

~~(B) THE LOSS OF WAGE CREDITS UNDER SUBSECTION (A) OF THIS SECTION DOES NOT APPLY IF THE EMPLOYING UNIT REINSTATES OR REHIRES THE DISQUALIFIED INDIVIDUAL.~~

†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 COMMITTED WITH ACTUAL MALICE AND DELIBERATE DISREGARD FOR THE PROPERTY, SAFETY, OR LIFE OF OTHERS THAT:

(I) AFFECTS THE EMPLOYER, FELLOW EMPLOYEES, SUBCONTRACTORS, INVITEES OF THE EMPLOYER, MEMBERS OF THE PUBLIC, OR THE ULTIMATE CONSUMER OF THE EMPLOYER'S PRODUCT OR SERVICES; AND

(II) CONSISTS OF EITHER PHYSICAL ASSAULT OR PROPERTY LOSS OR DAMAGE SO SERIOUS THAT THE PENALTIES OF MISCONDUCT OR GROSS MISCONDUCT ARE NOT SUFFICIENT.

(2) In this section, "aggravated misconduct" does not include:

- (i) gross misconduct, as defined under § 8-1002 of this title; or
- (ii) misconduct, as defined under § 8-1003 of this title.

(b) An individual who otherwise is eligible to receive benefits is disqualified from receiving benefits if unemployment results from discharge or suspension as a disciplinary measure for behavior that the Secretary finds is aggravated misconduct in connection with employment.

(c) A disqualification under this section shall:

(1) begin with the first week for which unemployment is caused by discharge or suspension for aggravated misconduct as determined under this section; and

(2) continue until the individual is reemployed and has earned wages in covered employment that equal at least ~~20~~ 30 times the weekly benefit amount of the individual; ~~and~~

~~(3) SUBJECT TO SUBSECTION (D) OF THIS SECTION, be in addition to any decrease in benefits resulting from the loss of wage credits under § 8-803.1 of this title resulting from the aggravated misconduct.]~~