

HOUSE BILL 1002

K2

EMERGENCY BILL
ENROLLED BILL

(1lr1171)

— *Economic Matters/Finance* —

Introduced by **Delegate Charkoudian**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

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~~

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.

Italics indicate opposite chamber/conference committee amendments.



~~a certain system begins to operate; requiring that a certain consent request be placed
in a certain manner on the weekly claim certification form *in a certain manner and*
using certain language; requiring the Maryland Department of Labor to cooperate
with ~~certain other agencies to claim the maximum amount of certain available
federal funding~~ *the Maryland Health Benefit Exchange and the Maryland
Department of Health for a certain purpose; authorizing, for the purpose of
implementing a certain system in a certain manner, the Maryland Department of
Labor, the Maryland Health Benefit Exchange, and the Maryland Department of
Health to take certain actions; requiring the Maryland Department of Labor to
report to a certain committee of the General Assembly on or before a certain date
each year; requiring the Maryland Department of Labor to provide certain
information regarding certain unemployment insurance recipients to a chief elected
official of a county on request and for certain purposes; authorizing a chief elected
official of a county to share certain information with the governing body of the county
and to request certain information on behalf of a certain political subdivision and
provide the information to the political subdivision; authorizing the Maryland
Department of Labor to adopt certain regulations; requiring the Secretary of Labor
to waive the charge of benefits against the earned rating record of an employing unit
under certain 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.*~~

38 BY adding to

39 Article – Insurance

40 Section 31-108(h)

41 Annotated Code of Maryland

42 (2017 Replacement Volume and 2020 Supplement)

43 BY adding to

44 Article – Labor and Employment

45 Section 8-109 *and 8-110*

1 Annotated Code of Maryland
2 (2016 Replacement Volume and 2020 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Labor and Employment
5 Section 8–809(a) and (b)
6 Annotated Code of Maryland
7 (2016 Replacement Volume and 2020 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Labor and Employment
10 Section ~~8–611(k) and 8–803(d)~~ 8–809(c)
11 Annotated Code of Maryland
12 (2016 Replacement Volume and 2020 Supplement)

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

15 Article – Insurance

16 31–108.

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

21 (2) THE ENROLLMENT PERIOD OPENED UNDER PARAGRAPH (1) OF
22 THIS SUBSECTION SHALL:

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

25 (II) BEGIN ON THE DATE THE EXCHANGE SENDS NOTICE TO THE
26 INDIVIDUAL;

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

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

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

4 **(I) WRITTEN NOTICES;**

5 **(II) CONTACT THROUGH TELEPHONIC AND ELECTRONIC**
 6 **MEANS; AND**

7 **(III) THE PROVISION OF INDIVIDUALIZED ASSISTANCE BY**
 8 **INSURANCE AGENTS AND BROKERS, NAVIGATORS, AND EXCHANGE CONTRACTORS**
 9 **AND STAFF.**

10 **Article – Labor and Employment**

11 **8–109.**

12 **(A) IN CARRYING OUT THE REQUIREMENTS OF THIS TITLE, THE**
 13 **DEPARTMENT SHALL:**

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

15 **(I) ENSURING THAT AN INDIVIDUAL CONTACTING THE**
 16 **DEPARTMENT HAS ADEQUATE AND TIMELY ACCESS TO LANGUAGE ~~AND,~~**
 17 **INTERPRETIVE, AND TRANSLATION SERVICES;**

18 **(II) FOR INDIVIDUALS WITH DISABILITIES:**

19 **1. INCORPORATING ACCESSIBILITY FEATURES THAT**
 20 **ARE CONSISTENT WITH MODERN ACCESSIBILITY STANDARDS FOR INDIVIDUALS**
 21 **WITH DISABILITIES; AND**

22 **2. PROVIDING NOTICE OF ALTERNATIVE ACCESSIBILITY**
 23 **OPTIONS FOR ACCESSING BENEFITS, SERVICES, AND INFORMATION IN MULTIPLE**
 24 **FORMATS; AND**

25 **(III) CONSPICUOUSLY PROVIDING CLAIMANTS WITH THE OPTION**
 26 **TO SELECT AT THE BEGINNING OF THE APPLICATION FOR UNEMPLOYMENT**
 27 **INSURANCE BENEFITS PROCESS THAT PAPER-BASED NOTICES OF DEPARTMENT**
 28 **ACTION BE SENT BY MAIL;**

29 **(2) ~~ENSURE THAT CALL CENTER STAFFING IS ADEQUATE TO ALLOW~~**
 30 **~~AN INDIVIDUAL TO REACH A DEPARTMENTAL EMPLOYEE OR CONTRACTOR TO ASK~~**
 31 **~~QUESTIONS;~~**

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

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

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

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

14 (2) ESTABLISH PROCEDURES THAT REQUIRE AN INDIVIDUAL WHO
15 HAS FILED AN INITIAL CLAIM FOR BENEFITS TO BE PROVIDED WITH A STATUS
16 UPDATE ON THE CLAIM BY DEPARTMENT STAFF OR CONTRACTORS THROUGH
17 TELEPHONE OR E-MAIL AT LEAST ONCE EVERY 3 WEEKS UNTIL THE INITIAL
18 BENEFITS ARE PAID OR THE INITIAL CLAIM IS DENIED, WHICHEVER OCCURS FIRST;

19 ~~(7) (3) PERIODICALLY REVIEW AND REVISE FOR~~ ON OR BEFORE
20 JULY 1, EACH YEAR, BEGINNING IN 2021, AND EACH JULY 1 THEREAFTER,
21 CONTRACT WITH AN EXTERNAL CUSTOMER SERVICE QUALITY EVALUATION VENDOR
22 TO MEASURE:

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

26 (II) THE ACHIEVEMENT OF THE CUSTOMER SERVICE
27 STANDARDS REQUIRED UNDER THIS SUBSECTION AND THE DEPARTMENT'S PLAN TO
28 IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION; AND

29 (III) OTHER CUSTOMER SERVICE METRICS THAT THE
30 DEPARTMENT ~~OR~~ AND THE VENDOR AGREE ARE IMPORTANT;

31 ~~(8) (4) ENSURE THAT THE APPLICATION FOR UNEMPLOYMENT~~
32 ~~INSURANCE BENEFITS EXPLICITLY ~~INFORMS~~ AND CONVENIENTLY PROVIDES~~
33 ~~APPLICANTS OF THE RIGHT TO REQUEST BENEFITS IN THE FORM OF A PAPER CHECK~~

1 ~~AND PROVIDES A MECHANISM TO MAKE THE REQUEST WITH THE ABILITY TO SELECT~~
 2 ~~THE METHOD OF PAYMENT;~~

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

6 ~~(10)~~ (5) ESTABLISH SYSTEMS, PROCESSES, AND PROCEDURES THAT
 7 ENABLE AN APPLICANT *INDIVIDUAL FILING A CLAIM FOR BENEFITS* TO TRACK THE
 8 STATUS OF A CLAIM, INCLUDING THE ANTICIPATED TIMELINE FOR THE RESOLUTION
 9 OF EACH PARTICULAR CLAIM;

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

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

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

16 ~~(II) IMMEDIATELY FILL ALL POSITIONS WITHIN THE DIVISION~~
 17 ~~OF UNEMPLOYMENT INSURANCE AND RAPIDLY EXPAND PERSONNEL IN RESPONSE~~
 18 ~~TO A CRISIS;~~

19 ~~(13)~~ (6) ESTABLISH AND MAINTAIN A PLAN FOR ONGOING
 20 INVESTMENT IN TECHNOLOGY;

21 ~~(14)~~ (7) ESTABLISH STANDARDS FOR THE TIMELY PROCESSING OF
 22 CLAIMS FOR BENEFITS UNDER WHICH:

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

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

27 ~~(15)~~ (8) ESTABLISH A SINGLE POINT OF CONTACT WITHIN THE
 28 DEPARTMENT TO OVERSEE AND PRIORITIZE THE RESOLUTION OF CLAIMS THAT
 29 HAVE NOT BEEN COMPLETED WITHIN 8 WEEKS; AND

30 ~~(16)~~ (9) (I) TRACK THE PERCENTAGE OF LAID-OFF WORKERS
 31 WHO FILE FOR UNEMPLOYMENT INSURANCE BENEFITS;

1 (II) ESTABLISH A GOAL FOR AN UNEMPLOYMENT INSURANCE
2 RECIPIENCY RATE; AND

3 (III) PUBLISH ON A QUARTERLY BASIS ON THE DEPARTMENT'S
4 WEBSITE ~~AT LEAST ONCE PER MONTH;~~

5 ~~1~~ THE PERCENTAGE OF LAID-OFF WORKERS WHO ~~FILED~~
6 FILE FOR BENEFITS; AND

7 ~~2~~ THE RECIPIENCY RATE.

8 (B) (1) ON OR BEFORE SEPTEMBER 1, 2021, THE DEPARTMENT SHALL
9 BEGIN IMPLEMENTING A SYSTEM THROUGH WHICH ~~A CLAIMANT~~ AN INDIVIDUAL
10 WHO HAS FILED A CLAIM FOR BENEFITS MAY CONSENT, AS PART OF ANY WEEKLY
11 CLAIM CERTIFICATION, TO THE SHARING OF RELEVANT COLLECTED INFORMATION
12 BY THE DEPARTMENT WITH THE MARYLAND HEALTH BENEFIT EXCHANGE AND THE
13 MARYLAND DEPARTMENT OF HEALTH TO DETERMINE WHETHER THE INDIVIDUAL
14 QUALIFIES FOR FREE OR LOW-COST HEALTH INSURANCE AND, IF SO, TO HELP THE
15 INDIVIDUAL ENROLL.

16 (2) BEFORE THE SYSTEM DESCRIBED IN PARAGRAPH (1) OF THIS
17 SUBSECTION BEGINS TO OPERATE, THE DEPARTMENT SHALL ENTER INTO A
18 MEMORANDUM OF UNDERSTANDING WITH THE MARYLAND HEALTH BENEFIT
19 EXCHANGE AND THE MARYLAND DEPARTMENT OF HEALTH THAT ENABLES THE
20 SYSTEM TO OPERATE IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL
21 ~~AND STATE~~ REQUIREMENTS RELATED TO PRIVACY, DATA SECURITY, AND FUNDING.

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

26 (4) THE DEPARTMENT SHALL COOPERATE WITH THE MARYLAND
27 HEALTH BENEFIT EXCHANGE AND THE MARYLAND DEPARTMENT OF HEALTH TO
28 CLAIM THE MAXIMUM AMOUNT OF AVAILABLE FEDERAL FUNDING FOR THE
29 ESTABLISHMENT AND OPERATION OF THE SYSTEM DESCRIBED IN PARAGRAPH (1)
30 OF THIS SUBSECTION.

31 (5) TO FACILITATE THE MOST EFFICIENT IMPLEMENTATION OF THE
32 SYSTEM DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT,
33 THE MARYLAND HEALTH BENEFIT EXCHANGE, AND THE MARYLAND DEPARTMENT
34 OF HEALTH MAY:

35 (I) ENTER INTO AGREEMENTS;

- 1 **(II) ADOPT REGULATIONS;**
 2 **(III) ADOPT GUIDELINES;**
 3 **(IV) ESTABLISH ACCOUNTS;**
 4 **(V) CONDUCT TRAININGS;**
 5 **(VI) PROVIDE PUBLIC INFORMATION; AND**
 6 **(VII) TAKE ANY OTHER STEPS AS MAY BE NECESSARY TO**
 7 **ACCOMPLISH THE PURPOSE OF THE SYSTEM DESCRIBED IN PARAGRAPH (1) OF THIS**
 8 **SUBSECTION.**

9 **(C) ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT SHALL**
 10 **REPORT TO THE JOINT COMMITTEE ON UNEMPLOYMENT INSURANCE OVERSIGHT,**
 11 **IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE**
 12 **IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION.**

13 **8-110.**

14 **(A) ON REQUEST AND FOR PURPOSES CONSISTENT WITH CHAPTERS**
 15 **AND (S.B. 893 AND S.B. 894) OF THE ACTS OF THE GENERAL ASSEMBLY OF**
 16 **2021, THE DEPARTMENT SHALL PROVIDE TO THE CHIEF ELECTED OFFICIAL OF A**
 17 **COUNTY DEMOGRAPHIC DATA AND THE ADDRESSES, OCCUPATIONS, AND LAST**
 18 **KNOWN EMPLOYERS OF UNEMPLOYMENT INSURANCE RECIPIENTS WHO LIVE IN THE**
 19 **COUNTY OF THE CHIEF ELECTED OFFICIAL.**

20 **(B) A CHIEF ELECTED OFFICIAL OF A COUNTY MAY:**

21 **(1) SHARE THE INFORMATION PROVIDED TO THE CHIEF ELECTED**
 22 **OFFICIAL UNDER SUBSECTION (A) OF THIS SECTION WITH THE GOVERNING BODY OF**
 23 **THE COUNTY; AND**

24 **(2) REQUEST INFORMATION UNDER SUBSECTION (A) OF THIS**
 25 **SECTION ON BEHALF OF A POLITICAL SUBDIVISION WITHIN THE COUNTY AND**
 26 **PROVIDE THE INFORMATION TO THE POLITICAL SUBDIVISION.**

27 **(C) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS**
 28 **SECTION, INCLUDING REGULATIONS THAT:**

1 (1) ESTABLISH THE CIRCUMSTANCES UNDER WHICH THE NAMES OF
 2 UNEMPLOYMENT INSURANCE RECIPIENTS MAY BE INCLUDED IN THE INFORMATION
 3 PROVIDED UNDER SUBSECTION (A) OF THIS SECTION; AND

4 (2) ARE NECESSARY TO PROTECT THE PERSONALLY IDENTIFIABLE
 5 INFORMATION OF UNEMPLOYMENT INSURANCE RECIPIENTS.

6 ~~§ 611.~~

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

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

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

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

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

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

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

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

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

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

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

~~(H) 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;~~

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

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

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

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

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

~~(b) The study shall:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 ~~(iii) is terminated for refusing to work under unsafe work conditions;~~
16 ~~or~~

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

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

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

25 8-809.

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

28 (1) the claimant was not unemployed;

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

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

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

5 **(1)** all benefits paid to the claimant for each week for which the false
 6 statement or representation was made or for which the claimant failed to disclose a
 7 material fact;

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

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

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

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

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

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

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

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

26 ~~**(VII)**~~ **(VI)** THE APPEAL RIGHTS AVAILABLE TO A CLAIMANT.

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before June 1, 2021,
 31 the Maryland Department of Labor shall submit to the General Assembly, in accordance
 32 with § 2-1257 of the State Government Article, a detailed, comprehensive, and funded plan

1 to ensure that call center staffing is adequate to allow an individual to reach a
2 departmental employee or contractor to ask questions.

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.