

SENATE BILL 270

K2

EMERGENCY BILL

9lr0064
CF HB 310

By: **The President (By Request – Administration) and Senators Kelley ~~and Middleton, Middleton, Exum, and Garagiola~~**

Introduced and read first time: January 23, 2009

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2009

Returned to second reading: March 2, 2009

Senate action: Adopted with floor amendments

Read second time: March 4, 2009

CHAPTER _____

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)

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 Annotated Code of Maryland
2 (2008 Replacement Volume)

3 BY adding to
4 Article – Labor and Employment
5 Section 8–101(v)
6 Annotated Code of Maryland
7 (2008 Replacement Volume)

8 BY repealing and reenacting, with amendments,
9 Article – Labor and Employment
10 Section 8–801 and 8–903
11 Annotated Code of Maryland
12 (2008 Replacement Volume)

13 Preamble

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

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

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

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

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

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

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

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

36 **Article – Labor and Employment**

1 8-101.

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

3 (v) **“PART-TIME WORKER” MEANS AN INDIVIDUAL:**

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

6 (2) **WHO WORKS PREDOMINANTLY ON A PART-TIME BASIS**
7 **THROUGHOUT THE YEAR FOR AT LEAST ~~15~~ 20 HOURS PER WEEK.**

8 8-801.

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

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

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

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

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

21 8-903.

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

24 (i) able to work;

25 (ii) available for work; and

26 (iii) actively seeking work.

27 (2) In determining whether an individual actively is seeking work, the
28 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 A PART-TIME WORKER AS**
7 **MEETING THE REQUIREMENTS OF THIS SECTION IF THE PART-TIME WORKER:**

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

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

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

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

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

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

23 (c) Notwithstanding any other provision of this section or § 8-904 or §
24 8-907(a) or (b) of this subtitle, an individual who otherwise is eligible to receive
25 benefits and who is in training with the approval of the Secretary may not be denied
26 benefits:

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

29 (2) for failure to apply for or refusal to accept suitable work under §
30 8-1005 of this title.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
32 measure, is necessary for the immediate preservation of the public health or safety,
33 has been passed by a yea and nay vote supported by three-fifths of all the members

1 elected to each of the two Houses of the General Assembly, and shall take effect from
2 the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.