

HOUSE BILL 135

C4

71r0099

By: **Chair, Economic Matters Committee (By Request – Departmental – Labor,
Licensing and Regulation)**

Introduced and read first time: January 18, 2017

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Electronic Transmission of Information and**
3 **Documents – Authority**

4 FOR the purpose of authorizing the Department of Labor, Licensing, and Regulation,
5 individuals, and employers to electronically send certain information and documents
6 relating to unemployment insurance; requiring the Department to adopt certain
7 regulations; making conforming changes; and generally relating to the electronic
8 transmission of information and documents under unemployment insurance law.

9 BY adding to

10 Article – Labor and Employment
11 Section 8–108
12 Annotated Code of Maryland
13 (2016 Replacement Volume)

14 BY repealing and reenacting, with amendments,

15 Article – Labor and Employment
16 Section 8–629(f), 8–638(e), and 8–806(g)
17 Annotated Code of Maryland
18 (2016 Replacement Volume)

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 **8–108.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE
2 GOVERNING METHODS OF DELIVERY, AN INDIVIDUAL OR EMPLOYER MAY
3 ELECTRONICALLY SEND TO THE DEPARTMENT INFORMATION, A REPORT, A
4 REQUEST, OR A DOCUMENT, INCLUDING A REQUEST FOR A DETERMINATION, A
5 REDETERMINATION, OR AN APPEAL.

6 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE GOVERNING
7 METHODS OF DELIVERY, THE DEPARTMENT MAY ELECTRONICALLY SEND A
8 DETERMINATION, A REDETERMINATION, AN APPEALS DECISION, A NOTICE, OR ANY
9 OTHER DOCUMENT PROVIDED TO AN INDIVIDUAL OR EMPLOYER UNDER THIS TITLE.

10 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING THE
11 METHODS AND MEANS FOR ELECTRONICALLY SENDING INFORMATION AND
12 DOCUMENTS UNDER THIS SECTION.

13 8-629.

14 (f) (1) An assessment under this section is final unless:

15 (i) within 15 days after the [mailing of the] assessment IS SENT, an
16 employing unit applies to the Board of Appeals for a hearing; or

17 (ii) on its own motion, the Board of Appeals reduces the contribution
18 or interest.

19 (2) After a hearing held under this subsection, the Board of Appeals shall:

20 (i) pass an order to affirm, modify, or set aside the assessment; and

21 (ii) promptly give an employing unit written notice of its decision.

22 8-638.

23 (e) (1) If a claim for an adjustment or refund is rejected, the Secretary shall
24 [mail] SEND a written notice of rejection to the employing unit.

25 (2) (i) Within 15 days after receiving a notice of rejection, the employing
26 unit may petition the Appeals Board for a formal hearing.

27 (ii) The petition shall state the grounds on which the refund or
28 adjustment is claimed.

29 (3) The Board of Appeals shall:

30 (i) grant a hearing requested under this subsection;

1 (ii) notify the employing unit of the time and place of the hearing;

2 (iii) after the hearing, pass an order that the Board of Appeals
3 considers to be just and lawful; and

4 (iv) [give] SEND a copy of the order to the employing unit.

5 8–806.

6 (g) (1) Within 15 days after the date [of mailing of the notice or the date of
7 delivery] **THE NOTICE OF THE DETERMINATION OR REDETERMINATION IS SENT**, a
8 claimant or employing unit entitled to notice of a determination or redetermination under
9 this section may appeal to the Lower Appeals Division.

10 (2) The Secretary may, at the Secretary's discretion, be a party to an appeal
11 filed by a claimant or employing unit with the Lower Appeals Division.

12 (3) Unless an appeal of a determination or redetermination under this
13 section is withdrawn or removed to the Board of Appeals, a hearing examiner shall:

14 (i) give the parties a reasonable opportunity for a fair hearing in
15 accordance with the notice provisions in §§ 10–207 and 10–208 of the State Government
16 Article, except that the provisions of § 10–208(b)(4) and (7) of the State Government Article
17 do not apply;

18 (ii) make findings of fact and conclusions of law; and

19 (iii) on the basis of those findings and conclusions, affirm, modify, or
20 reverse a determination or redetermination.

21 (4) If an appeal involves an issue of whether employment that a claimant
22 performed is covered employment:

23 (i) the hearing examiner shall give special notice of the issue and
24 appeal to the Secretary and employer; and

25 (ii) on receipt of the notice, the Secretary and employer shall be
26 parties to the proceeding and be given reasonable opportunity to offer evidence on that
27 issue.

28 (5) The hearing examiner promptly shall mail to each party at the last
29 known address of the party or otherwise deliver to the party:

30 (i) notice of the decision of the hearing examiner; and

31 (ii) a copy of the decision and the findings of fact and conclusions of
32 law that support the decision.

1 (6) A decision under this subsection is final unless within 15 days after the
2 mailing or other delivery of notice of the decision, further review is initiated under
3 subsection (h) of this section.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2017.