
By: **Senators Hafer, Astle, Brochin, DeGrange, Garagiola, Greenip, Hogan,
Hooper, Jacobs, Munson, Stone, and Teitelbaum**

Introduced and read first time: March 2, 2005

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance - Military Disability Severance Payments**

3 FOR the purpose of providing that an individual who is eligible for certain
4 unemployment insurance benefits may receive the benefits, and the benefits
5 may not be reduced under certain provisions of State unemployment insurance
6 law, for each week that the Secretary of Labor, Licensing, and Regulation finds
7 that the individual receives or is eligible to receive military disability severance
8 payments; providing for the application of this Act; and generally relating to
9 unemployment insurance and military disability severance payments.

10 BY repealing and reenacting, with amendments,
11 Article - Labor and Employment
12 Section 8-1009
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2004 Supplement)

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

17 **Article - Labor and Employment**

18 8-1009.

19 (a) (1) This subsection applies to unemployment that does not result from
20 abolishment of the individual's job.

21 (2) For each week that the Secretary finds an individual who otherwise
22 is eligible for benefits receives or is eligible to receive dismissal payment or wages in
23 lieu of notice, regardless of whether the payment is required by law:

24 (i) if the payment at least equals the individual's weekly benefit
25 amount, the individual is disqualified from receiving benefits; or

26 (ii) if the payment is less than the individual's weekly benefit
27 amount, the individual may receive benefits reduced by the amount of the payment.

1 (3) Dismissal payment or wages in lieu of notice shall be allocated to a
2 number of weeks following separation from employment that equals the number of
3 weeks of wages received.

4 (b) (1) This subsection applies to unemployment that results from the
5 abolishment of an individual's job.

6 (2) An individual who is otherwise eligible for benefits may not receive
7 benefits for each week that the Secretary finds that the individual receives or is
8 eligible to receive dismissal payment consisting of the same wage amount and
9 employee benefits package that the individual received while employed or wages in
10 lieu of notice consisting of the same wage amount and employee benefits package that
11 the individual received while employed, regardless of whether either the dismissal
12 payment or wages in lieu of notice is required by law.

13 (3) An individual who is otherwise eligible for benefits may receive
14 benefits and the benefits may not be reduced according to paragraph (a)(2) of this
15 section for each week that the Secretary finds that the individual receives or is
16 eligible to receive dismissal payment in an amount that is less than the amount of
17 wages and employee benefits package that the individual received while employed or
18 wages in lieu of notice in an amount that is less than the amount of wages and
19 employee benefits package that the individual received while employed, regardless of
20 whether either the dismissal payment or wages in lieu of notice is required by law.

21 (C) AN INDIVIDUAL WHO IS OTHERWISE ELIGIBLE FOR BENEFITS, INCLUDING
22 BENEFITS PAYABLE UNDER THE UNEMPLOYMENT COMPENSATION FOR EX-SERVICE
23 MEMBERS PROGRAM IN ACCORDANCE WITH 5 U.S.C. § 8521 MAY RECEIVE BENEFITS,
24 AND THE BENEFITS MAY NOT BE REDUCED ACCORDING TO PARAGRAPH (A)(2) OF
25 THIS SECTION, FOR EACH WEEK THAT THE SECRETARY FINDS THAT THE INDIVIDUAL
26 RECEIVES OR IS ELIGIBLE TO RECEIVE MILITARY DISABILITY SEVERANCE
27 PAYMENTS.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2005, and shall apply to all determinations completed on or after July 3, 2005.