

HOUSE BILL 769

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2lr0125
CF SB 291

By: **Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: February 9, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance – Coverage – Victims of Domestic Violence**

3 FOR the purpose of providing that certain information provided to the Secretary of
4 Labor, Licensing, and Regulation related to whether a claimant for
5 unemployment insurance left employment as a result of domestic violence is
6 confidential and not subject to disclosure except under certain circumstances;
7 authorizing the Secretary to notify an employing unit in general terms that a
8 claimant has left employment as a result of domestic violence; prohibiting the
9 Secretary from disclosing certain information to an employing unit unless the
10 employing unit provides certain information; requiring the Secretary to take
11 certain action before disclosing certain information to an employing unit;
12 prohibiting an employing unit from disseminating certain information;
13 specifying that certain information related to the status of a claimant or a
14 claimant's immediate family member as a victim of domestic violence is not
15 public information subject to certain disclosure; authorizing the Secretary to
16 adopt certain regulations; prohibiting the Secretary from charging certain
17 unemployment insurance benefits against the earned rating record of an
18 employing unit; authorizing the Secretary to find that a cause of voluntarily
19 leaving employment is good cause if it is directly attributable to the individual
20 or individual's immediate family member being a victim of domestic violence
21 and the individual has a certain reasonable belief and provides certain
22 information; providing for the application of this Act; and generally relating to
23 unemployment insurance coverage for victims of domestic violence.

24 BY adding to

25 Article – Labor and Employment

26 Section 8–105.1

27 Annotated Code of Maryland

28 (2008 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Labor and Employment
3 Section 8–611(e) and 8–1001
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2011 Supplement)

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 **8–105.1.**

10 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION OR
11 OTHERWISE REQUIRED BY LAW, INFORMATION PROVIDED TO THE SECRETARY
12 UNDER § 8–1001(B)(3) OF THIS TITLE FOR PURPOSES OF DETERMINING
13 WHETHER A CLAIMANT LEFT EMPLOYMENT AS A RESULT OF DOMESTIC
14 VIOLENCE SHALL BE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE TO ANY
15 PARTY.

16 (B) (1) THE SECRETARY MAY NOTIFY THE EMPLOYING UNIT IN
17 GENERAL TERMS THAT A CLAIMANT HAS LEFT EMPLOYMENT AS A RESULT OF
18 DOMESTIC VIOLENCE.

19 (2) THE SECRETARY MAY NOT DISCLOSE INFORMATION
20 PROVIDED TO THE SECRETARY UNDER § 8–1001(B)(3)(II) OF THIS TITLE TO THE
21 EMPLOYING UNIT UNLESS THE EMPLOYING UNIT CAN ESTABLISH THAT:

22 (I) THE EMPLOYING UNIT HAS A LEGITIMATE NEED TO
23 QUESTION THE VERACITY OF THE INFORMATION;

24 (II) THE EMPLOYING UNIT’S NEED FOR THE INFORMATION
25 OUTWEIGHS THE CLAIMANT’S PERSONAL PRIVACY INTEREST; AND

26 (III) THE EMPLOYING UNIT IS UNABLE TO OBTAIN THE
27 INFORMATION FROM ANY OTHER SOURCE.

28 (3) BEFORE DISCLOSING INFORMATION UNDER THIS SECTION,
29 THE SECRETARY SHALL:

30 (I) NOTIFY THE CLAIMANT; AND

31 (II) REDACT UNNECESSARY IDENTIFYING INFORMATION.

1 **(4) AN EMPLOYING UNIT THAT RECEIVES INFORMATION UNDER**
2 **THIS SECTION MAY NOT FURTHER DISSEMINATE THE INFORMATION.**

3 **(C) INFORMATION RELATED TO THE STATUS OF A CLAIMANT OR A**
4 **CLAIMANT'S IMMEDIATE FAMILY MEMBER AS A VICTIM OF DOMESTIC VIOLENCE**
5 **IS NOT PUBLIC INFORMATION SUBJECT TO DISCLOSURE AS PART OF THE**
6 **APPEALS PROCESS.**

7 **(D) THE SECRETARY MAY ADOPT REGULATIONS TO FURTHER PROTECT**
8 **THE PRIVACY OF THE CLAIMANT.**

9 8-611.

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

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

14 (2) the claimant was discharged by the employing unit for gross
15 misconduct as defined in § 8-1002 of this title;

16 (3) the claimant was discharged by the employing unit for aggravated
17 misconduct as defined in § 8-1002.1 of this title;

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

20 (5) the employing unit participates in a work release program that is
21 designed to give an inmate of a correctional institution an opportunity to work while
22 imprisoned and unemployment was the result of the claimant's release from prison;
23 [or]

24 (6) the claimant was paid additional training benefits under § 8-812 of
25 this title; **OR**

26 **(7) THE CLAIMANT LEFT EMPLOYMENT FOR GOOD CAUSE**
27 **DIRECTLY ATTRIBUTABLE TO THE CLAIMANT OR AN IMMEDIATE FAMILY**
28 **MEMBER OF THE CLAIMANT BEING A VICTIM OF DOMESTIC VIOLENCE AS**
29 **DEFINED IN § 8-1001(B)(3) OF THIS TITLE.**

30 8-1001.

31 (a) (1) An individual who otherwise is eligible to receive benefits is
32 disqualified from receiving benefits if the Secretary finds that unemployment results
33 from voluntarily leaving work without good cause.

1 (2) A claimant who is otherwise eligible for benefits from the loss of
2 full-time employment may not be disqualified from the benefits attributable to the
3 full-time employment because the claimant voluntarily quit a part-time employment,
4 if the claimant quit the part-time employment before the loss of the full-time
5 employment.

6 (b) The Secretary may find that a cause for voluntarily leaving is good cause
7 only if:

8 (1) the cause is directly attributable to, arising from, or connected
9 with:

10 (i) the conditions of employment; or

11 (ii) the actions of the employing unit; [or]

12 (2) an individual:

13 (i) is laid off from employment through no fault of the
14 individual;

15 (ii) obtains subsequent employment that pays weekly wages
16 that total less than 50% of the weekly wage earned in the employment from which the
17 individual was laid off; and

18 (iii) leaves the subsequent employment to attend a training
19 program for which the individual has been chosen that:

20 1. is offered under the Maryland Workforce Investment
21 Act; or

22 2. otherwise is approved by the Secretary; **OR**

23 **(3) THE CAUSE IS DIRECTLY ATTRIBUTABLE TO THE INDIVIDUAL**
24 **OR THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT BEING A VICTIM OF**
25 **DOMESTIC VIOLENCE AS DEFINED IN § 4-513 OF THE FAMILY LAW ARTICLE**
26 **AND THE INDIVIDUAL:**

27 **(I) REASONABLY BELIEVES THAT THE INDIVIDUAL'S**
28 **CONTINUED EMPLOYMENT WOULD JEOPARDIZE THE INDIVIDUAL'S SAFETY OR**
29 **THE SAFETY OF THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT; AND**

30 **(II) PROVIDES DOCUMENTATION TO THE SECRETARY**
31 **SUBSTANTIATING DOMESTIC VIOLENCE INCLUDING:**

1 **1. AN ACTIVE OR A RECENTLY ISSUED PROTECTIVE**
2 **ORDER UNDER § 4-506 OF THE FAMILY LAW ARTICLE OR OTHER**
3 **NONTEMPORARY COURT ORDER DOCUMENTING THE DOMESTIC VIOLENCE;**

4 **2. A POLICE RECORD DOCUMENTING RECENT**
5 **DOMESTIC VIOLENCE; OR**

6 **3. A STATEMENT SUBSTANTIATING RECENT**
7 **DOMESTIC VIOLENCE FROM A QUALIFIED PROFESSIONAL FROM WHOM THE**
8 **INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT HAS**
9 **SOUGHT ASSISTANCE, INCLUDING:**

10 **A. A MEDICAL PROFESSIONAL;**

11 **B. AN ATTORNEY;**

12 **C. A CLERGY MEMBER;**

13 **D. A LICENSED SOCIAL WORKER;**

14 **E. A LICENSED THERAPIST; OR**

15 **F. A DOMESTIC VIOLENCE SHELTER OFFICIAL.**

16 (c) (1) A circumstance for voluntarily leaving work is valid only if it is:

17 (i) a substantial cause that is directly attributable to, arising
18 from, or connected with conditions of employment or actions of the employing unit;

19 (ii) of such necessitous or compelling nature that the individual
20 has no reasonable alternative other than leaving the employment; or

21 (iii) caused by the individual leaving employment to follow a
22 spouse if:

23 1. the spouse:

24 A. serves in the United States military; or

25 B. is a civilian employee of the military or of a federal
26 agency involved in military operations; and

27 2. the spouse's employer requires a mandatory transfer
28 to a new location.

1 (2) For determination of the application of paragraph (1)(ii) of this
2 subsection to an individual who leaves employment because of the health of the
3 individual or another for whom the individual must care, the individual shall submit a
4 written statement or other documentary evidence of the health problem from a
5 hospital or physician.

6 (d) In addition to other circumstances for which a disqualification may be
7 imposed, neither good cause nor a valid circumstance exists and a disqualification
8 shall be imposed if an individual leaves employment:

9 (1) to become self-employed;

10 (2) to accompany a spouse to a new location or to join a spouse in a
11 new location, unless the requirements of subsection (c)(1)(iii) of this section are met; or

12 (3) to attend an educational institution.

13 (e) A disqualification under this section:

14 (1) shall begin with the first week for which unemployment is caused
15 by voluntarily leaving without good cause; and

16 (2) subject to subsection (c) of this section, shall continue:

17 (i) if a valid circumstance exists, for a total of at least 5 but not
18 more than 10 weeks, as determined by the Secretary based on the seriousness of the
19 circumstance; or

20 (ii) if a valid circumstance does not exist, until the individual is
21 reemployed and has earned wages for covered employment that equal at least 15 times
22 the weekly benefit amount of the individual.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
24 individuals who file new claims for unemployment insurance benefits with an effective
25 date on or after October 1, 2012.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2012.