

HOUSE BILL 1002

K2

EMERGENCY BILL

1lr1171

By: **Delegate Charkoudian**

Introduced and read first time: February 5, 2021

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2021

CHAPTER _____

1 AN ACT concerning

2 **Unemployment Insurance – Insurance Revisions and Required Study and**
3 **Special Enrollment Period for Health Benefits**

4 FOR the purpose of requiring the Maryland Health Benefit Exchange to open a certain
5 enrollment period for an individual who consents to share information through a
6 certain system; establishing certain requirements for a certain enrollment period;
7 authorizing the Maryland Health Benefit Exchange to conduct outreach to a certain
8 individual using certain methods; requiring the Maryland Department of Labor to
9 take certain actions to carry out the State's unemployment insurance law; requiring
10 the Maryland Department of Labor to begin implementing a system through which
11 claimants may consent to the sharing of certain information with the Maryland
12 Health Benefit Exchange and the Maryland Department of Health for the purpose
13 of determining eligibility for certain health insurance; requiring the Maryland
14 Department of Labor to enter into a certain memorandum of understanding with the
15 Maryland Health Benefit Exchange and the Maryland Department of Health before
16 a certain system begins to operate; requiring that a certain consent request be placed
17 in a certain manner on the weekly claim certification form using certain language;
18 requiring the Maryland Department of Labor to cooperate with certain other
19 agencies to claim the maximum amount of certain available federal funding;
20 authorizing, for the purpose of implementing a certain system in a certain manner,
21 the Maryland Department of Labor, the Maryland Health Benefit Exchange, and the
22 Maryland Department of Health to take certain actions; requiring the Maryland
23 Department of Labor to report to a certain committee of the General Assembly on or
24 before a certain date each year; ~~requiring the Secretary of Labor to waive the charge~~
25 ~~of benefits against the earned rating record of an employing unit under certain~~

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.



~~circumstances related to COVID-19; providing that the waiver may apply only to certain benefits; altering the maximum amount of wages disregarded when computing the weekly benefit amount to be paid to a claimant; requiring the Maryland Department of Labor to conduct a certain study in collaboration with the Office of the Attorney General and the Maryland Department of Health; requiring the Maryland Department of Labor to report its findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date altering the information of which the Secretary of Labor is required to notify a claimant if the Secretary decides to recover benefits from the claimant under certain provisions of law; requiring the Secretary to allow a claimant to appeal a certain determination within a certain period of time; requiring the Maryland Department of Labor to submit to the General Assembly a certain report on or before a certain date; requiring the Maryland Department of Labor, on or before a certain date, to identify all changes in federal regulations and guidance that would expand access to unemployment benefits or reduce bureaucratic hurdles to prompt approval of unemployment benefits; requiring the Maryland Department of Labor, on or before a certain date, to revise State unemployment insurance rules and practices for a certain purpose; making this Act an emergency measure; and generally relating to unemployment insurance.~~

20 BY adding to

21 Article – Insurance

22 Section 31-108(h)

23 Annotated Code of Maryland

24 (2017 Replacement Volume and 2020 Supplement)

25 BY adding to

26 Article – Labor and Employment

27 Section 8-109

28 Annotated Code of Maryland

29 (2016 Replacement Volume and 2020 Supplement)

30 BY repealing and reenacting, without amendments,

31 Article – Labor and Employment

32 Section 8-809(a) and (b)

33 Annotated Code of Maryland

34 (2016 Replacement Volume and 2020 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article – Labor and Employment

37 Section ~~8-611(k) and 8-803(d)~~ 8-809(c)

38 Annotated Code of Maryland

39 (2016 Replacement Volume and 2020 Supplement)

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

1 Article – Insurance

2 31–108.

3 (H) (1) THE EXCHANGE SHALL OPEN A SPECIAL OR OTHER ENROLLMENT
4 PERIOD FOR AN INDIVIDUAL WHO CONSENTS TO SHARE INFORMATION THROUGH
5 THE SYSTEM IMPLEMENTED IN ACCORDANCE WITH § 8–109(B)(1) OF THE LABOR
6 AND EMPLOYMENT ARTICLE.

7 (2) THE ENROLLMENT PERIOD OPENED UNDER PARAGRAPH (1) OF
8 THIS SUBSECTION SHALL:

9 (I) APPLY TO QUALIFIED HEALTH PLANS OFFERED THROUGH
10 THE EXCHANGE IN THE INDIVIDUAL MARKET;

11 (II) BEGIN ON THE DATE THE EXCHANGE SENDS NOTICE TO THE
12 INDIVIDUAL;

13 (III) LAST FOR A PERIOD OF TIME DETERMINED BY THE
14 EXCHANGE AND THAT IS AT LEAST 30 DAYS; AND

15 (IV) BE AVAILABLE TO AN INDIVIDUAL DESCRIBED IN
16 PARAGRAPH (1) OF THIS SUBSECTION AND TO THE INDIVIDUAL’S DEPENDENT AS
17 DEFINED IN 45 C.F.R. § 155.420.

18 (3) THE EXCHANGE MAY CONDUCT OUTREACH TO AN INDIVIDUAL
19 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION USING METHODS THAT
20 INCLUDE:

21 (I) WRITTEN NOTICES;

22 (II) CONTACT THROUGH TELEPHONIC AND ELECTRONIC
23 MEANS; AND

24 (III) THE PROVISION OF INDIVIDUALIZED ASSISTANCE BY
25 INSURANCE AGENTS AND BROKERS, NAVIGATORS, AND EXCHANGE CONTRACTORS
26 AND STAFF.

27 Article – Labor and Employment

28 8–109.

29 (A) IN CARRYING OUT THE REQUIREMENTS OF THIS TITLE, THE
30 DEPARTMENT SHALL:

1 (1) ~~ENSURE~~ SECURE EQUAL ACCESS FOR INDIVIDUALS BY:

2 (I) ENSURING THAT AN INDIVIDUAL CONTACTING THE
3 DEPARTMENT HAS ADEQUATE AND TIMELY ACCESS TO LANGUAGE ~~AND,~~
4 INTERPRETIVE, AND TRANSLATION SERVICES;

5 (II) FOR INDIVIDUALS WITH DISABILITIES:

6 1. INCORPORATING ACCESSIBILITY FEATURES THAT
7 ARE CONSISTENT WITH MODERN ACCESSIBILITY STANDARDS FOR INDIVIDUALS
8 WITH DISABILITIES; AND

9 2. PROVIDING NOTICE OF ALTERNATIVE ACCESSIBILITY
10 OPTIONS FOR ACCESSING BENEFITS, SERVICES, AND INFORMATION IN MULTIPLE
11 FORMATS; AND

12 (III) CONSPICUOUSLY PROVIDING CLAIMANTS WITH THE OPTION
13 TO SELECT AT THE BEGINNING OF THE APPLICATION FOR UNEMPLOYMENT
14 INSURANCE BENEFITS PROCESS THAT PAPER-BASED NOTICES OF DEPARTMENT
15 ACTION BE SENT BY MAIL;

16 ~~(2) ENSURE THAT CALL CENTER STAFFING IS ADEQUATE TO ALLOW~~
17 ~~AN INDIVIDUAL TO REACH A DEPARTMENTAL EMPLOYEE OR CONTRACTOR TO ASK~~
18 ~~QUESTIONS;~~

19 ~~(3) ESTABLISH SYSTEMS AND PROCEDURES THAT ENSURE THAT AN~~
20 ~~INDIVIDUAL DOES NOT NEED TO WAIT ON HOLD BEFORE BEING OFFERED AN~~
21 ~~OPPORTUNITY TO LEAVE A PHONE NUMBER TO RECEIVE A CALL BACK;~~

22 ~~(4) ENSURE THAT PHONE CALLS MADE BY DEPARTMENT STAFF AND~~
23 ~~CONTRACTORS APPEAR ON CALLER ID AS ORIGINATING FROM THE DEPARTMENT;~~

24 ~~(5) ENSURE THAT VOICEMAIL MESSAGES LEFT BY DEPARTMENT~~
25 ~~STAFF OR CONTRACTORS INCLUDE CLEAR INSTRUCTIONS FOR NEXT STEPS,~~
26 ~~INCLUDING A CALL BACK NUMBER OTHER THAN THE GENERAL NUMBER FOR~~
27 ~~UNEMPLOYMENT INSURANCE ASSISTANCE;~~

28 ~~(6) ESTABLISH PROCEDURES THAT REQUIRE ATTEMPTS BY THE~~
29 ~~DEPARTMENT TO CONTACT AN INDIVIDUAL RELATED TO A CLAIM FOR BENEFITS TO~~
30 ~~BE TIMED IN SUCH A WAY THAT THE CALLS OCCUR OVER CONSECUTIVE AND~~
31 ~~MULTIPLE DAYS;~~

32 (2) ESTABLISH PROCEDURES THAT REQUIRE AN INDIVIDUAL WHO
33 HAS FILED AN INITIAL CLAIM FOR BENEFITS TO BE PROVIDED WITH A STATUS

1 UPDATE ON THE CLAIM BY DEPARTMENT STAFF OR CONTRACTORS THROUGH
2 TELEPHONE OR E-MAIL AT LEAST ONCE EVERY 3 WEEKS UNTIL THE INITIAL
3 BENEFITS ARE PAID OR THE INITIAL CLAIM IS DENIED, WHICHEVER OCCURS FIRST;

4 ~~(7)~~ (3) ~~PERIODICALLY REVIEW AND REVISE FOR~~ ON OR BEFORE
5 JULY 1, 2021, AND EACH JULY 1 THEREAFTER, CONTRACT WITH AN EXTERNAL
6 CUSTOMER SERVICE QUALITY EVALUATION VENDOR TO MEASURE:

7 (I) THE CLARITY AND ORGANIZATION OF ALL PUBLIC
8 COMMUNICATIONS, INCLUDING MATERIALS POSTED ON THE DEPARTMENT'S
9 WEBSITE OR MOBILE APPLICATION;

10 (II) THE ACHIEVEMENT OF THE CUSTOMER SERVICE
11 STANDARDS REQUIRED UNDER THIS SUBSECTION AND THE DEPARTMENT'S PLAN TO
12 IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION; AND

13 (III) OTHER CUSTOMER SERVICE METRICS THAT THE
14 DEPARTMENT OR THE VENDOR AGREE ARE IMPORTANT;

15 ~~(8)~~ (4) ENSURE THAT THE APPLICATION FOR UNEMPLOYMENT
16 INSURANCE BENEFITS EXPLICITLY INFORMS AND CONVENIENTLY PROVIDES
17 APPLICANTS OF THE RIGHT TO REQUEST BENEFITS IN THE FORM OF A PAPER CHECK
18 AND PROVIDES A MECHANISM TO MAKE THE REQUEST WITH THE ABILITY TO SELECT
19 THE METHOD OF PAYMENT;

20 ~~(9)~~ ~~ENSURE THAT AN APPLICANT IS INFORMED OF THE AVAILABILITY~~
21 ~~TO AUTOMATICALLY TRANSFER FUNDS INTO A PERSONAL CHECKING ACCOUNT AND~~
22 ~~PROVIDE A MECHANISM TO MAKE THE REQUEST;~~

23 ~~(10)~~ (5) ESTABLISH SYSTEMS, PROCESSES, AND PROCEDURES THAT
24 ENABLE AN APPLICANT TO TRACK THE STATUS OF A CLAIM, INCLUDING THE
25 ANTICIPATED TIMELINE FOR THE RESOLUTION OF EACH PARTICULAR CLAIM;

26 ~~(11)~~ ~~ENSURE THAT AN OVERPAYMENT NOTICE SENT TO A CLAIMANT~~
27 ~~INCLUDES INFORMATION REGARDING THE CAUSE OF THE OVERPAYMENT AND THE~~
28 ~~PERIOD DURING WHICH THE OVERPAYMENT OCCURRED;~~

29 ~~(12)~~ ~~ESTABLISH AND MAINTAIN A PLAN TO:~~

30 ~~(I)~~ ~~FILL ALL OPEN POSITIONS WITHIN THE DIVISION OF~~
31 ~~UNEMPLOYMENT INSURANCE IN A TIMELY MANNER; AND~~

1 ~~(H) IMMEDIATELY FILL ALL POSITIONS WITHIN THE DIVISION~~
2 ~~OF UNEMPLOYMENT INSURANCE AND RAPIDLY EXPAND PERSONNEL IN RESPONSE~~
3 ~~TO A CRISIS;~~

4 ~~(13)~~ (6) ESTABLISH AND MAINTAIN A PLAN FOR ONGOING
5 INVESTMENT IN TECHNOLOGY;

6 ~~(14)~~ (7) ESTABLISH STANDARDS FOR THE TIMELY PROCESSING OF
7 CLAIMS FOR BENEFITS UNDER WHICH:

8 (I) 92% OF CLAIMS ARE COMPLETED WITHIN 21 DAYS AFTER
9 THE RECEIPT OF THE INITIAL APPLICATION; AND

10 (II) 97% OF CLAIMS THAT REQUIRE ADJUDICATION ARE
11 RESOLVED WITHIN 8 WEEKS AFTER THE RECEIPT OF THE INITIAL APPLICATION;

12 ~~(15)~~ (8) ESTABLISH A SINGLE POINT OF CONTACT WITHIN THE
13 DEPARTMENT TO OVERSEE AND PRIORITIZE THE RESOLUTION OF CLAIMS THAT
14 HAVE NOT BEEN COMPLETED WITHIN 8 WEEKS; AND

15 ~~(16)~~ (9) (I) TRACK THE PERCENTAGE OF LAID-OFF WORKERS
16 WHO FILE FOR UNEMPLOYMENT INSURANCE BENEFITS;

17 (II) ESTABLISH A GOAL FOR AN UNEMPLOYMENT INSURANCE
18 RECIPIENCY RATE; AND

19 (III) PUBLISH QUARTERLY ON THE DEPARTMENT'S WEBSITE ~~AT~~
20 ~~LEAST ONCE PER MONTH:~~

21 1. THE PERCENTAGE OF LAID-OFF WORKERS WHO FILED
22 FOR BENEFITS; AND

23 2. THE RECIPIENCY RATE.

24 (B) (1) ON OR BEFORE SEPTEMBER 1, 2021, THE DEPARTMENT SHALL
25 BEGIN IMPLEMENTING A SYSTEM THROUGH WHICH A CLAIMANT MAY CONSENT, AS
26 PART OF ANY WEEKLY CLAIM CERTIFICATION, TO THE SHARING OF RELEVANT
27 COLLECTED INFORMATION BY THE DEPARTMENT WITH THE MARYLAND HEALTH
28 BENEFIT EXCHANGE AND THE MARYLAND DEPARTMENT OF HEALTH TO
29 DETERMINE WHETHER THE INDIVIDUAL QUALIFIES FOR FREE OR LOW-COST
30 HEALTH INSURANCE AND, IF SO, TO HELP THE INDIVIDUAL ENROLL.

31 (2) BEFORE THE SYSTEM DESCRIBED IN PARAGRAPH (1) OF THIS
32 SUBSECTION BEGINS TO OPERATE, THE DEPARTMENT SHALL ENTER INTO A

1 MEMORANDUM OF UNDERSTANDING WITH THE MARYLAND HEALTH BENEFIT
2 EXCHANGE AND THE MARYLAND DEPARTMENT OF HEALTH THAT ENABLES THE
3 SYSTEM TO OPERATE IN COMPLIANCE WITH ALL APPLICABLE FEDERAL AND STATE
4 REQUIREMENTS RELATED TO PRIVACY, DATA SECURITY, AND FUNDING.

5 (3) THE CONSENT REQUEST DESCRIBED IN PARAGRAPH (1) OF THIS
6 SUBSECTION SHALL BE PROMINENTLY PLACED ON THE WEEKLY CLAIM
7 CERTIFICATION FORM, USING LANGUAGE THAT CAN BE EASILY UNDERSTOOD BY
8 THE MAJORITY OF INDIVIDUALS WHO QUALIFY FOR BENEFITS.

9 (4) THE DEPARTMENT SHALL COOPERATE WITH THE MARYLAND
10 HEALTH BENEFIT EXCHANGE AND THE MARYLAND DEPARTMENT OF HEALTH TO
11 CLAIM THE MAXIMUM AMOUNT OF AVAILABLE FEDERAL FUNDING FOR THE
12 ESTABLISHMENT AND OPERATION OF THE SYSTEM DESCRIBED IN PARAGRAPH (1)
13 OF THIS SUBSECTION.

14 (5) TO FACILITATE THE MOST EFFICIENT IMPLEMENTATION OF THE
15 SYSTEM DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT,
16 THE MARYLAND HEALTH BENEFIT EXCHANGE, AND THE MARYLAND DEPARTMENT
17 OF HEALTH MAY:

18 (I) ENTER INTO AGREEMENTS;

19 (II) ADOPT REGULATIONS;

20 (III) ADOPT GUIDELINES;

21 (IV) ESTABLISH ACCOUNTS;

22 (V) CONDUCT TRAININGS;

23 (VI) PROVIDE PUBLIC INFORMATION; AND

24 (VII) TAKE ANY OTHER STEPS AS MAY BE NECESSARY TO
25 ACCOMPLISH THE PURPOSE OF THE SYSTEM DESCRIBED IN PARAGRAPH (1) OF THIS
26 SUBSECTION.

27 (C) ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT SHALL
28 REPORT TO THE JOINT COMMITTEE ON UNEMPLOYMENT INSURANCE OVERSIGHT,
29 IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE
30 IMPLEMENTATION OF THIS SECTION.

~~(k) (1) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE Secretary may waive the charge of benefits paid to a claimant against the earned rating record of an employing unit if:~~

~~(i) the benefits are paid to the claimant during a period in which the claimant is temporarily unemployed because the employing unit shut down due to a natural disaster; and~~

~~(ii) the Governor declared a state of emergency due to the natural disaster.~~

~~(2) If the Secretary waives the charge of benefits under paragraph (1) of this subsection, the waiver may be in effect only until the earlier of:~~

~~(i) 4 months after the natural disaster; or~~

~~(ii) the date the employing unit reopens.~~

~~(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE SECRETARY SHALL WAIVE THE CHARGE OF BENEFITS PAID TO A CLAIMANT AGAINST THE EARNED RATING RECORD OF AN EMPLOYING UNIT IF THE BENEFITS WERE PAID TO THE CLAIMANT DURING A PERIOD IN WHICH, DUE TO THE COVID-19 PANDEMIC:~~

~~(I) THE GOVERNOR HAD DECLARED A STATE OF EMERGENCY;~~
AND

~~(II) THE CLAIMANT IS OR WAS TEMPORARILY UNEMPLOYED BECAUSE THE EMPLOYING UNIT SHUT DOWN OR MODIFIED OPERATIONS.~~

~~(4) IF THE SECRETARY WAIVES THE CHARGE OF BENEFITS UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE WAIVER MAY APPLY ONLY TO BENEFITS PAID BEFORE THE EARLIER OF:~~

~~(I) 6 MONTHS AFTER THE END OF A STATE OF EMERGENCY RELATED TO THE COVID-19 PANDEMIC; OR~~

~~(II) THE DATE THE EMPLOYING UNIT FULLY REOPENS.~~

~~§ 803.~~

~~(d) (1) Except as provided in § 8-1207 of this title for the work sharing program and § 8-1604 of this title for the Self-Employment Assistance Program, an eligible claimant shall be paid a weekly benefit amount that is computed by:~~

~~(i) determining the claimant's weekly benefit amount under this section;~~

1 (ii) ~~adding any allowance for a dependent to which the claimant is~~
2 ~~entitled under § 8-804 of this subtitle; and~~

3 (iii) ~~subtracting any wages exceeding [\$50] \$300 payable to the~~
4 ~~claimant for the week.~~

5 (2) ~~In computing benefits under this subsection, a fraction of a dollar shall~~
6 ~~be rounded to the next lower dollar.~~

7 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

8 (a) ~~The Maryland Department of Labor, in collaboration with the Office of the~~
9 ~~Attorney General and the Joint Committee on Unemployment Insurance Oversight, shall~~
10 ~~conduct a study related to the unemployment insurance program in the State.~~

11 (b) ~~The study shall:~~

12 (1) ~~examine expanding eligibility for unemployment insurance to include~~
13 ~~individuals who leave their job:~~

14 (i) ~~for family reasons, including accompanying a spouse to a new~~
15 ~~work location or to fulfill a caregiving obligation; or~~

16 (ii) ~~due to job schedule volatility;~~

17 (2) ~~examine changes to the experience rating process;~~

18 (3) ~~examine reducing or suspending the impact on an employer's~~
19 ~~experience rating when the employer establishes a work sharing agreement with the~~
20 ~~Maryland Department of Labor under Title 8, Subtitle 12 of the Labor and Employment~~
21 ~~Article;~~

22 (4) (i) ~~examine whether the State is appropriately applying the~~
23 ~~definition of "employee" to cover seasonal, temporary, and gig economy workers; and~~

24 (ii) ~~if needed, identify changes to law or establishing a new benefits~~
25 ~~program to assist all seasonal, temporary, or gig economy workers;~~

26 (5) ~~examine increasing the maximum weekly benefit amount;~~

27 (6) ~~examine automatically increasing the maximum weekly benefit~~
28 ~~amount based on inflation or wage growth;~~

29 (7) ~~examine changes to the dependent allowance, including allowing the~~
30 ~~dependent allowance to be added to the maximum weekly benefit;~~

1 ~~(8) examine automatically increasing the dependent allowance based on~~
 2 ~~inflation or wage growth; and~~

3 ~~(9) examine establishing clear standards for when an employee is entitled~~
 4 ~~to claim unemployment insurance benefits if the employee:~~

5 (i) ~~leaves a job due to unsafe working conditions;~~

6 (ii) ~~leaves a job in order to guard against an unreasonable risk of~~
 7 ~~infection;~~

8 (iii) ~~is terminated for refusing to work under unsafe work conditions;~~

9 ~~or~~

10 (iv) ~~declines to accept work due to unsafe work conditions.~~

11 ~~(e) In conducting the study, the Maryland Department of Labor shall examine~~
 12 ~~and consider any report or recommendation made by the National Academy of Social~~
 13 ~~Insurance Unemployment Insurance Task Force of 2021.~~

14 ~~(d) On or before December 1, 2021, the Department shall report its findings and~~
 15 ~~recommendations to the Governor and, in accordance with § 2-1257 of the State~~
 16 ~~Government Article, the Senate Finance Committee, the House Economic Matters~~
 17 ~~Committee, and the Joint Committee on Unemployment Insurance Oversight.~~

18 8-809.

19 (a) The Secretary may recover benefits paid to a claimant if the Secretary finds
 20 that the claimant was not entitled to the benefits because:

21 (1) the claimant was not unemployed;

22 (2) the claimant received or retroactively was awarded wages; or

23 (3) due to a redetermination of an original claim by the Secretary, the
 24 claimant is disqualified or otherwise ineligible for benefits.

25 (b) If the Secretary finds that a claimant knowingly made a false statement or
 26 representation or knowingly failed to disclose a material fact to obtain or increase a benefit
 27 or other payment under this title, in addition to disqualification of the claimant, the
 28 Secretary may recover from the claimant:

29 (1) all benefits paid to the claimant for each week for which the false
 30 statement or representation was made or for which the claimant failed to disclose a
 31 material fact;

1 (2) a monetary penalty of 15% of all benefits paid to the claimant for each
2 week for which the false statement or representation was made or for which the claimant
3 failed to disclose a material fact; and

4 (3) interest of 1.5% per month on the amount of all benefits paid to the
5 claimant for each week for which the false statement or representation was made or for
6 which the claimant failed to disclose a material fact plus the amount of the monetary
7 penalty accruing from the date that the claimant is notified by the Secretary that the
8 claimant was not entitled to benefits received.

9 (c) **(1)** If the Secretary decides to recover benefits from a claimant under
10 subsection (a) or (b) of this section, the Secretary shall notify the claimant of:

11 **[(1)] (I)** the amount to be recovered; AND

12 **(II)** THE BASIS FOR THE RECOVERY OF BENEFITS, INCLUDING
13 ANY EVIDENCE THAT THE SECRETARY USED TO MAKE THE DETERMINATION;

14 **[(2)] (III)** the weeks for which benefits were paid;

15 **[(3)] (IV)** the amount of any monetary penalty assessed under subsection
16 (b)(2) of this section and the reason for the assessment of the monetary penalty; [and]

17 **[(4)] (V)** the provision of this title under which the Secretary determined
18 that the claimant was ineligible for benefits; AND

19 **(VII)** THE APPEAL RIGHTS AVAILABLE TO A CLAIMANT.

20 **(2)** THE SECRETARY SHALL ALLOW A CLAIMANT TO APPEAL A
21 DETERMINATION REGARDING THE RECOVERY OF BENEFITS WITHIN 30 DAYS AFTER
22 THE MAILING OR OTHER DELIVERY OF THE NOTICE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before June 1, 2021,
24 the Maryland Department of Labor shall submit to the General Assembly, in accordance
25 with § 2-1257 of the State Government Article, a detailed, comprehensive, and funded plan
26 to ensure that call center staffing is adequate to allow an individual to reach a
27 departmental employee or contractor to ask questions.

28 SECTION 3. AND BE IT FURTHER ENACTED, That:

29 (a) On or before June 1, 2021, the Maryland Department of Labor shall identify
30 all changes in federal regulations and guidance that would expand access to unemployment
31 benefits or reduce bureaucratic hurdles to prompt approval of unemployment benefits.

1 (b) On or before July 1, 2021, the Maryland Department of Labor shall revise
2 State unemployment insurance rules and practices to encompass any changes in federal
3 regulations and guidance.

4 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
5 measure, is necessary for the immediate preservation of the public health or safety, has
6 been passed by a ye and nay vote supported by three-fifths of all the members elected to
7 each of the two Houses of the General Assembly, and shall take effect from the date it is
8 enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.