
By: **Senators Hafer, Astle, Brochin, DeGrange, Garagiola, Greenip, Hogan, Hooper, Jacobs, Munson, Stone, and ~~Teitelbaum~~ Teitelbaum, Della, Exum, Gladden, Kelley, Klausmeier, Middleton, and Pipkin**

Introduced and read first time: March 2, 2005

Assigned to: Rules

Re-referred to: Finance, March 4, 2005

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2005

CHAPTER _____

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.

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

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

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

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

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

13 (2) An individual who is otherwise eligible for benefits may not receive
14 benefits for each week that the Secretary finds that the individual receives or is
15 eligible to receive dismissal payment consisting of the same wage amount and
16 employee benefits package that the individual received while employed or wages in
17 lieu of notice consisting of the same wage amount and employee benefits package that
18 the individual received while employed, regardless of whether either the dismissal
19 payment or wages in lieu of notice is required by law.

20 (3) An individual who is otherwise eligible for benefits may receive
21 benefits, and the benefits may not be reduced ~~according to paragraph~~ UNDER
22 SUBSECTION(a)(2) of this section, for each week that the Secretary finds that the
23 individual receives or is eligible to receive dismissal payment in an amount that is
24 less than the amount of wages and employee benefits package that the individual
25 received while employed or wages in lieu of notice in an amount that is less than the
26 amount of wages and employee benefits package that the individual received while
27 employed, regardless of whether either the dismissal payment or wages in lieu of
28 notice is required by law.

29 (C) AN INDIVIDUAL WHO IS OTHERWISE ELIGIBLE FOR BENEFITS, INCLUDING
30 BENEFITS PAYABLE UNDER THE UNEMPLOYMENT COMPENSATION FOR EX-SERVICE
31 MEMBERS PROGRAM IN ACCORDANCE WITH 5 U.S.C. § 8521 MAY RECEIVE BENEFITS,
32 AND THE BENEFITS MAY NOT BE REDUCED ~~ACCORDING TO PARAGRAPH~~ UNDER
33 SUBSECTION(A)(2) OF THIS SECTION, FOR EACH WEEK THAT THE SECRETARY FINDS
34 THAT THE INDIVIDUAL RECEIVES OR IS ELIGIBLE TO RECEIVE MILITARY DISABILITY
35 SEVERANCE PAYMENTS.

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

