

SENATE BILL 391

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EMERGENCY BILL

9lr2709
CF HB 336

By: **Senators Feldman, Klausmeier, Augustine, Beidle, Benson, Carter, Elfreth, Ellis, Ferguson, Griffith, Guzzone, Hayes, Hester, Kagan, Kelley, King, Kramer, Lam, Lee, McCray, Miller, Nathan–Pulliam, Patterson, Peters, Pinsky, Rosapepe, Smith, Waldstreicher, Washington, Young, Zirkin, and Zucker**

Introduced and read first time: January 31, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Civilian Federal Employees – Benefits**
3 **(Federal Shutdown Paycheck Protection Act)**

4 FOR the purpose of specifying that, notwithstanding certain provisions of law, an
5 individual who is a civilian employee of the federal government is eligible to receive
6 unemployment benefits under certain circumstances; requiring the Department of
7 Labor, Licensing, and Regulation to request certain documentation from the U.S.
8 Department of Labor within a certain time period after the taking effect of this Act;
9 making a certain provision of this Act subject to a certain contingency; making this
10 Act an emergency measure; and generally relating to unemployment benefits for
11 civilian federal employees.

12 BY repealing and reenacting, with amendments,
13 Article – Labor and Employment
14 Section 8–903
15 Annotated Code of Maryland
16 (2016 Replacement Volume and 2018 Supplement)

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

19 **Article – Labor and Employment**

20 8–903.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) able to work;
- 2 (ii) available for work; and
- 3 (iii) actively seeking work.

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

- 6 (i) whether the individual has made an effort that is reasonable and
7 that would be expected of an unemployed individual who honestly is looking for work; and
- 8 (ii) the extent of the effort in relation to the labor market conditions
9 in the area in which the individual is seeking work.

10 (3) A part-time worker may not be determined to be ineligible for the
11 receipt of benefits for a week in which the part-time worker is available for and seeking
12 only part-time work if the part-time worker:

- 13 (i) is actively seeking part-time work; and
- 14 (ii) is in a labor market in which a reasonable demand exists for
15 part-time work.

16 (4) For the purposes of paragraph (3) of this subsection, an individual is
17 seeking only part-time work if the individual is able to work:

- 18 (i) hours that are comparable to the individual's work at the time of
19 the most recent separation from part-time employment; and
- 20 (ii) at least 20 hours per week.

21 (b) The Secretary may not use the disability of a qualified individual with a
22 disability as a factor in finding that an individual is not able to work, available for work, or
23 actively seeking work under subsection (a)(1) or (3) of this section.

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

- 27 (1) for failure to meet the requirements of subsection (a)(1)(ii) and (iii) of
28 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 § 8-1005
30 of this title.

1 **(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, AN**
2 **INDIVIDUAL WHO IS A CIVILIAN EMPLOYEE OF THE FEDERAL GOVERNMENT IS**
3 **ELIGIBLE TO RECEIVE UNEMPLOYMENT BENEFITS IF:**

4 **(1) THE EMPLOYEE IS REQUIRED TO REPORT TO WORK AT A WORK**
5 **SITE LOCATED IN THE STATE; AND**

6 **(2) THE FEDERAL GOVERNMENT IS IN A FULL OR PARTIAL SHUTDOWN**
7 **DUE TO A LAPSE IN APPROPRIATIONS.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That, within 24 hours after the
9 taking effect of this Act, the Department of Labor, Licensing, and Regulation shall request
10 a determination letter from the U.S. Department of Labor confirming continued conformity
11 of the Maryland Unemployment Insurance Law, as amended by Section 1 of this Act, with
12 federal unemployment compensation program requirements.

13 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
14 effect contingent on the receipt by the Department of Labor, Licensing, and Regulation of
15 a favorable determination letter from the U.S. Department of Labor confirming that the
16 Maryland Unemployment Insurance Law, as amended by Section 1 of this Act, conforms
17 with federal unemployment compensation program requirements. Section 1 of this Act shall
18 take effect on the date notice of the letter is received by the Department of Legislative
19 Services in accordance with this section. If the Department of Labor, Licensing, and
20 Regulation does not receive a favorable determination letter or the U.S. Department of
21 Labor determines that implementation of the Maryland Unemployment Insurance Law, as
22 amended by Section 1 of this Act, would result in a loss of federal funding, Section 1 of this
23 Act, with no further action required by the General Assembly, shall be null and void. The
24 Department of Labor, Licensing, and Regulation, within 24 hours after receiving the
25 determination letter from the U.S. Department of Labor, shall forward a copy of the letter
26 to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

27 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this
28 Act, this Act is an emergency measure, is necessary for the immediate preservation of the
29 public health or safety, has been passed by a yea and nay vote supported by three-fifths of
30 all the members elected to each of the two Houses of the General Assembly, and shall take
31 effect from the date it is enacted.