A BILL ENTITLED

1 AN ACT concerning

2    Unemployment Insurance – Disqualification Exceptions – COVID–19
    Vaccination

3 FOR the purpose of providing that the voluntary resignation of an employee is a valid
4 circumstance for voluntarily leaving work if the employee resigned due to the
5 employer requiring that the employee, as a condition of continued employment, be
6 vaccinated against COVID–19 and the employer fails to provide suitable other work
7 that would not require that the employee be vaccinated against COVID–19;
8 prohibiting the refusal of an employee to be vaccinated against COVID–19 from
9 being considered gross misconduct, aggravated misconduct, or misconduct; and
10 generally relating to COVID–19 vaccinations and unemployment insurance benefits.

11 BY repealing and reenacting, without amendments,
12    Article – Labor and Employment
13    Section 8–1001(a) and (b)
14    Annotated Code of Maryland
15    (2016 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17    Article – Labor and Employment
18    Section 8–1001(c)
19    Annotated Code of Maryland
20    (2016 Replacement Volume and 2021 Supplement)

21 BY adding to
22    Article – Labor and Employment
23    Section 8–1003.1
24    Annotated Code of Maryland
25    (2016 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
   [Brackets] indicate matter deleted from existing law.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Labor and Employment

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;

(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 Development 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:
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:

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 court order documenting the domestic violence; or

2. a police record documenting recent domestic violence.

(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.

(3) The voluntary resignation of an employee is a valid circumstance under paragraph (1)(ii) of this subsection for voluntarily leaving work if the employee resigned due to the employer:

(i) requiring that, as a condition of continued employment, the employee be vaccinated against COVID–19 as identified
IN THE GOVERNOR’S DECLARATION OF A STATE OF EMERGENCY AND THE
EXISTENCE OF A CATASTROPHIC HEALTH EMERGENCY ISSUED MARCH 5, 2020;
AND

(II) FAILING TO PROVIDE SUITABLE OTHER WORK THAT WOULD
NOT REQUIRE THAT THE EMPLOYEE BE VACCINATED AGAINST COVID–19.

8–1003.1.

AN EMPLOYEE’S REFUSAL TO BE VACCINATED AGAINST COVID–19 AS
IDENTIFIED IN THE GOVERNOR’S DECLARATION OF A STATE OF EMERGENCY AND
THE EXISTENCE OF A CATASTROPHIC HEALTH EMERGENCY ISSUED MARCH 5,
2020, MAY NOT BE CONSIDERED:

(1) GROSS MISCONDUCT UNDER § 8–1002 OF THIS SUBTITLE;

(2) AGGRAVATED MISCONDUCT UNDER § 8–1002.1 OF THIS SUBTITLE;

OR

(3) MISCONDUCT UNDER § 8–1003 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, THAT THIS ACT SHALL TAKE EFFECT
OCTOBER 1, 2022.