

Article - Labor and Employment

8-611.

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

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

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

(3) THE CLAIMANT WAS DISCHARGED BY THE EMPLOYING UNIT FOR AGGRAVATED MISCONDUCT AS DEFINED IN § 8-1002.1 OF THIS TITLE;

[(3)](4) the claimant left employment voluntarily to accept better employment or enter training approved by the Secretary; or

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

[8-803.1.

For purposes of determining the weekly benefit amount in any benefit year under § 8-803 of this subtitle, the wages which were paid to an individual for covered employment do not include any wages paid to the individual by a base period employer against whom the individual has committed aggravated misconduct that has resulted in a disqualification from receiving benefits under § 8-1002.1 of this title during any benefit year.]

{8-1002.1.

(a) (1) In this section, "aggravated misconduct" means ~~intentional conduct by an employee in the workplace that results in:~~

(i) ~~a physical assault upon or bodily injury to the employer, fellow employees, subcontractors, invitees of the employer, members of the public, or the ultimate consumer of the employer's product or services; or~~

(ii) ~~property loss or damage to the property of the employer, fellow employees, subcontractors, invitees of the employer, members of the public, or the ultimate consumer of the employer's product or services~~ BEHAVIOR OF A MALICIOUS INTENT AFFECTING THE EMPLOYER, FELLOW EMPLOYEES, SUBCONTRACTORS, INVITEES OF THE EMPLOYER, MEMBERS OF THE PUBLIC, OR THE ULTIMATE CONSUMER OF THE EMPLOYER'S PRODUCT OR SERVICES THAT CONSISTS OF EITHER PHYSICAL ASSAULT OR PROPERTY DAMAGE SO HEINOUS THAT THE PENALTIES OF MISCONDUCT OR GROSS MISCONDUCT WOULD NOT BE SUFFICIENT BEHAVIOR COMMITTED WITH ACTUAL MALICE AND DELIBERATE DISREGARD FOR THE PROPERTY, SAFETY, OR LIFE OF OTHERS THAT: