

The term "employer" is substituted for "employing unit" as the defined term because "employer" is universally recognized as a person who employs. In several provisions of former Art. 95A, the terms "employer" and "employing unit" seemed to be used incorrectly. The Labor and Employment Article Review Committee believed that use of the usual definition of "employer" would result in less confusion about whether a provision applies universally to "one who employs" or specifically to an employer who is required to pay contributions, *i.e.*, under the revised title, an "employing unit".

The defined term "person" is substituted for the former references to "any individual or type of organization" and the list of types of organizations. As to the definition of "person", *see* § 1-101 of this article.

The reference to "governmental entity" is added for clarity, since governmental entities employ individuals.

The former reference to "January 1, 1935" is deleted as unnecessary, since the law does not now require a difference in treatment of employing units that existed before that date.

Defined terms: "Governmental entity" § 8-101
 "Person" § 1-101 "State" § 8-101

(N) EMPLOYING UNIT.

"EMPLOYING UNIT" MEANS:

(1) AN EMPLOYER THAT HAS AT LEAST 1 EMPLOYEE ENGAGED IN COVERED EMPLOYMENT FOR AT LEAST PART OF A DAY;

(2) AN EMPLOYER THAT HAS ELECTED TO BECOME SUBJECT TO THIS TITLE UNDER § 8-203 OF THIS TITLE; OR

(3) AN EMPLOYER THAT IS NOT OTHERWISE SUBJECT TO THIS TITLE BUT THAT:

(I) WITHIN THE CURRENT OR PRECEDING CALENDAR YEAR, IS LIABLE FOR ANY FEDERAL TAX AGAINST WHICH CREDIT MAY BE TAKEN FOR CONTRIBUTIONS REQUIRED TO BE PAID INTO A STATE UNEMPLOYMENT FUND; OR

(II) AS A CONDITION FOR APPROVAL FOR FULL CREDIT OF CONTRIBUTIONS AGAINST THE TAX IMPOSED BY THE FEDERAL UNEMPLOYMENT TAX ACT, IS REQUIRED BY THAT ACT TO BE AN EMPLOYING UNIT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 95A, § 20(f)(1).

In item (1) of this subsection, the reference to "covered" employment is added since, under former Art. 95A, "employment" meant services that are covered by unemployment insurance.