF A CHILD IN
- 27 ACCORDANCE WITH SUBSECTION (B)(3) OF THIS SECTION; OR
- 28 [(ii)] (III) IS of such necessitous or compelling nature that the
- 29 individual has no reasonable alternative other than leaving the employment.
- 30 (2) For determination of the application of paragraph (1)(ii) OR (III) of
- 31 this subsection to an individual who leaves employment because of THE BIRTH OR
- 32 ADOPTION OF A CHILD OR the health of [the]AN individual or another for whom the

1 individual SEEKING BENEFITS must care, the individual SEEKING BENEFITS shall
2 submit a written statement or other documentary evidence of [the]:

3 (I) THE BIRTH OR ADOPTION OF THE CHILD; OR

4 (II) THE health problem from a hospital or physician.

5 (d) In addition to other circumstances for which a disqualification may be
6 imposed, neither good cause nor a valid circumstance exist and a disqualification
7 shall be imposed if an individual leaves employment:

8 (1) to become self-employed;

9 (2) to accompany a spouse to a new location or to join a spouse in a new
10 location; or

11 (3) to attend an educational institution.

12 (e) A disqualification under this section:

13 (1) shall begin with the first week for which unemployment is caused by
14 voluntarily leaving without good cause; and

15 (2) subject to subsection (c) of this section, shall continue:

16 (i) if a valid circumstance exists, for a total of at least 5 but not
17 more than 10 weeks, as determined by the Secretary based on the seriousness of the
18 circumstance; or

19 (ii) if a valid circumstance does not exist, until the individual is
20 reemployed and has earned wages for covered employment that equal at least 15
21 times the weekly benefit amount of the individual.

22 8-1005.

23 (a) Subject to [subsection (d)] SUBSECTIONS (D) AND (E) of this section, an
24 individual who otherwise is eligible to receive benefits is disqualified from receiving
25 benefits if the Secretary finds that the individual, without good cause, failed to:

26 (1) apply for work that is available and suitable when directed to do so
27 by the Secretary;

28 (2) accept suitable work when offered; or

29 (3) return to the individual's usual self-employment when directed to do
30 so by the Secretary.

31 (b) (1) In determining whether work is suitable for an individual, the
32 Secretary shall consider:

1 (i) the degree of risk involved to the health, morals, and safety of
2 the individual;

3 (ii) the experience, previous earnings, previous training, and
4 physical fitness of the individual;

5 (iii) the length of unemployment of the individual and the prospects
6 for securing local work in the usual occupation of the individual; and

7 (iv) the distance of available work from the residence of the
8 individual.

9 (2) Notwithstanding any other provisions of this title, the Secretary may
10 not consider work to be suitable and thus deny benefits to an otherwise eligible
11 individual for refusal to accept the new work if:

12 (i) the position offered is vacant as a direct result of a strike,
13 lockout, or other labor dispute;

14 (ii) hours, wages, or other conditions of work offered are
15 substantially less favorable to the individual than those prevailing for similar work in
16 the locality; or

17 (iii) as a condition of being employed, the individual would be
18 required to join a company union or resign from or refrain from joining any bona fide
19 labor organization.

20 (c) A disqualification under this section:

21 (1) shall be effective beginning with the latest week in which the
22 individual:

23 (i) was to have applied for work at the direction of the Secretary;

24 (ii) was notified that suitable work had become available to the
25 individual; or

26 (iii) was to return to the usual self-employment of the individual at
27 the direction of the Secretary; and

28 (2) shall continue:

29 (i) for a total of at least 5 but not more than 10 weeks; or

30 (ii) until the individual is reemployed and has earned wages for
31 covered employment that equal at least 10 times the weekly benefit amount of the
32 individual.

33 (d) (1) In this subsection, the terms "affected employee" and "work sharing
34 employer" have the meanings stated in § 8-1201 of this title.

1 (2) An affected employee who refuses to apply for or accept suitable work
2 from a person other than the work sharing employer may not be denied benefits
3 under this section.

4 (E) AN INDIVIDUAL WHO VOLUNTARILY LEAVES WORK FOR GOOD CAUSE, AS
5 DETERMINED BY THE SECRETARY IN ACCORDANCE WITH § 8-1001(B)(3) OF THIS
6 SUBTITLE, IS EXEMPT FROM THE APPLICATION OF THIS SECTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2000.