

HOUSE BILL 135

K2

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

Committee Report: Favorable

House action: Adopted

Read second time: February 28, 2017

CHAPTER _____

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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Labor and Employment

8–108.

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

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

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

8–629.

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

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

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

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

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

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

8–638.

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

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

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

1 (3) The Board of Appeals shall:

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

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

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

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

7 8–806.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.