

Chapter 653

(Senate Bill 655)

AN ACT concerning

**Unemployment Insurance – Federal Extended Benefits for Long-Term
Unemployment**

FOR the purpose of altering the period that constitutes an extended benefit period and when a State “on” indicator exists; specifying the total amount of certain extended unemployment benefits that are payable to an eligible individual; authorizing the Secretary of Labor, if authorized by federal law, to suspend the payment of certain extended unemployment benefits; establishing that federal unemployment law provisions and definitions related to extended benefits apply to a certain extent; and generally relating to unemployment insurance benefits.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–1103 and 8–1105
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

BY adding to
Article – Labor and Employment
Section 8–1109 and 8–1110
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

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

Article – Labor and Employment

8–1103.

(a) **(1)** An extended benefit period is a period that:

[(1)] (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, begins with the 3rd week after the 1st week for which there is a State “on” indicator but not earlier than the 14th week after the end of another extended benefit period; and

[(2)] (II) ends with the later of:

[(i)] 1. the 3rd week after the 1st week for which there is a State “off” indicator; or

[(ii)] 2. the 13th consecutive week of the period.

(2) THE REQUIREMENT DESCRIBED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION DOES NOT APPLY FOR WEEKS OF UNEMPLOYMENT BEGINNING AFTER JUNE 1, 2022, FOR WHICH:

(I) 100% FEDERAL SHARING IS AVAILABLE; AND

(II) WAIVER OF THE REQUIREMENT IS AUTHORIZED UNDER FEDERAL LAW.

(b) (1) A State “on” indicator for a week exists whenever, for that week and the 12 immediately preceding weeks, the rate of insured unemployment, not seasonally adjusted, is at least:

(i) 5%; and

(ii) 120% of the average of the rates for the corresponding 13-week period ending in each of the 2 preceding calendar years.

(2) After a State “on” indicator occurs under this subsection, a State “off” indicator for a week exists whenever, for that week and the 12 immediately preceding weeks, the rate of insured unemployment, not seasonally adjusted, is less than:

(i) 5%; or

(ii) 120% of the average of the rates for the corresponding 13-week period ending in each of the 2 preceding calendar years.

(c) (1) A State “on” indicator exists for a week whenever, for that week and the 12 immediately preceding weeks, the rate of insured unemployment, not seasonally adjusted, is at least 6%.

(2) After a State “on” indicator occurs under this subsection, a State “off” indicator exists for a week whenever, for that week and the 12 immediately preceding weeks, the rate of insured unemployment, not seasonally adjusted, was less than 6%.

(d) A State “on” indicator under subsection (b) or (c) of this section takes precedence over a State “off” indicator under subsection (c) or (b) of this section, respectively.

(e) (1) To compute the rate of insured unemployment under subsections (b) and (c) of this section, the Secretary shall:

(i) determine the average weekly number of individuals submitting claims for regular benefits in the State for weeks of unemployment during the most recent 13 consecutive weeks based on reports of the Secretary to the United States Secretary of Labor; and

(ii) divide that number by the average monthly number of employees engaged in covered employment for the 1st 4 of the 6 completed calendar quarters ending immediately before the 13 weeks.

(2) The Secretary shall make each computation under this subsection in accordance with regulations of the United States Secretary of Labor.

(F) (1) THIS SUBSECTION APPLIES ONLY TO ANY WEEKS OF UNEMPLOYMENT:

(I) BEGINNING AFTER JUNE 1, 2022, FOR WHICH 100% FEDERAL SHARING IS AVAILABLE; AND

(II) ENDING 4 WEEKS BEFORE THE LAST WEEK FOR WHICH 100% FEDERAL SHARING IS AVAILABLE.

(2) A STATE “ON” INDICATOR FOR A WEEK EXISTS IF:

(I) THE AVERAGE RATE OF TOTAL UNEMPLOYMENT, SEASONALLY ADJUSTED, AS DETERMINED BY THE UNITED STATES SECRETARY OF LABOR, FOR THE PERIOD CONSISTING OF THE MOST RECENT 3 MONTHS FOR WHICH DATA FOR ALL STATES ARE PUBLISHED BEFORE THE CLOSE OF THE WEEK IS AT LEAST 6.5%; AND

(II) THE AVERAGE RATE OF TOTAL UNEMPLOYMENT IN THE STATE, SEASONALLY ADJUSTED, AS DETERMINED BY THE UNITED STATES SECRETARY OF LABOR, FOR THE 3-MONTH PERIOD DESCRIBED IN ITEM (I) OF THIS PARAGRAPH IS AT LEAST 110% OF THAT AVERAGE FOR EITHER OR BOTH OF THE CORRESPONDING 3-MONTH PERIODS ENDING IN THE 2 PRECEDING CALENDAR YEARS.

(3) AFTER A STATE “ON” INDICATOR OCCURS UNDER PARAGRAPH (2) OF THIS SUBSECTION, A STATE “OFF” INDICATOR FOR A WEEK EXISTS WHENEVER, FOR THAT WEEK AND THE 12 IMMEDIATELY PRECEDING WEEKS, NONE OF THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION ARE MET.

(4) EXTENDED BENEFITS MAY NOT BE PAYABLE BASED ON A STATE “ON” TRIGGER UNDER THIS SUBSECTION FOR ANY WEEK OF UNEMPLOYMENT BEGINNING BEFORE JUNE 1, 2022.

[(f)] (G) The Secretary shall make an appropriate public announcement whenever an “on” indicator exists that begins or an “off” indicator exists that ends an extended benefit period.

8–1105.

(a) **[The] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE** weekly amount of extended benefits payable for a week of total unemployment during an individual’s eligibility period is equal to the amount of regular benefits, including allowances for dependents, payable to the individual for a week of total unemployment during the applicable benefit year.

(b) The total amount of extended benefits payable to an eligible individual for the applicable benefit year of the individual may not be less than the lesser of:

(1) 50% of the total amount of regular benefits, including allowances for dependents, payable to the individual during that benefit year;

(2) 13 times the average weekly benefit amount of the individual; or

(3) 39 times the average weekly benefit amount of the individual, reduced by the amount of regular benefits paid or deemed paid to the individual during that benefit year.

(c) If the benefit year of an individual ends during an extended benefit period, the balance of extended benefits to which the individual is entitled for weeks of unemployment beginning after the benefit year shall be reduced, but not below zero, by an amount computed by:

(1) determining the number of weeks for which the individual received any amounts as trade readjustment allowances under the federal Trade Act of 1974 within that benefit year; and

(2) multiplying the number determined under item (1) of this subsection by the weekly amount of extended benefits of the individual.

(d) An individual who otherwise is eligible to receive benefits may not be denied regular benefits or extended benefits for any week because the individual:

(1) is in a training program that the United States Secretary of Labor approves under 19 U.S.C. § 2296(a)(1); or

(2) leaves work that is not suitable to enter a training program that the United States Secretary of Labor approves under 19 U.S.C. § 2296(a)(1) because:

(i) the work was not of substantially equal or a higher skill level than the past adversely affected employment of the individual as defined under 19 U.S.C. § 2296(f); and

(ii) the wages for the work were less than 80% of the average weekly wage of the individual as determined under 19 U.S.C. § 2296(e).

(E) (1) IN THIS SUBSECTION, “HIGH UNEMPLOYMENT PERIOD” MEANS ANY PERIOD DURING WHICH:

(I) AN EXTENDED BENEFIT PERIOD WOULD BE IN EFFECT UNDER § 8–1103(F) OF THIS SUBTITLE; AND

(II) THE AVERAGE RATE OF TOTAL UNEMPLOYMENT, SEASONALLY ADJUSTED, AS DETERMINED BY THE UNITED STATES SECRETARY OF LABOR, FOR THE PERIOD CONSISTING OF THE MOST RECENT 3 MONTHS FOR WHICH DATA FOR ALL STATES ARE PUBLISHED BEFORE THE CLOSE OF THAT WEEK IS AT LEAST 8%.

(2) THIS SUBSECTION APPLIES ONLY TO WEEKS OF UNEMPLOYMENT IN A HIGH UNEMPLOYMENT PERIOD.

(3) THE TOTAL AMOUNT OF EXTENDED BENEFITS PAYABLE TO AN ELIGIBLE INDIVIDUAL FOR THE APPLICABLE BENEFIT YEAR OF THE INDIVIDUAL MAY NOT BE LESS THAN THE LESSER OF:

(I) 80% OF THE TOTAL AMOUNT OF REGULAR BENEFITS, INCLUDING ALLOWANCES FOR DEPENDENTS, PAYABLE TO THE INDIVIDUAL DURING THE BENEFIT YEAR;

(II) 20 TIMES THE AVERAGE WEEKLY BENEFIT AMOUNT OF THE INDIVIDUAL, INCLUDING ALLOWANCES FOR DEPENDENTS; OR

(III) 46 TIMES THE AVERAGE WEEKLY EXTENDED BENEFIT AMOUNT, REDUCED BY THE REGULAR BENEFITS, NOT INCLUDING DEPENDENTS’ ALLOWANCES, PAID OR DEEMED PAID TO THE INDIVIDUAL DURING THAT BENEFIT YEAR.

8–1109.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE SECRETARY, IF AUTHORIZED BY FEDERAL LAW, MAY SUSPEND THE PAYMENT OF EXTENDED BENEFITS UNDER § 8-1105(E) OF THIS SUBTITLE, TO THE EXTENT NECESSARY TO ENSURE THAT:

(1) OTHERWISE ELIGIBLE INDIVIDUALS ARE NOT DENIED, IN WHOLE OR IN PART, THE RECEIPT OF EMERGENCY UNEMPLOYMENT COMPENSATION AUTHORIZED UNDER FEDERAL LAW; AND

(2) THE STATE RECEIVES MAXIMUM REIMBURSEMENT FROM THE FEDERAL GOVERNMENT FOR THE PAYMENT OF THE EMERGENCY BENEFITS.

8-1110.

TO THE EXTENT THAT PROVISIONS AND DEFINITIONS OF FEDERAL UNEMPLOYMENT LAW ARE IN CONFLICT WITH, OR SUPPLEMENT THE PROVISIONS AND DEFINITIONS IN THIS SUBTITLE, THE PROVISIONS AND DEFINITIONS OF FEDERAL UNEMPLOYMENT LAW SHALL APPLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.