

HOUSE BILL 1105

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EMERGENCY BILL

1lr2106

By: **Delegate Wivell**

Introduced and read first time: February 5, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Earned Rating Record – Charging of Benefits**

3 FOR the purpose of prohibiting the Secretary of Labor from charging unemployment
4 insurance benefits against the earned rating record of an employing unit if, through
5 no fault of the employing unit, the claimant is unemployed due to a certain order
6 that is issued by a certain person; making this Act an emergency measure; and
7 generally relating to the earned rating records of employers under the
8 unemployment insurance law.

9 BY repealing and reenacting, without amendments,

10 Article – Labor and Employment

11 Section 8–610(a) and 8–611(a)

12 Annotated Code of Maryland

13 (2016 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Labor and Employment

16 Section 8–611(e)

17 Annotated Code of Maryland

18 (2016 Replacement Volume and 2020 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 8–610.

23 (a) (1) An employing unit that meets the qualifications of this subsection shall
24 be assigned an earned rate of contribution that is based on the experience of the employing
25 unit.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) An employing unit qualifies under this subsection if, during each of the
2 3 rating years immediately preceding the computation date the employing unit:

3 (i) had an earned rating record that was chargeable with benefits;
4 and

5 (ii) reports taxable wages as required by § 8–626 of this subtitle for
6 the 3 rating years immediately preceding the computation date.

7 (3) An employing unit that does not qualify under paragraph (2) of this
8 subsection qualifies if:

9 (i) throughout the rating year immediately preceding the
10 computation date, the employing unit had an earned rating record that was chargeable
11 with benefits; and

12 (ii) during each of the 2 rating years immediately preceding the
13 computation date, the employing unit reports taxable wages as required by § 8–626 of this
14 subtitle for the 2 rating years immediately preceding the computation date.

15 8–611.

16 (a) For each employing unit, the Secretary shall keep an earned rating record that
17 shows all benefits that are based on covered employment that was performed for the
18 employing unit.

19 (e) The Secretary may not charge benefits paid to a claimant against the earned
20 rating record of an employing unit if:

21 (1) the claimant left employment voluntarily without good cause
22 attributable to the employing unit;

23 (2) the claimant was discharged by the employing unit for gross misconduct
24 as defined in § 8–1002 of this title;

25 (3) the claimant was discharged by the employing unit for aggravated
26 misconduct as defined in § 8–1002.1 of this title;

27 (4) the claimant left employment voluntarily to accept better employment
28 or enter training approved by the Secretary;

29 (5) the employing unit participates in a work release program that is
30 designed to give an inmate of a correctional institution an opportunity to work while
31 imprisoned and unemployment was the result of the claimant's release from prison;

1 (6) the claimant was paid additional training benefits under § 8–812 of this
2 title; [or]

3 (7) the claimant left employment for good cause directly attributable to the
4 claimant or the claimant’s spouse, minor child, or parent being a victim of domestic violence
5 as defined in § 8–1001(b)(3) of this title; **OR**

6 **(8) THROUGH NO FAULT OF THE EMPLOYING UNIT, THE CLAIMANT IS**
7 **UNEMPLOYED DUE TO AN OFFICIAL ORDER FOR THE EMPLOYING UNIT TO SHUT**
8 **DOWN THAT IS ISSUED BY THE GOVERNOR, THE CHIEF EXECUTIVE OFFICER OF A**
9 **COUNTY, THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION, OR A**
10 **UNIT OR INSTRUMENTALITY OF THE STATE OR A POLITICAL SUBDIVISION.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
12 measure, is necessary for the immediate preservation of the public health or safety, has
13 been passed by a ye and nay vote supported by three–fifths of all the members elected to
14 each of the two Houses of the General Assembly, and shall take effect from the date it is
15 enacted.