

HOUSE BILL 749

K2

8lr0084

By: **Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: February 4, 2008

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2008

CHAPTER _____

1 AN ACT concerning

2 **Unemployment Insurance – Eligibility – Voluntary Quit to Follow a Spouse**

3 FOR the purpose of providing that an individual who voluntarily quits employment to
4 follow a spouse who is a member of the United States military ~~or an employee of~~
5 ~~a contractor of the United States military~~ under certain circumstances is
6 eligible to receive unemployment insurance benefits; providing for the
7 application of this Act; requiring the Department to provide a certain report to
8 certain committees of the General Assembly on or before a certain date; and
9 generally relating to unemployment insurance law.

10 BY repealing and reenacting, with amendments,
11 Article – Labor and Employment
12 Section 8–1001
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2007 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 8–1001.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

4 (2) A claimant who is otherwise eligible for benefits from the loss of
 5 full-time employment may not be disqualified from the benefits attributable to the
 6 full-time employment because the claimant voluntarily quit a part-time employment,
 7 if the claimant quit the part-time employment before the loss of the full-time
 8 employment.

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

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

13 (i) the conditions of employment; ~~for~~

14 (ii) the actions of the employing unit; or

15 (2) an individual:

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

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

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

23 1. is offered under the Maryland Workforce Investment
 24 Act; or

25 2. otherwise is approved by the Secretary; ~~OR~~

26 ~~(3) CAUSED BY AN INDIVIDUAL LEAVING EMPLOYMENT TO~~
 27 ~~FOLLOW A SPOUSE IF:~~

28 ~~(1) THE SPOUSE:~~

29 ~~1. SERVES IN THE UNITED STATES MILITARY;~~

30 ~~2. IS A CIVILIAN EMPLOYEE OF THE MILITARY OR OF~~
 31 ~~A FEDERAL AGENCY INVOLVED IN MILITARY OPERATIONS; OR~~

1 ~~3. WORKS FOR A CONTRACTOR OF THE UNITED~~
2 ~~STATES MILITARY; AND~~

3 ~~(H) THE SPOUSE'S EMPLOYER REQUIRES A MANDATORY~~
4 ~~TRANSFER TO A NEW LOCATION.~~

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

6 (i) a substantial cause that is directly attributable to, arising
7 from, or connected with conditions of employment or actions of the employing unit;
8 [or]

9 (ii) of such necessitous or compelling nature that the individual
10 has no reasonable alternative other than leaving the employment; **OR**

11 **(III) CAUSED BY THE INDIVIDUAL LEAVING EMPLOYMENT TO**
12 **FOLLOW A SPOUSE IF:**

13 **1. THE SPOUSE:**

14 **A. SERVES IN THE UNITED STATES MILITARY; OR**

15 **B. IS A CIVILIAN EMPLOYEE OF THE MILITARY OR OF**
16 **A FEDERAL AGENCY INVOLVED IN MILITARY OPERATIONS; ~~OR~~**

17 ~~**C. WORKS FOR A CONTRACTOR OF THE UNITED**~~
18 ~~**STATES MILITARY; AND**~~

19 **2. THE SPOUSE'S EMPLOYER REQUIRES A**
20 **MANDATORY TRANSFER TO A NEW LOCATION.**

21 (2) For determination of the application of paragraph (1)(ii) of this
22 subsection to an individual who leaves employment because of the health of the
23 individual or another for whom the individual must care, the individual shall submit a
24 written statement or other documentary evidence of the health problem from a
25 hospital or physician.

26 (d) In addition to other circumstances for which a disqualification may be
27 imposed, neither good cause nor a valid circumstance exists and a disqualification
28 shall be imposed if an individual leaves employment:

29 (1) to become self-employed;

30 (2) to accompany a spouse to a new location or to join a spouse in a
31 new location, **UNLESS THE REQUIREMENTS OF SUBSECTION ~~(B)(3)~~ (C)(1)(III) OF**
32 **THIS SECTION ARE MET; or**

1 (3) to attend an educational institution.

2 (e) A disqualification under this section:

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
13 individuals who file new claims for unemployment insurance benefits with an effective
14 date on or after June 1, 2008.

15 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before June 1,
16 2009, the Department of Labor, Licensing, and Regulation shall report to the House
17 Economic Matters Committee and the Senate Finance Committee, in accordance with
18 § 2-1246 of the State Government Article, on the implementation of this Act. The
19 report shall include:

20 (a) The number of claims filed pursuant to this Act;

21 (b) The estimated fiscal impact of those claims;

22 (c) Any directives that govern administration or enforcement of this Act; and

23 (d) Any issues related to administration or enforcement of this Act.

24 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect June 1, 2008.