

Chapter 73

(Senate Bill 811)

AN ACT concerning

**Unemployment Insurance – Computation of Earned Rate of Contribution –
Applicable Table of Rates**

FOR the purpose of requiring ~~that the earned rate of contribution be calculated using certain tables of unemployment insurance rates for certain calendar years except under certain circumstances~~ the Governor, based on the availability of certain federal funds, to include in the annual budget bill for a certain fiscal year a certain appropriation to the Unemployment Insurance Trust Fund; authorizing the appropriation to be used for certain administrative costs, including the repayment of certain federal funds; requiring that the earned rate of contributions for a certain calendar year be calculated using a certain table of unemployment insurance rate; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the computation of the earned rate of contribution of unemployment insurance.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 8–612

Annotated Code of Maryland

(2016 Replacement Volume and 2020 Supplement)

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

Article – Labor and Employment

8–612.

(a) (1) Subject to paragraph (2) of this subsection, on the basis of the earned rating record of an employing unit that qualifies for an earned rate of contribution under § 8–610 of this subtitle, the Secretary shall compute to the 4th decimal place a benefit ratio for the employing unit in accordance with subsection (b) or (c) of this section.

(2) The Secretary may not assign an earned rate of contribution that is less than 0.3% or more than 13.5%.

(b) For an employing unit that qualifies under § 8–610(a)(2) of this subtitle, the Secretary shall compute a benefit ratio by:

(1) adding the regular, work sharing, and extended benefits that were chargeable to the earned rating record of the employing unit and paid during the 3 rating years immediately preceding the computation date; and

(2) dividing the figure determined under item (1) of this subsection by the total of the reported taxable wages for the same period.

(c) For an employing unit that qualifies under § 8-610(a)(3) of this subtitle, the Secretary shall compute a benefit ratio for the employing unit by:

(1) adding the regular, work sharing, and extended benefits that were chargeable to the earned rating record of the employing unit and paid during the period beginning with the 1st day of the calendar quarter in which the employing unit first became subject to this title and ending on the June 30 immediately preceding the computation date; and

(2) dividing the figure obtained under item (1) of this subsection by the total of the reported taxable wages for the same period.

(d) (1) Except as provided in [subsection] **SUBSECTIONS (f) ~~AND (G), (G), AND (H)~~** of this section, for any calendar year beginning on or after January 1, 2006, when the Unemployment Insurance Fund balance on September 30 of the immediately preceding calendar year exceeds 5% of the total taxable wages in covered employment for the 4 completed calendar quarters immediately preceding September 30, the Table of Rates in this paragraph of this subsection shall apply.

Table of Rates – Table A

Employing Unit's Benefit Ratio	Employing Unit's Rate
(1) .0000 —	0.30%
(2) .0001 — .0027	0.60%
(3) .0028 — .0054	0.90%
(4) .0055 — .0081	1.20%
(5) .0082 — .0108	1.50%
(6) .0109 — .0135	1.80%
(7) .0136 — .0162	2.10%
(8) .0163 — .0189	2.40%
(9) .0190 — .0216	2.70%
(10) .0217 — .0243	3.00%
(11) .0244 — .0270	3.30%
(12) .0271 — .0297	3.60%
(13) .0298 — .0324	3.90%
(14) .0325 — .0351	4.20%

(15)	.0352 — .0378	4.50%
(16)	.0379 — .0405	4.80%
(17)	.0406 — .0432	5.10%
(18)	.0433 — .0459	5.40%
(19)	.0460 — .0486	5.70%
(20)	.0487 — .0513	6.00%
(21)	.0514 — .0540	6.30%
(22)	.0541 — .0567	6.60%
(23)	.0568 — .0594	6.90%
(24)	.0595 — .0621	7.20%
(25)	.0622 — and over	7.50%

(2) Except as provided in [subsection] **SUBSECTIONS (f) ~~AND (G), (G), AND (H)~~** of this section, for any calendar year beginning on or after January 1, 2006, when the Unemployment Insurance Fund balance on September 30 of the immediately preceding calendar year exceeds 4.5%, but is not in excess of 5% of the total taxable wages in covered employment for the 4 completed calendar quarters immediately preceding September 30, the Table of Rates in this paragraph of this subsection shall apply.

Table of Rates – Table B

	Employing Unit's Benefit Ratio	Employing Unit's Rate
(1)	.0000 —	0.60%
(2)	.0001 — .0027	0.90%
(3)	.0028 — .0054	1.20%
(4)	.0055 — .0081	1.50%
(5)	.0082 — .0108	1.80%
(6)	.0109 — .0135	2.10%
(7)	.0136 — .0162	2.40%
(8)	.0163 — .0189	2.70%
(9)	.0190 — .0216	3.00%
(10)	.0217 — .0243	3.30%
(11)	.0244 — .0270	3.60%
(12)	.0271 — .0297	3.90%
(13)	.0298 — .0324	4.20%
(14)	.0325 — .0351	4.50%
(15)	.0352 — .0378	4.80%
(16)	.0379 — .0405	5.10%
(17)	.0406 — .0432	5.40%
(18)	.0433 — .0459	5.70%
(19)	.0460 — .0486	6.00%
(20)	.0487 — .0513	6.30%
(21)	.0514 — .0540	6.60%

(22)	.0541 — .0567	6.90%
(23)	.0568 — .0594	7.20%
(24)	.0595 — .0621	7.50%
(25)	.0622 — .0648	7.80%
(26)	.0649 — .0675	8.10%
(27)	.0676 — .0702	8.40%
(28)	.0703 — .0729	8.70%
(29)	.0730 — and over	9.00%

(3) Except as provided in [subsection] **SUBSECTIONS (f) ~~AND (G), (G), AND (H)~~** of this section, for any calendar year beginning on or after January 1, 2006, when the Unemployment Insurance Fund balance on September 30 of the immediately preceding calendar year exceeds 4%, but is not in excess of 4.5% of the total taxable wages in covered employment for the 4 completed calendar quarters immediately preceding September 30, the Table of Rates in this paragraph of this subsection shall apply.

Table of Rates – Table C

	Employing Unit's Benefit Ratio	Employing Unit's Rate
(1)	.0000 —	1.00%
(2)	.0001 — .0027	1.50%
(3)	.0028 — .0054	1.80%
(4)	.0055 — .0081	2.10%
(5)	.0082 — .0108	2.40%
(6)	.0109 — .0135	2.70%
(7)	.0136 — .0162	3.00%
(8)	.0163 — .0189	3.30%
(9)	.0190 — .0216	3.60%
(10)	.0217 — .0243	3.90%
(11)	.0244 — .0270	4.20%
(12)	.0271 — .0297	4.50%
(13)	.0298 — .0324	4.80%
(14)	.0325 — .0351	5.10%
(15)	.0352 — .0378	5.40%
(16)	.0379 — .0405	5.70%
(17)	.0406 — .0432	6.00%
(18)	.0433 — .0459	6.30%
(19)	.0460 — .0486	6.60%
(20)	.0487 — .0513	6.90%
(21)	.0514 — .0540	7.20%
(22)	.0541 — .0567	7.50%
(23)	.0568 — .0594	7.80%
(24)	.0595 — .0621	8.10%

(25)	.0622 — .0648	8.40%
(26)	.0649 — .0675	8.70%
(27)	.0676 — .0702	9.00%
(28)	.0703 — .0729	9.30%
(29)	.0730 — .0756	9.60%
(30)	.0757 — .0783	9.90%
(31)	.0784 — .0810	10.20%
(32)	.0811 — and over	10.50%

(4) Except as provided in [subsection] **SUBSECTIONS (f) ~~AND (G), (G), AND (H)~~** of this section, for any calendar year beginning on or after January 1, 2006, when the Unemployment Insurance Fund balance on September 30 of the immediately preceding calendar year exceeds 3.5%, but is not in excess of 4% of the total taxable wages in covered employment for the 4 completed calendar quarters immediately preceding September 30, the Table of Rates in this paragraph of this subsection shall apply.

Table of Rates – Table D

	Employing Unit's Benefit Ratio	Employing Unit's Rate
(1)	.0000 —	1.40%
(2)	.0001 — .0027	2.10%
(3)	.0028 — .0054	2.40%
(4)	.0055 — .0081	2.70%
(5)	.0082 — .0108	3.00%
(6)	.0109 — .0135	3.30%
(7)	.0136 — .0162	3.60%
(8)	.0163 — .0189	3.90%
(9)	.0190 — .0216	4.20%
(10)	.0217 — .0243	4.50%
(11)	.0244 — .0270	4.80%
(12)	.0271 — .0297	5.10%
(13)	.0298 — .0324	5.40%
(14)	.0325 — .0351	5.70%
(15)	.0352 — .0378	6.00%
(16)	.0379 — .0405	6.30%
(17)	.0406 — .0432	6.60%
(18)	.0433 — .0459	6.90%
(19)	.0460 — .0486	7.20%
(20)	.0487 — .0513	7.50%
(21)	.0514 — .0540	7.80%
(22)	.0541 — .0567	8.10%
(23)	.0568 — .0594	8.40%
(24)	.0595 — .0621	8.70%

(25)	.0622 — .0648	9.00%
(26)	.0649 — .0675	9.30%
(27)	.0676 — .0702	9.60%
(28)	.0703 — .0729	9.90%
(29)	.0730 — .0756	10.20%
(30)	.0757 — .0783	10.50%
(31)	.0784 — .0810	10.80%
(32)	.0811 — .0837	11.10%
(33)	.0838 — .0864	11.40%
(34)	.0865 — .0891	11.70%
(35)	.0892 — and over	11.80%

(5) Except as provided in [subsection] **SUBSECTIONS (f) ~~AND (G), (G), AND (H)~~** of this section, for any calendar year beginning on or after January 1, 2006, when the Unemployment Insurance Fund balance on September 30 of the immediately preceding calendar year exceeds 3%, but is not in excess of 3.5% of the total taxable wages in covered employment for the 4 completed calendar quarters immediately preceding September 30, the Table of Rates in this paragraph of this subsection shall apply.

Table of Rates – Table E

	Employing Unit's Benefit Ratio	Employing Unit's Rate
(1)	.0000 —	1.80%
(2)	.0001 — .0027	2.60%
(3)	.0028 — .0054	2.90%
(4)	.0055 — .0081	3.20%
(5)	.0082 — .0108	3.50%
(6)	.0109 — .0135	3.80%
(7)	.0136 — .0162	4.10%
(8)	.0163 — .0189	4.40%
(9)	.0190 — .0216	4.70%
(10)	.0217 — .0243	5.00%
(11)	.0244 — .0270	5.30%
(12)	.0271 — .0297	5.60%
(13)	.0298 — .0324	5.90%
(14)	.0325 — .0351	6.20%
(15)	.0352 — .0378	6.50%
(16)	.0379 — .0405	6.80%
(17)	.0406 — .0432	7.10%
(18)	.0433 — .0459	7.40%
(19)	.0460 — .0486	7.70%
(20)	.0487 — .0513	8.00%
(21)	.0514 — .0540	8.30%

(22)	.0541 — .0567	8.60%
(23)	.0568 — .0594	8.90%
(24)	.0595 — .0621	9.20%
(25)	.0622 — .0648	9.50%
(26)	.0649 — .0675	9.80%
(27)	.0676 — .0702	10.10%
(28)	.0703 — .0729	10.40%
(29)	.0730 — .0756	10.70%
(30)	.0757 — .0783	11.00%
(31)	.0784 — .0810	11.30%
(32)	.0811 — .0837	11.60%
(33)	.0838 — .0864	11.90%
(34)	.0865 — .0891	12.20%
(35)	.0892 — .0918	12.50%
(36)	.0919 — .0945	12.80%
(37)	.0946 — and over	12.90%

(6) Except as provided in [subsection] **SUBSECTIONS (f) ~~AND (G)~~, (G), AND (H)** of this section, for any calendar year beginning on or after January 1, 2006, when the Unemployment Insurance Fund balance on September 30 of the immediately preceding calendar year is not in excess of 3% of the total taxable wages in covered employment for the 4 completed calendar quarters immediately preceding September 30, the Table of Rates in this paragraph of this subsection shall apply.

Table of Rates – Table F

Employing Unit's Benefit Ratio	Employing Unit's Rate
(1)	.0000 — 2.20%
(2)	.0001 — .0027 3.10%
(3)	.0028 — .0054 3.40%
(4)	.0055 — .0081 3.70%
(5)	.0082 — .0108 4.00%
(6)	.0109 — .0135 4.30%
(7)	.0136 — .0162 4.60%
(8)	.0163 — .0189 4.90%
(9)	.0190 — .0216 5.20%
(10)	.0217 — .0243 5.50%
(11)	.0244 — .0270 5.80%
(12)	.0271 — .0297 6.10%
(13)	.0298 — .0324 6.40%
(14)	.0325 — .0351 6.70%
(15)	.0352 — .0378 7.00%
(16)	.0379 — .0405 7.30%

(17)	.0406 — .0432	7.60%
(18)	.0433 — .0459	7.90%
(19)	.0460 — .0486	8.20%
(20)	.0487 — .0513	8.50%
(21)	.0514 — .0540	8.80%
(22)	.0541 — .0567	9.10%
(23)	.0568 — .0594	9.40%
(24)	.0595 — .0621	9.70%
(25)	.0622 — .0648	10.00%
(26)	.0649 — .0675	10.30%
(27)	.0676 — .0702	10.60%
(28)	.0703 — .0729	10.90%
(29)	.0730 — .0756	11.20%
(30)	.0757 — .0783	11.50%
(31)	.0784 — .0810	11.80%
(32)	.0811 — .0837	12.10%
(33)	.0838 — .0864	12.40%
(34)	.0865 — .0891	12.70%
(35)	.0892 — .0918	13.00%
(36)	.0919 — .0945	13.30%
(37)	.0946 — and over	13.50%

(e) For the purpose of making any computation under this section:

(1) money that has been credited to the account of the State in the Unemployment Trust Fund under § 903 of the Social Security Act and that has been appropriated for expenses of administration, whether or not withdrawn from the account, shall be excluded from the total amount available for benefits in the Unemployment Insurance Fund; and

(2) the total amount available for benefits in the Unemployment Insurance Fund includes:

(i) money receivable by the Unemployment Insurance Fund as federal reimbursement for shareable benefits under the Federal–State Extended Unemployment Compensation Act of 1970;

(ii) all advance payments made to the Unemployment Insurance Fund on behalf of eligible employing units who elect to make reimbursement payments; and

(iii) money receivable by the Unemployment Insurance Fund from an eligible employing unit who elects to make reimbursement payments.

(f) **[For] EXCEPT AS PROVIDED IN ~~SUBSECTION (G)~~ SUBSECTIONS (G) AND (H) OF THIS SECTION, FOR** any calendar year beginning on or after January 1, 2017, the

Table of Rates in effect for the immediately preceding calendar year shall continue to apply if:

(1) the Unemployment Insurance Fund balance on September 30 of the immediately preceding calendar year was at a level that would result in a Table of Rates that had lower rates being applied under subsection (d) of this section; and

(2) the federal funding goals requirement in 20 C.F.R. § 606.32 were not met as of December 31 of the second immediately preceding calendar year.

~~(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE EARNED RATE OF CONTRIBUTION CALCULATED UNDER THIS SECTION SHALL BE CALCULATED USING:~~

~~(I) FOR THE CALENDAR YEAR 2021, TABLE C OF THE TABLE OF RATES;~~

~~(II) FOR THE CALENDAR YEAR 2022, TABLE D OF THE TABLE OF RATES; AND~~

~~(III) FOR THE CALENDAR YEAR 2023, TABLE E OF THE TABLE OF RATES.~~

~~(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY IF THE UNEMPLOYMENT INSURANCE FUND BALANCE ON SEPTEMBER 30 OF THE IMMEDIATELY PRECEDING CALENDAR YEAR WAS AT A LEVEL THAT WOULD RESULT IN A TABLE OF RATES THAT HAD LOWER RATES BEING APPLIED UNDER SUBSECTION (D) OF THIS SECTION~~ BASED ON THE AVAILABILITY OF QUALIFIED FEDERAL FUNDS AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR FISCAL YEAR 2022, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF FUNDS TOWARDS REPLENISHMENT OF THE UNEMPLOYMENT INSURANCE TRUST FUND IN AN AMOUNT SUFFICIENT TO RESULT IN THE EARNED RATE OF CONTRIBUTIONS FOR CALENDAR YEAR 2022 BEING CALCULATED USING TABLE C OF THE TABLE OF RATES, BASED ON THE FUNDING REQUIREMENTS OF SUBSECTION (D)(3) OF THIS SECTION.

(2) THE APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE USED FOR ADMINISTRATIVE COSTS, INCLUDING REPAYMENTS, IF ANY, OF FEDERAL FUNDS.

(H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE EARNED RATE OF CONTRIBUTIONS FOR CALENDAR YEAR 2023 SHALL BE CALCULATED USING TABLE C OF THE TABLE OF RATES SPECIFIED IN SUBSECTION (D) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through December 31, 2023, and, at the end of December 31, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 13, 2021.