

SENATE BILL 270

K2

EMERGENCY BILL

9lr0064

CF 9lr0065

By: **The President (By Request – Administration) and Senators Kelley and Middleton**

Introduced and read first time: January 23, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing an individual who is able to work only 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; making this Act an emergency measure; and
11 generally relating to unemployment insurance benefits for part–time workers.

12 BY renumbering

13 Article – Labor and Employment
14 Section 8–101(v), (w), (x), (y), and (z), respectively
15 to be Section 8–101(w), (x), (y), (z), and (aa), respectively
16 Annotated Code of Maryland
17 (2008 Replacement Volume)

18 BY repealing and reenacting, without amendments,

19 Article – Labor and Employment
20 Section 8–101(a)
21 Annotated Code of Maryland
22 (2008 Replacement Volume)

23 BY adding to

24 Article – Labor and Employment
25 Section 8–101(v)
26 Annotated Code of Maryland
27 (2008 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Labor and Employment
3 Section 8–801 and 8–903
4 Annotated Code of Maryland
5 (2008 Replacement Volume)

6 Preamble

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

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

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

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

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

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

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That Section(s) 8–101(v), (w), (x), (y), and (z), respectively, of Article –
25 Labor and Employment of the Annotated Code of Maryland be renumbered to be
26 Section(s) 8–101(w), (x), (y), (z), and (aa), respectively.

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

29 **Article – Labor and Employment**

30 8–101.

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

32 (v) **“PART–TIME WORKER” MEANS AN INDIVIDUAL:**

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

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

5 8-801.

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

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

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

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

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

18 8-903.

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

21 (i) able to work;

22 (ii) available for work; and

23 (iii) actively seeking work.

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

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

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

1 **(3) THE SECRETARY MAY CONSIDER A PART-TIME WORKER AS**
2 **MEETING THE REQUIREMENTS OF THIS SECTION IF THE PART-TIME WORKER:**

3 **(I) IS ELIGIBLE FOR BENEFITS UNDER § 8-803 OF THIS**
4 **TITLE BASED ON WAGES THAT ARE PREDOMINANTLY EARNED FROM PART-TIME**
5 **WORK;**

6 **(II) IS ACTIVELY SEEKING PART-TIME WORK;**

7 **(III) IS AVAILABLE FOR PART-TIME WORK FOR AT LEAST THE**
8 **NUMBER OF HOURS WORKED AT THE PART-TIME WORKER'S PREVIOUS**
9 **EMPLOYMENT;**

10 **(IV) DOES NOT IMPOSE ANY OTHER RESTRICTIONS ON THE**
11 **PART-TIME WORKER'S ABILITY TO WORK OR AVAILABILITY FOR WORK; AND**

12 **(V) IS IN A LABOR MARKET IN WHICH A REASONABLE**
13 **DEMAND EXISTS FOR PART-TIME WORK.**

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

18 (c) Notwithstanding any other provision of this section or § 8-904 or §
19 8-907(a) or (b) of this subtitle, an individual who otherwise is eligible to receive
20 benefits and who is in training with the approval of the Secretary may not be denied
21 benefits:

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

24 (2) for failure to apply for or refusal to accept suitable work under §
25 8-1005 of this title.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
27 measure, is necessary for the immediate preservation of the public health or safety,
28 has been passed by a yea and nay vote supported by three-fifths of all the members
29 elected to each of the two Houses of the General Assembly, and shall take effect from
30 the date it is enacted.