

# SENATE BILL 328

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8lr1436  
CF HB 627

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By: **Senators Kelley, Conway, Dyson, Exum, Forehand, Gladden, Jones, Madaleno, Muse, Pinsky, Pugh, and Raskin**

Introduced and read first time: January 28, 2008

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 10, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Unemployment Insurance - Eligibility - Part-Time Work**

3 FOR the purpose of authorizing an individual who is only able to work part-time to be  
4 deemed eligible for certain benefits under certain circumstances; clarifying that  
5 the Secretary of Labor, Licensing, and Regulation may not use the disability of  
6 a qualified individual with a disability in finding that an individual is not  
7 available for work, actively seeking work, or eligible for benefits under this Act;  
8 providing that a part-time worker is not considered to be unemployed if the  
9 part-time worker is working all hours for which the part-time worker is  
10 available; defining a certain term; requiring the Secretary to adopt certain  
11 regulations; requiring the Department of Labor, Licensing, and Regulation to  
12 provide a certain report to the Legislative Policy Committee on or before a  
13 certain date; providing for a delayed effective date for certain provisions of this  
14 Act; and generally relating to unemployment insurance benefits for part-time  
15 workers.

16 BY renumbering

17 Article - Labor and Employment

18 Section 8-101(u), (v), (w), (x), and (y), respectively

19 to be Section 8-101(v), (w), (x), (y), and (z), respectively

20 Annotated Code of Maryland

21 (1999 Replacement Volume and 2007 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article - Labor and Employment

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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 Section 8–101(a)  
2 Annotated Code of Maryland  
3 (1999 Replacement Volume and 2007 Supplement)

4 BY adding to  
5 Article – Labor and Employment  
6 Section 8–101(u)  
7 Annotated Code of Maryland  
8 (1999 Replacement Volume and 2007 Supplement)

9 BY repealing and reenacting, with amendments,  
10 Article – Labor and Employment  
11 Section 8–801 and 8–903  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2007 Supplement)

14 Preamble

15 WHEREAS, Many Maryland employers routinely offer certain permanent jobs  
16 only on a part–time basis; and

17 WHEREAS, Some workers who have been laid off from their jobs have a long  
18 and productive history of part–time employment; and

19 WHEREAS, Workers who are only available for part–time work do not qualify  
20 for unemployment insurance benefits; and

21 WHEREAS, A part–time worker who holds more than one part–time job is  
22 ineligible to receive unemployment insurance benefits despite the fact that each of the  
23 part–time worker’s employers must contribute to the Unemployment Insurance Fund  
24 for the part–time worker; and

25 WHEREAS, Part–time workers who are laid off through no fault of their own  
26 should have parity with full–time workers with regard to eligibility to receive  
27 unemployment insurance benefits; and

28 WHEREAS, The achievement of employment security requires protection  
29 against unemployment directly attributable to, arising from, or connected with a  
30 part–time worker’s employment; now, therefore,

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
32 MARYLAND, That Section(s) 8–101(u), (v), (w), (x), and (y), respectively, of Article –  
33 Labor and Employment of the Annotated Code of Maryland be renumbered to be  
34 Section(s) 8–101(v), (w), (x), (y), and (z), respectively.

35 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
36 read as follows:

1 **Article – Labor and Employment**

2 8–101.

3 (a) In this title the following words have the meanings indicated.

4 (U) **“PART-TIME WORKER” MEANS AN INDIVIDUAL:**

5 **(1) WHOSE AVAILABILITY FOR WORK IS RESTRICTED TO**  
 6 **PART-TIME WORK; AND**

7 **(2) WHO WORKS PREDOMINANTLY THROUGHOUT THE YEAR ON A**  
 8 **PART-TIME BASIS FOR AT LEAST 15 HOURS PER WEEK.**

9 8–801.

10 (a) To be eligible for benefits, an individual who files a claim for benefits  
 11 shall be unemployed.

12 (b) An individual is considered to be unemployed in any week during which  
 13 the individual:

14 (1) does not perform work for which wages are payable; or

15 (2) performs less than full-time work for which wages payable are less  
 16 than the weekly benefit amount that would be assigned to the individual plus  
 17 allowances for dependents.

18 (C) **NOTWITHSTANDING SUBSECTION (B)(2) OF THIS SECTION, A**  
 19 **PART-TIME WORKER IS NOT CONSIDERED TO BE UNEMPLOYED IF THE**  
 20 **PART-TIME WORKER IS WORKING ALL HOURS FOR WHICH THE PART-TIME**  
 21 **WORKER IS AVAILABLE.**

22 8–903.

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

25 (i) able to work;

26 (ii) available for work; and

27 (iii) actively seeking work.

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

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

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

6 (3) ~~THE SECRETARY MAY CONSIDER AN INDIVIDUAL WHOSE~~  
7 ~~ELIGIBILITY TO WORK IS RESTRICTED TO PART-TIME WORK A PART-TIME~~  
8 ~~WORKER AS MEETING THE REQUIREMENTS OF THIS SECTION IF THE~~  
9 ~~INDIVIDUAL PART-TIME WORKER:~~

10 (I) IS ELIGIBLE FOR BENEFITS UNDER § 8-803 OF THIS  
11 TITLE BASED ON WAGES THAT ARE PREDOMINANTLY EARNED FROM PART-TIME  
12 WORK;

13 (II) IS ACTIVELY SEEKING PART-TIME WORK;

14 (III) IS AVAILABLE FOR PART-TIME WORK FOR AT LEAST THE  
15 NUMBER OF HOURS WORKED AT THE ~~INDIVIDUAL'S~~ PART-TIME WORKER'S  
16 PREVIOUS EMPLOYMENT;

17 (IV) DOES NOT IMPOSE ANY OTHER RESTRICTIONS ON THE  
18 ~~INDIVIDUAL'S~~ PART-TIME WORKER'S ABILITY OR AVAILABILITY TO FOR WORK;  
19 AND

20 (V) IS IN A LABOR MARKET IN WHICH A REASONABLE  
21 DEMAND EXISTS FOR PART-TIME WORK.

22 (b) The Secretary may not use the disability of a qualified individual with a  
23 disability as a factor in finding that an individual is not able to work, **AVAILABLE FOR**  
24 **WORK, OR ACTIVELY SEEKING WORK** under subsection (a)(1)[(i)] **OR (A)(3)** of this  
25 section.

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

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

32 (2) for failure to apply for or refusal to accept suitable work under  
33 § 8-1005 of this title.

1 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the Secretary of  
2 Labor, Licensing, and Regulation shall adopt regulations to carry out ~~the provisions~~  
3 Section 2 of this Act.

4 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December  
5 31, 2008, the Department of Labor, Licensing, and Regulation shall report to the  
6 Legislative Policy Committee on the status of the balance of the Unemployment  
7 Insurance Trust Fund and the fiscal impact of unemployment insurance legislation  
8 enacted during the 2008 regular session of the General Assembly on the small  
9 business community.

10 SECTION ~~3~~ 4 ~~5~~. AND BE IT FURTHER ENACTED, That Sections 1, 2, and 3  
11 of this Act shall take effect ~~January~~ July 1, 2009.

12 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in  
13 Section 5 of this Act, this Act shall take effect June 1, 2008.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.