
By: **Delegates Shriver, Benson, Bronrott, Marriott, Kirk, Parrott, Moe, Carlson, Heller, Conroy, Riley, Sophocleus, Phillips, Sher, Nathan-Pulliam, Turner, Mohorovic, Franchot, V. Jones, Kagan, and ~~Hurson~~ Hurson, Hecht, Howard, Lee, Mandel, and Valderrama**

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House action: Adopted with floor amendments
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CHAPTER _____

1 AN ACT concerning

2 **Unemployment Insurance - Coverage - Victims of Domestic Violence**

3 FOR the purpose of prohibiting the Secretary of Labor, Licensing, and Regulation
4 from charging certain unemployment insurance benefits to an employer's
5 account; prohibiting the release of certain information unless certain
6 ~~requirements are met~~ consent is given; requiring an individual to submit to the
7 Department of Labor, Licensing, and Regulation certain information under
8 certain circumstances; providing that an individual may not be denied
9 unemployment insurance benefits if the individual's ineligibility results from
10 the individual's status as a victim of domestic violence; requiring the Secretary
11 to consider whether an individual has sought certain work in determining
12 whether the individual actively is seeking work; providing that an individual's
13 status as a victim of domestic violence may constitute good cause for voluntarily
14 leaving work under certain circumstances; ~~requiring the Secretary to consider~~
15 ~~an individual's status as a victim of domestic violence when making certain~~
16 ~~determinations~~; requiring the Secretary to develop and implement a training
17 program on assisting a victim of domestic violence; requiring certain employees
18 of the Department to attend certain training at certain times; providing for the
19 termination of this Act; and generally relating to unemployment insurance and
20 victims of domestic violence.

21 BY repealing and reenacting, with amendments,
22 Article - Labor and Employment
23 Section 8-611(e), ~~8-907, 8-903, and 8-1001, 8-1003, and 8-1005~~
24 Annotated Code of Maryland

1 (1999 Replacement Volume and 2001 Supplement)

2 BY adding to

3 Article - Labor and Employment

4 Section 8-806.1

5 Annotated Code of Maryland

6 (1999 Replacement Volume and 2001 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article - Labor and Employment

9 Section ~~8-903~~ 8-907

10 Annotated Code of Maryland

11 (1999 Replacement Volume and 2001 Supplement)

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

14 **Article - Labor and Employment**

15 8-611.

16 (e) The Secretary may not charge benefits paid to a claimant against the
17 earned rating record of an employing unit if:

18 (1) the claimant left employment voluntarily without good cause
19 attributable to the employing unit;

20 (2) the claimant was discharged by the employing unit for gross
21 misconduct as defined in § 8-1002 of this title;

22 (3) the claimant was discharged by the employing unit for aggravated
23 misconduct as defined in § 8-1002.1 of this title;

24 (4) the claimant left employment voluntarily to accept better
25 employment or enter training approved by the Secretary; [or]

26 (5) the employing unit participates in a work release program that is
27 designed to give an inmate of a correctional institution an opportunity to work while
28 imprisoned and unemployment was the result of the claimant's release from [prison.]
29 PRISON; OR

30 (6) ~~THE CLAIMANT LEFT EMPLOYMENT VOLUNTARILY TO ADDRESS THE~~
31 ~~PHYSICAL, PSYCHOLOGICAL, AND LEGAL EFFECTS OF BEING A VICTIM OF DOMESTIC~~
32 ~~VIOLENCE DUE TO BEING THE VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN §~~
33 4-513 OF THE FAMILY LAW ARTICLE.

1 8-806.1.

2 ~~(A) ANY INFORMATION OBTAINED BY THE DEPARTMENT IN VERIFYING A~~
3 ~~CLAIM OF DOMESTIC VIOLENCE SHALL BE KEPT CONFIDENTIAL IN ACCORDANCE~~
4 ~~WITH FEDERAL LAW.~~

5 ~~(B) THE DEPARTMENT MAY NOT RELEASE INFORMATION REGARDING A~~
6 ~~CLAIMANT'S STATUS AS A VICTIM OF DOMESTIC VIOLENCE TO AN EMPLOYER UNLESS~~
7 ~~THE EMPLOYER CAN ESTABLISH THAT:~~

8 ~~(1) THE EMPLOYER HAS A LEGITIMATE NEED TO QUESTION THE~~
9 ~~VERACITY OF THE INFORMATION;~~

10 ~~(2) THE EMPLOYER'S NEED TO HAVE THE INFORMATION OUTWEIGHS~~
11 ~~THE CLAIMANT'S PERSONAL PRIVACY INTEREST; AND~~

12 ~~(3) THE EMPLOYER IS NOT ABLE TO OBTAIN THE INFORMATION FROM~~
13 ~~ANY OTHER SOURCE.~~

14 ~~(C) DISCLOSURE OF INFORMATION UNDER SUBSECTION (B) OF THIS SECTION~~
15 ~~IS SUBJECT TO THE FOLLOWING PROVISIONS:~~

16 ~~(1) THE CLAIMANT MUST BE NOTIFIED PRIOR TO ANY RELEASE OF~~
17 ~~INFORMATION;~~

18 ~~(2) THE DISCLOSURE IS SUBJECT TO REDACTION OF UNNECESSARY~~
19 ~~IDENTIFYING INFORMATION;~~

20 ~~(3) THE DISSEMINATION OF INFORMATION DISCLOSED TO THE~~
21 ~~EMPLOYER IS PROHIBITED; AND~~

22 ~~(4) ANY OTHER REGULATIONS ADOPTED BY THE SECRETARY TO~~
23 ~~PROTECT THE PRIVACY OF THE CLAIMANT.~~

24 (A) THE DEPARTMENT MAY NOT DISCLOSE ANY DOCUMENTARY EVIDENCE
25 OBTAINED IN VERIFYING AN INDIVIDUAL'S CLAIM OF DOMESTIC VIOLENCE,
26 INCLUDING THE INDIVIDUAL'S STATEMENT AND ANY CORROBORATING EVIDENCE,
27 UNLESS CONSENT FOR THE DISCLOSURE IS GIVEN BY THE INDIVIDUAL.

28 (B) FOR THE PURPOSE OF VERIFYING A CLAIM OF DOMESTIC VIOLENCE, AN
29 INDIVIDUAL SHALL SUBMIT:

30 (1) A RESTRAINING ORDER OR OTHER DOCUMENTATION OF EQUITABLE
31 RELIEF ISSUED BY A COURT OF COMPETENT JURISDICTION;

32 (2) A POLICE RECORD DOCUMENTING THE DOMESTIC VIOLENCE;

33 (3) MEDICAL DOCUMENTATION OF THE DOMESTIC VIOLENCE;

34 (4) A STATEMENT PROVIDED BY A COUNSELOR, SOCIAL WORKER,
35 HEALTH WORKER, MEMBER OF THE CLERGY, SHELTER WORKER, LEGAL ADVOCATE,

1 OR OTHER PROFESSIONAL WHO HAS ASSISTED THE INDIVIDUAL IN ADDRESSING THE
2 EFFECTS OF THE DOMESTIC VIOLENCE ON THE INDIVIDUAL; OR

3 (5) A SWORN STATEMENT FROM THE INDIVIDUAL ATTESTING TO THE
4 DOMESTIC VIOLENCE.

5 8-903.

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

8 (i) able to work;

9 (ii) available for work; and

10 (iii) actively seeking work.

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

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

16 (ii) the extent of the effort in relation to the labor market conditions
17 in the area in which the individual is seeking work; AND

18 (III) WHETHER THE INDIVIDUAL HAS SOUGHT WORK THAT
19 ACCOMMODATES THE INDIVIDUAL'S NEED TO ADDRESS THE PHYSICAL,
20 PSYCHOLOGICAL, AND LEGAL EFFECTS OF DOMESTIC VIOLENCE.

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

24 (c) Notwithstanding any other provision of this section or § 8-904 or §
25 8-907(a) or (b) of this subtitle, an individual who otherwise is eligible to receive
26 benefits and who is in training with the approval of the Secretary may not be denied
27 benefits:

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

30 (2) for failure to apply for or refusal to accept suitable work under §
31 8-1005 of this title.

32 8-907.

33 (a) An individual may not be denied benefits for any week of unemployment
34 for failure to meet the requirements of § 8-903(a)(1) of this subtitle to be able to work,
35 available for work, and actively seeking work if the failure results from illness or

1 disability that occurs after the individual has registered for work, provided that no
 2 work that would have been considered suitable at the time of the initial registration
 3 is offered to the individual after the beginning of the illness or disability.

4 (b) An individual may not be denied benefits for any week of unemployment
 5 for failure to meet the requirements of § 8-903(a)(1) of this subtitle to be able to work,
 6 be available to work, and actively seeking work if the failure results from a summons
 7 to appear for jury duty.

8 (c) An individual may not be denied benefits for any week of unemployment
 9 for failure to meet the requirement of § 8-903(a)(1)(iii) of this subtitle to seek work
 10 actively if the individual:

11 (1) is at least 60 years old; and

12 (2) has been furloughed temporarily and is subject to recall.

13 ~~(d) AN INDIVIDUAL MAY NOT BE DENIED BENEFITS FOR ANY WEEK OF~~
 14 ~~UNEMPLOYMENT FOR FAILURE TO MEET THE REQUIREMENTS OF § 8-903(A)(1) OF~~
 15 ~~THIS SUBTITLE IF THE FAILURE:~~

16 ~~(1) RESULTS FROM CIRCUMSTANCES RESULTING FROM BEING A VICTIM~~
 17 ~~OF DOMESTIC VIOLENCE AS DEFINED IN § 4-513 OF THE FAMILY LAW ARTICLE OR~~
 18 ~~THE PARENT OR GUARDIAN OF A VICTIM OF DOMESTIC VIOLENCE; OR~~

19 ~~(2) IS DUE TO THE INDIVIDUAL'S NEED TO ADDRESS THE PHYSICAL,~~
 20 ~~PSYCHOLOGICAL, AND LEGAL EFFECTS OF BEING A VICTIM OF DOMESTIC VIOLENCE.~~
 21 8-1001.

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

25 (2) A claimant who is otherwise eligible for benefits from the loss of
 26 full-time employment may not be disqualified from the benefits attributable to the
 27 full-time employment because the claimant voluntarily quit a part-time
 28 employment, if the claimant quit the part-time employment before the loss of the
 29 full-time employment.

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

32 (1) the cause is directly attributable to, arising from, or connected with:

33 (i) the conditions of employment; or

34 (ii) the actions of the employing unit; [or]

35 (2) an individual:

1 (i) is laid off from employment through no fault of the individual;

2 (ii) obtains subsequent employment that pays weekly wages that
3 total less than 50% of the weekly wage earned in the employment from which the
4 individual was laid off; and

5 (iii) leaves the subsequent employment to attend a training
6 program for which the individual has been chosen that:

7 1. is offered under the Maryland Job Training Partnership
8 Act; or

9 2. otherwise is approved by the [Secretary.] SECRETARY; OR

10 (3) (I) AN INDIVIDUAL'S REASON FOR LEAVING WORK WAS DUE TO
11 BEING THE VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN § 4-513 OF THE FAMILY
12 LAW ARTICLE ~~OR THE PARENT OR GUARDIAN OF A VICTIM OF DOMESTIC VIOLENCE~~
13 WHICH INCLUDES:

14 ~~(I)~~ 1. THE REASONABLE FEAR OF FUTURE DOMESTIC VIOLENCE
15 AT OR EN ROUTE TO OR FROM THE INDIVIDUAL'S PLACE OF EMPLOYMENT;

16 ~~(II)~~ 2. THE NEED TO RELOCATE TO ANOTHER GEOGRAPHIC
17 AREA TO AVOID FUTURE DOMESTIC VIOLENCE;

18 ~~(III)~~ 3. THE NEED TO ADDRESS THE PHYSICAL, PSYCHOLOGICAL,
19 AND LEGAL EFFECTS OF DOMESTIC VIOLENCE;

20 ~~(IV)~~ 4. THE NEED TO LEAVE EMPLOYMENT AS A CONDITION OF
21 RECEIVING SERVICES OR SHELTER FROM AN AGENCY THAT PROVIDES SUCH
22 SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE; OR

23 ~~(V)~~ 5. THE REASONABLE BELIEF THAT TERMINATION OF
24 EMPLOYMENT IS NECESSARY FOR THE FUTURE SAFETY OF THE INDIVIDUAL OR THE
25 INDIVIDUAL'S FAMILY.

26 (II) AN INDIVIDUAL WHO IS OTHERWISE ELIGIBLE FOR BENEFITS
27 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BECOMES INELIGIBLE IF THE
28 INDIVIDUAL REMAINS IN OR RETURNS TO THE ABUSIVE SITUATION THAT CAUSED
29 THE INDIVIDUAL TO LEAVE WORK.

30 (c) (1) A circumstance for voluntarily leaving work is valid only if it is:

31 (i) a substantial cause that is directly attributable to, arising from,
32 or connected with conditions of employment or actions of the employing unit; or

33 (ii) of such necessitous or compelling nature that the individual has
34 no reasonable alternative other than leaving the employment.

35 (2) For determination of the application of paragraph (1)(ii) of this
36 subsection to an individual who leaves employment because of the health of the

1 individual or another for whom the individual must care, the individual shall submit
 2 a written statement or other documentary evidence of the health problem from a
 3 hospital or physician.

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

7 (1) to become self-employed;

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

10 (3) to attend an educational institution.

11 (e) A disqualification under this section:

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

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

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

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

21 ~~8-1003.~~

22 ~~(a) An individual who otherwise is eligible to receive benefits is disqualified~~
 23 ~~from receiving benefits if the Secretary finds that unemployment results from~~
 24 ~~discharge or suspension as a disciplinary measure for behavior that the Secretary~~
 25 ~~finds is misconduct in connection with employment but that is not:~~

26 ~~(1) aggravated misconduct, under § 8-1002.1 of this subtitle; or~~

27 ~~(2) gross misconduct under § 8-1002 of this subtitle.~~

28 ~~(B) AN INDIVIDUAL IS NOT DISQUALIFIED UNDER THIS SECTION IF THE~~
 29 ~~INDIVIDUAL ESTABLISHES THAT THE INDIVIDUAL'S DISCHARGE OR SUSPENSION~~
 30 ~~RESULTED FROM DOMESTIC VIOLENCE OR THE NEED TO ADDRESS THE PHYSICAL,~~
 31 ~~PSYCHOLOGICAL, AND LEGAL EFFECTS OF DOMESTIC VIOLENCE.~~

32 ~~{(b)}~~ ~~(C) A disqualification under this section shall:~~

33 ~~(1) begin with the first week for which unemployment is caused by~~
 34 ~~discharge or suspension for misconduct; and~~

1 (2) continue for a total of at least 5 but not more than 10 weeks, as
2 determined by the Secretary, based on the seriousness of the misconduct.

3 8-1005.

4 (a) Subject to subsection (d) of this section, an individual who otherwise is
5 eligible to receive benefits is disqualified from receiving benefits if the Secretary
6 finds that the individual, without good cause, failed to:

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

9 (2) accept suitable work when offered; or

10 (3) return to the individual's usual self employment when directed to do
11 so by the Secretary.

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

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

16 (ii) the experience, previous earnings, previous training, and
17 physical fitness of the individual;

18 (iii) the length of unemployment of the individual and the prospects
19 for securing local work in the usual occupation of the individual; [and]

20 (iv) the distance of available work from the residence of the
21 [individual.] INDIVIDUAL;

22 (V) THE INDIVIDUAL'S STATUS AS A VICTIM OF DOMESTIC
23 VIOLENCE; AND

24 (VI) THE NEED TO ADDRESS THE PHYSICAL, PSYCHOLOGICAL, AND
25 LEGAL EFFECTS OF DOMESTIC VIOLENCE.

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

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

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

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

4 (e) A disqualification under this section:

5 (1) shall be effective beginning with the latest week in which the
 6 individual:

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

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

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

12 (2) shall continue:

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of Labor,
 23 Licensing, and Regulation shall implement a training curriculum on assisting victims
 24 of domestic violence which shall be approved by the Family Violence Council. All
 25 senior management personnel in the Office of Unemployment Insurance shall be
 26 trained in the curriculum no later than 60 days from the effective date of this Act. The
 27 Secretary shall develop a plan for training departmental employees who interact with
 28 claimants who may be the victims of domestic violence so that employment
 29 separations stemming from domestic violence are reliably screened and adjudicated,
 30 and that victims of domestic violence are able to take advantage of the full range of
 31 job services provided by the Department.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 October 1, 2002. It shall remain effective for a period of 5 years and, at the end of
 34 September 30, 2007, with no further action required by the General Assembly, this
 35 Act shall be abrogated and of no further force and effect.

