

CHAPTER 5

(Senate Bill 270)

AN ACT concerning

Unemployment Insurance – Eligibility – Part-Time Work

FOR the purpose of authorizing an individual who is able to work only part time to be deemed eligible for certain benefits under certain circumstances; clarifying that the Secretary of Labor, Licensing, and Regulation may not use the disability of a qualified individual with a disability in finding that an individual is not available for work, actively seeking work, or eligible for benefits under this Act; providing that a part-time worker is not considered to be unemployed if the part-time worker is working all hours for which the part-time worker is available; defining a certain term; making this Act an emergency measure; and generally relating to unemployment insurance benefits for part-time workers.

BY renumbering

Article – Labor and Employment

Section 8–101(v), (w), (x), (y), and (z), respectively

to be Section 8–101(w), (x), (y), (z), and (aa), respectively

Annotated Code of Maryland

(2008 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 8–101(a)

Annotated Code of Maryland

(2008 Replacement Volume)

BY adding to

Article – Labor and Employment

Section 8–101(v)

Annotated Code of Maryland

(2008 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 8–801 and 8–903

Annotated Code of Maryland

(2008 Replacement Volume)

Preamble

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

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

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

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

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

WHEREAS, The achievement of employment security requires protection against unemployment directly attributable to, arising from, or connected with a part-time worker's employment; now, therefore,

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

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

Article - Labor and Employment

8-101.

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

(v) **"PART-TIME WORKER" MEANS AN INDIVIDUAL:**

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

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

8-801.

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

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

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

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

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

8-903.

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

(i) able to work;

(ii) available for work; and

(iii) actively seeking work.

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

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

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

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

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

(II) IS ACTIVELY SEEKING PART-TIME WORK;

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

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

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

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

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

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

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

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

Approved by the Governor, April 14, 2009.