

Chapter 53

(Senate Bill 291)

AN ACT concerning

Unemployment Insurance – Coverage – Victims of Domestic Violence

FOR the purpose of providing that certain information provided to the Secretary of Labor, Licensing, and Regulation related to whether a claimant for unemployment insurance left employment as a result of domestic violence is confidential and not subject to disclosure except under certain circumstances; authorizing the Secretary to notify an employing unit in general terms that a claimant has left employment as a result of domestic violence; prohibiting the Secretary from disclosing certain information to an employing unit unless the employing unit provides certain information; requiring the Secretary to take certain action before disclosing certain information to an employing unit; prohibiting an employing unit from disseminating certain information; specifying that certain information related to the status of a claimant or a claimant's ~~immediate family member~~ spouse, minor child, or parent as a victim of domestic violence is not public information subject to certain disclosure; authorizing the Secretary to adopt certain regulations; prohibiting the Secretary from charging certain unemployment insurance benefits against the earned rating record of an employing unit; authorizing the Secretary to find that a cause of voluntarily leaving employment is good cause if it is directly attributable to the individual or individual's ~~immediate family member~~ spouse, minor child, or parent being a victim of domestic violence and the individual has a certain reasonable belief and provides certain information; providing for the application of this Act; and generally relating to unemployment insurance coverage for victims of domestic violence.

BY adding to

Article – Labor and Employment
Section 8–105.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 8–611(e) and 8–1001
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Labor and Employment**8-105.1.**

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION OR OTHERWISE REQUIRED BY LAW, INFORMATION PROVIDED TO THE SECRETARY UNDER § 8-1001(B)(3) OF THIS TITLE FOR PURPOSES OF DETERMINING WHETHER A CLAIMANT LEFT EMPLOYMENT AS A RESULT OF DOMESTIC VIOLENCE SHALL BE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE TO ANY PARTY.

(B) (1) THE SECRETARY MAY NOTIFY THE EMPLOYING UNIT IN GENERAL TERMS THAT A CLAIMANT HAS LEFT EMPLOYMENT AS A RESULT OF DOMESTIC VIOLENCE.

(2) THE SECRETARY MAY NOT DISCLOSE INFORMATION PROVIDED TO THE SECRETARY UNDER § 8-1001(B)(3)(II) OF THIS TITLE TO THE EMPLOYING UNIT UNLESS THE EMPLOYING UNIT CAN ESTABLISH THAT:

(I) THE EMPLOYING UNIT HAS A LEGITIMATE NEED TO QUESTION THE VERACITY OF THE INFORMATION;

(II) THE EMPLOYING UNIT'S NEED FOR THE INFORMATION OUTWEIGHS THE CLAIMANT'S PERSONAL PRIVACY INTEREST; AND

(III) THE EMPLOYING UNIT IS UNABLE TO OBTAIN THE INFORMATION FROM ANY OTHER SOURCE.

(3) BEFORE DISCLOSING INFORMATION UNDER THIS SECTION, THE SECRETARY SHALL:

(I) NOTIFY THE CLAIMANT; AND

(II) REDACT UNNECESSARY IDENTIFYING INFORMATION.

(4) AN EMPLOYING UNIT THAT RECEIVES INFORMATION UNDER THIS SECTION MAY NOT FURTHER DISSEMINATE THE INFORMATION.

(C) INFORMATION RELATED TO THE STATUS OF A CLAIMANT OR A CLAIMANT'S ~~IMMEDIATE FAMILY MEMBER~~ SPOUSE, MINOR CHILD, OR PARENT AS A VICTIM OF DOMESTIC VIOLENCE IS NOT PUBLIC INFORMATION SUBJECT TO DISCLOSURE AS PART OF THE APPEALS PROCESS.

(D) THE SECRETARY MAY ADOPT REGULATIONS TO FURTHER PROTECT THE PRIVACY OF THE CLAIMANT.

8-611.

(e) The Secretary may not charge benefits paid to a claimant against the earned rating record of an employing unit if:

(1) the claimant left employment voluntarily without good cause attributable to the employing unit;

(2) the claimant was discharged by the employing unit for gross misconduct as defined in § 8-1002 of this title;

(3) the claimant was discharged by the employing unit for aggravated misconduct as defined in § 8-1002.1 of this title;

(4) the claimant left employment voluntarily to accept better employment or enter training approved by the Secretary;

(5) the employing unit participates in a work release program that is designed to give an inmate of a correctional institution an opportunity to work while imprisoned and unemployment was the result of the claimant's release from prison;
[or]

(6) the claimant was paid additional training benefits under § 8-812 of this title; OR

(7) THE CLAIMANT LEFT EMPLOYMENT FOR GOOD CAUSE DIRECTLY ATTRIBUTABLE TO THE CLAIMANT OR ~~AN IMMEDIATE FAMILY MEMBER OF THE CLAIMANT~~ THE CLAIMANT'S SPOUSE, MINOR CHILD, OR PARENT BEING A VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN § 8-1001(B)(3) OF THIS TITLE.

8-1001.

(a) (1) An individual who otherwise is eligible to receive benefits is disqualified from receiving benefits if the Secretary finds that unemployment results from voluntarily leaving work without good cause.

(2) A claimant who is otherwise eligible for benefits from the loss of full-time employment may not be disqualified from the benefits attributable to the full-time employment because the claimant voluntarily quit a part-time employment, if the claimant quit the part-time employment before the loss of the full-time employment.

(b) The Secretary may find that a cause for voluntarily leaving is good cause only if:

(1) the cause is directly attributable to, arising from, or connected with:

- (i) the conditions of employment; or
- (ii) the actions of the employing unit; [or]

(2) an individual:

(i) is laid off from employment through no fault of the individual;

(ii) obtains subsequent employment that pays weekly wages that total less than 50% of the weekly wage earned in the employment from which the individual was laid off; and

(iii) leaves the subsequent employment to attend a training program for which the individual has been chosen that:

- 1. is offered under the Maryland Workforce Investment Act; or
- 2. otherwise is approved by the Secretary; OR

(3) THE CAUSE IS DIRECTLY ATTRIBUTABLE TO THE INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT BEING A VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN § 4-513 OF THE FAMILY LAW ARTICLE AND THE INDIVIDUAL:

(I) REASONABLY BELIEVES THAT THE INDIVIDUAL'S CONTINUED EMPLOYMENT WOULD JEOPARDIZE THE INDIVIDUAL'S SAFETY OR THE SAFETY OF THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT; AND

(II) PROVIDES ONE OF THE FOLLOWING TYPES OF DOCUMENTATION TO THE SECRETARY SUBSTANTIATING DOMESTIC VIOLENCE INCLUDING:

- 1. **AN ACTIVE OR A RECENTLY ISSUED TEMPORARY PROTECTIVE ORDER UNDER § 4-505 OF THE FAMILY LAW ARTICLE, A PROTECTIVE ORDER UNDER § 4-506 OF THE FAMILY LAW ARTICLE, OR ANY OTHER ~~NONTEMPORARY~~ COURT ORDER DOCUMENTING THE DOMESTIC VIOLENCE; OR**

~~2. A POLICE RECORD DOCUMENTING RECENT DOMESTIC VIOLENCE; OR~~

~~3. A STATEMENT SUBSTANTIATING RECENT DOMESTIC VIOLENCE FROM A QUALIFIED PROFESSIONAL FROM WHOM THE INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT HAS SOUGHT ASSISTANCE, INCLUDING:~~

~~A. A MEDICAL PROFESSIONAL;~~

~~B. AN ATTORNEY;~~

~~C. A CLERGY MEMBER;~~

~~D. A LICENSED SOCIAL WORKER;~~

~~E. A LICENSED THERAPIST; OR~~

~~F. A DOMESTIC VIOLENCE SHELTER OFFICIAL.~~

(c) (1) A circumstance for voluntarily leaving work is valid only if it is:

(i) a substantial cause that is directly attributable to, arising from, or connected with conditions of employment or actions of the employing unit;

(ii) of such necessitous or compelling nature that the individual has no reasonable alternative other than leaving the employment; or

(iii) caused by the individual leaving employment to follow a spouse if:

1. the spouse:

A. serves in the United States military; or

B. is a civilian employee of the military or of a federal agency involved in military operations; and

2. the spouse's employer requires a mandatory transfer to a new location.

(2) For determination of the application of paragraph (1)(ii) of this subsection to an individual who leaves employment because of the health of the individual or another for whom the individual must care, the individual shall submit a

written statement or other documentary evidence of the health problem from a hospital or physician.

(d) In addition to other circumstances for which a disqualification may be imposed, neither good cause nor a valid circumstance exists and a disqualification shall be imposed if an individual leaves employment:

(1) to become self-employed;

(2) to accompany a spouse to a new location or to join a spouse in a new location, unless the requirements of subsection (c)(1)(iii) of this section are met; or

(3) to attend an educational institution.

(e) A disqualification under this section:

(1) shall begin with the first week for which unemployment is caused by voluntarily leaving without good cause; and

(2) subject to subsection (c) of this section, shall continue:

(i) if a valid circumstance exists, for a total of at least 5 but not more than 10 weeks, as determined by the Secretary based on the seriousness of the circumstance; or

(ii) if a valid circumstance does not exist, until the individual is reemployed and has earned wages for covered employment that equal at least 15 times the weekly benefit amount of the individual.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to individuals who file new claims for unemployment insurance benefits with an effective date on or after October 1, 2012.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, April 10, 2012.