

SENATE BILL 460

K2

4lr2114
CF HB 261

By: **Senator Kagan**

Introduced and read first time: January 22, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Benefits – Election Judges**

3 FOR the purpose of altering the definition of “wages” for purposes of State unemployment
4 insurance law to exclude compensation received for serving as an election judge for
5 a local board of elections in the State; prohibiting an individual from being denied
6 unemployment benefits for failure to meet certain requirements due to service as an
7 election judge in the State; and generally relating to unemployment insurance
8 benefits.

9 BY repealing and reenacting, without amendments,
10 Article – Labor and Employment
11 Section 8–101(a)
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Labor and Employment
16 Section 8–101(aa) and 8–907
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2023 Supplement)

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

21 **Article – Labor and Employment**

22 8–101.

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

24 (aa) (1) “Wages” means all compensation for personal services except as

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 provided in paragraph (3) of this subsection.

2 (2) "Wages" includes:

3 (i) a bonus;

4 (ii) a commission;

5 (iii) a tip; and

6 (iv) the cash value of all compensation in any medium other than
7 cash.

8 (3) "Wages" does not include:

9 (i) the amount of any payment made to or on behalf of an employee
10 or any dependent of an employee under a plan or system established by an employing unit
11 that provides for employees generally or for their dependents or for a class of employees
12 and their dependents on account of:

13 1. retirement;

14 2. sickness or accident disability payments under a workers'
15 compensation law;

16 3. medical or hospitalization expenses in connection with
17 sickness or accident disability;

18 4. a cafeteria plan as defined in 26 U.S.C. § 125, if the
19 payments would not be treated as wages outside a cafeteria plan;

20 5. dependent care assistance to the extent that the
21 assistance payments would be excludable from gross income under the provisions of 26
22 U.S.C. § 127 or § 129; or

23 6. death;

24 (ii) any amount that an employing unit pays for insurance or an
25 annuity or into a fund to provide for a payment described in item (i) of this paragraph;

26 (iii) any payment on account of sickness or accident disability or
27 medical or hospitalization expenses in connection with sickness or accident disability made
28 by the employing unit to or on behalf of an employee at least 6 calendar months after the
29 last calendar month in which the employee worked for the employing unit;

30 (iv) any payment made to or on behalf of an employee or beneficiary
31 of the employee:

1 1. from or to a trust exempt from tax under § 401(a) of the
2 Internal Revenue Code at the time of the payment, unless the payment is made to an
3 employee of the trust as compensation for services rendered as an employee and not as
4 beneficiary of the trust; or

5 2. under or to an annuity plan that, at the time of payment,
6 meets the requirements of § 401(a)(3) through (6) of the Internal Revenue Code;

7 (v) with respect to compensation paid to an employee for domestic
8 service in a private home of the employing unit or for agricultural labor, the payment by
9 an employing unit without deduction of the tax imposed on an employee under § 3101 of
10 the Internal Revenue Code;

11 (vi) any payment required from an employee under a state
12 unemployment insurance law;

13 (vii) compensation paid in any medium other than cash to an
14 employee for service not in the course of the trade or business of the employing unit;

15 (viii) any payment other than vacation or sick pay made to an
16 employee after the month in which the employee becomes 65 years old if the employee did
17 not work for the employing unit in the period for which the payment is made;

18 (ix) any payment, including an amount paid into a fund to provide
19 for any payment by an employing unit to or on behalf of an employee under a plan or system
20 that an employing unit establishes that provides for employees of the employing unit
21 generally or a class or group of employees to supplement unemployment benefits;

22 (x) any payment to an individual as compensation for serving or
23 being called to serve on a jury; [or]

24 (xi) **ANY PAYMENT TO AN INDIVIDUAL AS COMPENSATION FOR**
25 **SERVING AS AN ELECTION JUDGE FOR A LOCAL BOARD OF ELECTIONS IN THE STATE;**
26 **OR**

27 **(XII)** any payment to an individual as allowance or reimbursement for
28 travel or other expenses incurred on the business of the employer up to the amount of
29 expenses actually incurred and accounted for by the individual to the employer.

30 8–907.

31 An individual may not be denied benefits for any week of unemployment for failure
32 to meet the requirements of § 8–903(a)(1) of this subtitle to be able to work, be available to
33 work, and actively seeking work if the failure results from:

1 **(1)** a summons to appear for jury duty; **OR**

2 **(2)** **SERVICE AS AN ELECTION JUDGE FOR A LOCAL BOARD OF**
3 **ELECTIONS IN THE STATE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2024.