

HOUSE BILL 1138

K2

EMERGENCY BILL

11r2104
CF 11r2105

By: **Delegate Carey**

Introduced and read first time: February 5, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Maryland Department of Labor – Accountability**
3 **and Oversight**

4 FOR the purpose of requiring the Maryland Department of Labor to submit a report on the
5 administration and operation of the State’s unemployment insurance laws to certain
6 persons on or before a certain day each month; requiring the Department to monitor
7 the Unemployment Insurance Fund for a disaster; requiring the Department, when
8 a certain determination is made, to initiate a certain plan and to comply with certain
9 reporting requirements; requiring the Assistant Secretary for the Division of
10 Unemployment Insurance to announce certain information when a disaster no longer
11 exists; requiring the Department to submit a certain disaster report to certain
12 persons within a certain time period and with certain frequency thereafter;
13 exempting the Department from certain requirements for hiring staff and requiring
14 the Department to hire certain staff during a disaster; requiring the Assistant
15 Secretary to oversee compliance with certain requirements during a disaster;
16 defining a certain term; making this Act an emergency measure; and generally
17 relating to unemployment insurance.

18 BY repealing and reenacting, without amendments,
19 Article – Labor and Employment
20 Section 8–101(a), (e), (j), (m), (m–1), and (x) and 8–311
21 Annotated Code of Maryland
22 (2016 Replacement Volume and 2020 Supplement)

23 BY adding to
24 Article – Labor and Employment
25 Section 8–101(m–2), 8–311.1, and 8–311.2
26 Annotated Code of Maryland
27 (2016 Replacement Volume and 2020 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Labor and Employment**

3 8–101.

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

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

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

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

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

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

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

15 8–311.

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

19 (b) The annual report shall include:

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

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

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

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

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

29 **8–311.1.**

1 (A) ON OR BEFORE THE FIRST DAY OF EACH MONTH, THE SECRETARY
2 SHALL SUBMIT TO THE PRESIDING OFFICERS, THE SENATE FINANCE COMMITTEE,
3 AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN ACCORDANCE WITH §
4 2-1257 OF THE STATE GOVERNMENT ARTICLE, A REPORT ON THE ADMINISTRATION
5 AND OPERATION OF THIS TITLE DURING THE IMMEDIATELY PRECEDING MONTH.

6 (B) THE REPORT SHALL INCLUDE:

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

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

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

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

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

17 8-311.2.

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

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

23 (I) INITIATE A DISASTER PLAN; AND

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

26 (3) WHEN A DISASTER NO LONGER EXISTS BECAUSE AN “OFF”
27 INDICATOR HAS BEEN TRIGGERED UNDER § 8-1103 OF THIS TITLE, THE ASSISTANT
28 SECRETARY OF THE DIVISION OF UNEMPLOYMENT INSURANCE SHALL ANNOUNCE
29 THAT THE DEPARTMENT IS NO LONGER REQUIRED TO ISSUE THE DISASTER REPORT
30 UNDER SUBSECTION (B) OF THIS SECTION.

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

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

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

8 **(2) THE REPORT SHALL INCLUDE:**

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

11 **(II) THE CURRENT BALANCE OF THE UNEMPLOYMENT**
12 **INSURANCE FUND;**

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

15 **(3) THE DEPARTMENT'S PLAN FOR NAVIGATING THE DISASTER; AND**

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

18 **(C) DURING A DISASTER, THE DEPARTMENT SHALL:**

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

21 **(2) HIRE 100 ADDITIONAL FULL-TIME OR PART-TIME STAFF WHO ARE**
22 **STATE EMPLOYEES OR CONTRACTUAL EMPLOYEES TO RESPOND TO ISSUES RAISED**
23 **BY CLAIMANTS AND EMPLOYERS.**

24 **(D) DURING A DISASTER, THE ASSISTANT SECRETARY FOR THE DIVISION**
25 **OF UNEMPLOYMENT INSURANCE SHALL OVERSEE COMPLIANCE WITH THE**
26 **REQUIREMENTS OF THIS SECTION.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
28 measure, is necessary for the immediate preservation of the public health or safety, has
29 been passed by a ye and nay vote supported by three-fifths of all the members elected to
30 each of the two Houses of the General Assembly, and shall take effect from the date it is
31 enacted.