

# SENATE BILL 328

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8lr1436  
CF 8lr1900

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By: **Senators Kelley, Conway, Dyson, Exum, Forehand, Gladden, Jones, Madaleno, Muse, Pinsky, Pugh, and Raskin**  
Introduced and read first time: January 28, 2008  
Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Eligibility – Part–Time Work**

3 FOR the purpose of authorizing an individual who is only able to work part–time to be  
4 deemed eligible for certain benefits under certain circumstances; clarifying that  
5 the Secretary of Labor, Licensing, and Regulation may not use the disability of  
6 a qualified individual with a disability in finding that an individual is not  
7 available for work, actively seeking work, or eligible for benefits under this Act;  
8 requiring the Secretary to adopt certain regulations; providing for a delayed  
9 effective date; and generally relating to unemployment insurance benefits for  
10 part–time workers.

11 BY repealing and reenacting, with amendments,  
12 Article – Labor and Employment  
13 Section 8–903  
14 Annotated Code of Maryland  
15 (1999 Replacement Volume and 2007 Supplement)

16 Preamble

17 WHEREAS, Many Maryland employers routinely offer certain permanent jobs  
18 only on a part–time basis; and

19 WHEREAS, Some workers who have been laid off from their jobs have a long  
20 and productive history of part–time employment; and

21 WHEREAS, Workers who are only available for part–time work do not qualify  
22 for unemployment insurance benefits; and

23 WHEREAS, A part–time worker who holds more than one part–time job is  
24 ineligible to receive unemployment insurance benefits despite the fact that each of the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 part-time worker's employers must contribute to the Unemployment Insurance Fund  
2 for the part-time worker; and

3 WHEREAS, Part-time workers who are laid off through no fault of their own  
4 should have parity with full-time workers with regard to eligibility to receive  
5 unemployment insurance benefits; now, therefore,

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

8 **Article - Labor and Employment**

9 8-903.

10 (a) (1) Except as otherwise provided in this section, to be eligible for  
11 benefits an individual shall be:

12 (i) able to work;

13 (ii) available for work; and

14 (iii) actively seeking work.

15 (2) In determining whether an individual actively is seeking work, the  
16 Secretary shall consider:

17 (i) whether the individual has made an effort that is reasonable  
18 and that would be expected of an unemployed individual who honestly is looking for  
19 work; and

20 (ii) the extent of the effort in relation to the labor market  
21 conditions in the area in which the individual is seeking work.

22 **(3) THE SECRETARY MAY CONSIDER AN INDIVIDUAL WHOSE**  
23 **ELIGIBILITY TO WORK IS RESTRICTED TO PART-TIME WORK AS MEETING THE**  
24 **REQUIREMENTS OF THIS SECTION IF THE INDIVIDUAL:**

25 **(I) IS ELIGIBLE FOR BENEFITS UNDER § 8-803 OF THIS**  
26 **TITLE BASED ON WAGES THAT ARE PREDOMINANTLY EARNED FROM PART-TIME**  
27 **WORK;**

28 **(II) IS ACTIVELY SEEKING PART-TIME WORK;**

29 **(III) IS AVAILABLE FOR PART-TIME WORK FOR AT LEAST THE**  
30 **NUMBER OF HOURS WORKED AT THE INDIVIDUAL'S PREVIOUS EMPLOYMENT;**

1                   (IV) DOES NOT IMPOSE ANY OTHER RESTRICTIONS ON THE  
2 INDIVIDUAL'S ABILITY OR AVAILABILITY TO WORK; AND

3                   (V) IS IN A LABOR MARKET IN WHICH A REASONABLE  
4 DEMAND EXISTS FOR PART-TIME WORK.

5           (b) The Secretary may not use the disability of a qualified individual with a  
6 disability as a factor in finding that an individual is not able to work, **AVAILABLE FOR**  
7 **WORK, OR ACTIVELY SEEKING WORK** under subsection (a)(1)[(i)] **OR (A)(3)** of this  
8 section.

9           (c) Notwithstanding any other provision of this section or § 8-904 or  
10 § 8-907(a) or (b) of this subtitle, an individual who otherwise is eligible to receive  
11 benefits and who is in training with the approval of the Secretary may not be denied  
12 benefits:

13                   (1) for failure to meet the requirements of subsection (a)(1)(ii) and (iii)  
14 of this section to be available for work and actively seeking work; or

15                   (2) for failure to apply for or refusal to accept suitable work under  
16 § 8-1005 of this title.

17           SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of Labor,  
18 Licensing, and Regulation shall adopt regulations to carry out the provisions of this  
19 Act.

20           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 January 1, 2009.