

SENATE BILL 123

K2

9lr1342
CF 9lr1789

By: **Senator Kelley**

Introduced and read first time: January 16, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance Benefits – Determination Based on Severance or**
3 **Dismissal Payments**

4 FOR the purpose of altering the determination of unemployment insurance benefits
5 for an individual who receives or is eligible to receive severance or dismissal
6 payments when the individual's unemployment is the result of the abolishment
7 of the job to be the same as the determination when the individual's
8 unemployment is not the result of the abolishment of the job; providing for the
9 application of this Act; and generally relating to the determination of
10 unemployment insurance benefits based on severance or dismissal payments.

11 BY repealing and reenacting, with amendments,
12 Article – Labor and Employment
13 Section 8–1009
14 Annotated Code of Maryland
15 (2008 Replacement Volume)

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

18 **Article – Labor and Employment**

19 8–1009.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 ~~[(3)]~~ (2) Dismissal payment or wages in lieu of notice shall be
6 allocated to a number of weeks following separation from employment that equals the
7 number of weeks of wages received.

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

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

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

25 (c)] An individual who is otherwise eligible for benefits, including benefits
26 payable under the Unemployment Compensation for Ex-Service Members Program in
27 accordance with 5 U.S.C. § 8521 may receive benefits, and the benefits may not be
28 reduced under subsection (a)(2) of this section, for each week that the Secretary finds
29 that the individual receives or is eligible to receive military disability severance
30 payments.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 June 1, 2009, and shall apply to all claims filed establishing a new benefit on or after
33 June 7, 2009.