

# HOUSE BILL 901

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By: **Delegate Cox**

Introduced and read first time: February 7, 2022

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Disqualification Exceptions – COVID–19**  
3 **Vaccination**

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

12 BY repealing and reenacting, without amendments,  
13 Article – Labor and Employment  
14 Section 8–1001(a) and (b)  
15 Annotated Code of Maryland  
16 (2016 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Labor and Employment  
19 Section 8–1001(c)  
20 Annotated Code of Maryland  
21 (2016 Replacement Volume and 2021 Supplement)

22 BY adding to  
23 Article – Labor and Employment  
24 Section 8–1003.1  
25 Annotated Code of Maryland  
26 (2016 Replacement Volume and 2021 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Labor and Employment**

4 8–1001.

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

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

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

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

15 (i) the conditions of employment; or

16 (ii) the actions of the employing unit;

17 (2) an individual:

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

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

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

24 1. is offered under the Maryland Workforce Development  
25 Act; or

26 2. otherwise is approved by the Secretary; or

27 (3) the cause is directly attributable to the individual or the individual's  
28 spouse, minor child, or parent being a victim of domestic violence as defined in § 4–513 of  
29 the Family Law Article and the individual:

1 (i) reasonably believes that the individual's continued employment  
2 would jeopardize the individual's safety or the safety of the individual's spouse, minor child,  
3 or parent; and

4 (ii) provides one of the following types of documentation to the  
5 Secretary substantiating domestic violence:

6 1. an active or a recently issued temporary protective order  
7 under § 4-505 of the Family Law Article, a protective order under § 4-506 of the Family  
8 Law Article, or any other court order documenting the domestic violence; or

9 2. a police record documenting recent domestic violence.

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

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

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

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

17 1. the spouse:

18 A. serves in the United States military; or

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

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

23 (2) For determination of the application of paragraph (1)(ii) of this  
24 subsection to an individual who leaves employment because of the health of the individual  
25 or another for whom the individual must care, the individual shall submit a written  
26 statement or other documentary evidence of the health problem from a hospital or  
27 physician.

28 **(3) THE VOLUNTARY RESIGNATION OF AN EMPLOYEE IS A VALID**  
29 **CIRCUMSTANCE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION FOR**  
30 **VOLUNTARILY LEAVING WORK IF THE EMPLOYEE RESIGNED DUE TO THE EMPLOYER:**

31 **(I) REQUIRING THAT, AS A CONDITION OF CONTINUED**  
32 **EMPLOYMENT, THE EMPLOYEE BE VACCINATED AGAINST COVID-19 AS IDENTIFIED**

1 IN THE GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY AND THE  
2 EXISTENCE OF A CATASTROPHIC HEALTH EMERGENCY ISSUED MARCH 5, 2020;  
3 AND

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

6 8-1003.1.

7 AN EMPLOYEE'S REFUSAL TO BE VACCINATED AGAINST COVID-19 AS  
8 IDENTIFIED IN THE GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY AND  
9 THE EXISTENCE OF A CATASTROPHIC HEALTH EMERGENCY ISSUED MARCH 5,  
10 2020, MAY NOT BE CONSIDERED:

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

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

13 OR

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2022.