

CHAPTER 383

(House Bill 242)

AN ACT concerning

Unemployment Insurance Benefits – Determination Based on Severance or Dismissal Payments

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

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

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

Article – Labor and Employment

8–1009.

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 7, 2009.