

Chapter 50

(House Bill 1138)

AN ACT concerning

Unemployment Insurance – Maryland Department of Labor – Accountability and Oversight

FOR the purpose of requiring the Maryland Department of Labor to ~~submit a report post~~ on its website certain reports on the administration and operation of the State's unemployment insurance laws ~~to certain persons on or before a certain day each month;~~ at certain regular intervals; requiring the Department to retain certain weekly reports on its website for at least a certain number of weeks; establishing when a disaster exists for the purposes of certain provisions of this Act; requiring the Department to monitor the Unemployment Insurance Fund for a disaster; requiring the Department, when a certain determination is made, to initiate a certain plan and to comply with certain reporting requirements; requiring that the disaster ~~plan~~ reporting requirements remain in effect until the Department is able to process at least a certain percentage of certain payments within a certain time period in accordance with certain guidelines for a certain period of time; requiring the Assistant Secretary for the Division of Unemployment Insurance to announce certain information when ~~a the disaster plan is reporting requirements are~~ no longer exists in effect; requiring the Department to submit a certain disaster report to certain persons within a certain time period and with certain frequency thereafter; exempting the Department from certain requirements for hiring staff and requiring the Department to hire certain staff during a disaster; requiring the Assistant Secretary to oversee compliance with certain requirements during a disaster; ~~defining a certain term;~~ making this Act an emergency measure; and generally relating to unemployment insurance.

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 8–101(a), (e), (j), (m), (m–1), and (x) and 8–311

Annotated Code of Maryland

(2016 Replacement Volume and 2020 Supplement)

BY adding to

Article – Labor and Employment

Section ~~8–101(m–2)~~, 8–311.1, and 8–311.2

Annotated Code of Maryland

(2016 Replacement Volume and 2020 Supplement)

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

Article – Labor and Employment

8-101.

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

(e) “Benefits” means the money that is payable under this title to an individual who is unemployed.

(j) “Claimant” means an individual who submits a claim for benefits.

(m) “Department” means the Maryland Department of Labor.

(m-1) “Determination” means a decision made by or on behalf of the Secretary under this title.

~~(M-2) “DISASTER” MEANS AN INCIDENT OR OCCURRENCE FOR WHICH AN “ON” INDICATOR UNDER § 8-1103 OF THIS TITLE TRIGGERS AN EXTENDED BENEFITS PERIOD.~~

(x) “Secretary” means the Secretary of Labor.

8-311.

(a) On or before January 1 of each year, the Secretary shall submit to the Governor an annual report on the administration and operation of this title during the previous fiscal year.

(b) The annual report shall include:

(1) a balance sheet for the Unemployment Insurance Fund;

(2) a table that shows the amount of any benefit that was ineffectively charged or not charged to the experience rating record of an employer;

(3) the reason for not charging the amount of any benefit to the experience rating record of an employer;

(4) by category of disqualification, the amount of any benefit that was paid after a disqualification under Subtitle 10 of this title; and

(5) any recommendation for an amendment to this title that the Secretary considers proper.

8-311.1.

(A) ~~ON OR BEFORE THE FIRST DAY OF EACH MONTH, THE SECRETARY SHALL SUBMIT TO THE PRESIDING OFFICERS, THE SENATE FINANCE COMMITTEE, AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,~~ DEPARTMENT SHALL POST ON ITS WEBSITE A REPORT ON THE ADMINISTRATION AND OPERATION OF THIS TITLE DURING THE IMMEDIATELY PRECEDING MONTH.

(B) THE REPORT SHALL INCLUDE:

(1) A BALANCE SHEET FOR THE UNEMPLOYMENT INSURANCE FUND;

(2) THE NUMBER OF CLAIMS FOR BENEFITS FILED UNDER § 8-805(A) OF THIS TITLE IN THE IMMEDIATELY PRECEDING MONTH;

(3) THE NUMBER OF CLAIMS PENDING ADJUDICATION AND THE NUMBER OF CLAIMS PENDING ADJUDICATION THAT WERE RESOLVED SINCE THE IMMEDIATELY PRECEDING MONTH;

(4) THE NUMBER OF FINAL DETERMINATIONS THAT WERE MADE UNDER § 8-806 OF THIS TITLE IN THE IMMEDIATELY PRECEDING MONTH; AND

(5) THE NUMBER OF CLAIMS PROCESSED BY THE DEPARTMENT DURING THE IMMEDIATELY PRECEDING MONTH.

(C) (1) ONCE PER WEEK, THE DEPARTMENT SHALL POST ON ITS WEBSITE A WEEKLY REPORT THAT INCLUDES THE NUMBER OF:

(I) OPEN CLAIMS;

(II) CLAIMS PENDING ADJUDICATION;

(III) CLAIMS FOR WHICH THE FIRST PAYMENT HAS NOT BEEN MADE WITHIN 21 DAYS AFTER THE WEEK ENDING DATE OF THE FIRST COMPENSABLE WEEK IN THE BENEFIT YEAR;

(IV) CLAIMS CLOSED;

(V) CLAIMS RESOLVED BY ADJUDICATION; AND

(VI) CLAIMS FOR WHICH THE CLAIMANT ENCOUNTERED TECHNOLOGICAL PROBLEMS WITH THE ONLINE PORTAL.

(2) THE DEPARTMENT SHALL RETAIN ON ITS WEBSITE THE WEEKLY REPORTS FOR AT LEAST THE IMMEDIATELY PRECEDING 8 WEEKS.

8-311.2.

(A) FOR THE PURPOSES OF THIS SECTION, A DISASTER EXISTS ~~IF, FOR THE WEEK IN WHICH THE DETERMINATION IS BEING MADE AND THE 4 IMMEDIATELY PRECEDING WEEKS, THE RATE OF INSURED UNEMPLOYMENT, NOT SEASONALLY ADJUSTED, IS AT LEAST 6% IF THE DEPARTMENT, FOR 4 CONSECUTIVE WEEKS, FAILS TO PAY AT LEAST 82% OF FIRST PAYMENTS WITHIN 21 DAYS AFTER THE WEEK ENDING DATE OF THE FIRST COMPENSABLE WEEK IN THE BENEFIT YEAR.~~

(B) (1) THE DEPARTMENT SHALL MONITOR THE UNEMPLOYMENT INSURANCE FUND FOR A DISASTER.

(2) WHEN THE ASSISTANT SECRETARY OF THE DIVISION OF UNEMPLOYMENT INSURANCE DETERMINES THAT THERE IS A DISASTER, THE DEPARTMENT SHALL:

~~(I) INITIATE A DISASTER PLAN; AND~~

~~(II) COMPLY WITH THE REPORTING REQUIREMENTS ESTABLISHED UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION.~~

(3) (I) THE DISASTER ~~PLAN~~ REPORTING REQUIREMENTS SHALL REMAIN IN EFFECT UNTIL THE DEPARTMENT, FOR 4 CONSECUTIVE WEEKS, IS PAYING AT LEAST 87% OF FIRST PAYMENTS WITHIN 21 DAYS AFTER THE WEEK ENDING DATE OF THE FIRST COMPENSABLE WEEK IN THE BENEFIT YEAR, IN ACCORDANCE WITH GUIDELINES PUBLISHED BY THE U.S. DEPARTMENT OF LABOR.

(II) WHEN ~~A~~ THE DISASTER ~~PLAN IS~~ REPORTING REQUIREMENTS ARE NO LONGER EXISTS BECAUSE AN "OFF" INDICATOR HAS BEEN TRIGGERED UNDER ~~§ 8-1103 OF THIS TITLE~~ IN EFFECT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE ASSISTANT SECRETARY OF THE DIVISION OF UNEMPLOYMENT INSURANCE SHALL ANNOUNCE THAT THE DEPARTMENT IS NO LONGER REQUIRED TO ISSUE THE DISASTER REPORT UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION.

~~(B)~~ (C) (1) THE DEPARTMENT SHALL SUBMIT A DISASTER REPORT TO THE PRESIDING OFFICERS, THE SENATE FINANCE COMMITTEE, AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE:

(I) WITHIN 7 DAYS AFTER THE DISASTER DETERMINATION; AND

(II) EVERY 30 DAYS THEREAFTER WHILE THE DISASTER IS ONGOING.

(2) THE REPORT SHALL INCLUDE:

(I) THE UNEMPLOYMENT INSURANCE FUND BALANCE IMMEDIATELY PRECEDING THE DISASTER DETERMINATION;

(II) THE CURRENT BALANCE OF THE UNEMPLOYMENT INSURANCE FUND;

(III) THE DEPARTMENT'S ANTICIPATED OFFICE STAFFING NEEDS OVER THE NEXT 30, 60, AND 90 DAYS;

(3) THE DEPARTMENT'S PLAN FOR ~~NAVIGATING THE DISASTER MEETING STAFFING NEEDS~~; AND

(4) AN UPDATE ON FEDERAL FUNDING AND SUPPORT FOR THE UNEMPLOYMENT INSURANCE FUND.

~~(C)~~ (D) DURING A DISASTER, THE DEPARTMENT SHALL:

(1) BE EXEMPT FROM REQUIREMENTS UNDER THE STATE FINANCE AND PROCUREMENT ARTICLE FOR STAFFING; AND

(2) HIRE ~~100~~ ADDITIONAL FULL-TIME OR PART-TIME STAFF WHO ARE STATE EMPLOYEES ~~OR~~, CONTRACTUAL EMPLOYEES, OR INDIVIDUALS UNDER CONTRACT WITH A THIRD-PARTY VENDOR AS NEEDED TO MEET STAFFING NEEDS AND TO RESPOND TO ISSUES RAISED BY CLAIMANTS AND EMPLOYERS.

~~(D)~~ (E) DURING A DISASTER, THE ASSISTANT SECRETARY FOR THE DIVISION OF UNEMPLOYMENT INSURANCE SHALL OVERSEE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

SECTION 2. 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.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 9, 2021.