

AN INDIVIDUAL WHO OTHERWISE IS ELIGIBLE TO RECEIVE BENEFITS IS DISQUALIFIED FROM RECEIVING BENEFITS IF THE SECRETARY FINDS THAT UNEMPLOYMENT RESULTS FROM DISCHARGE OR SUSPENSION AS A DISCIPLINARY MEASURE FOR BEHAVIOR THAT THE SECRETARY FINDS IS MISCONDUCT IN CONNECTION WITH EMPLOYMENT BUT THAT IS NOT GROSS MISCONDUCT UNDER § 8-1002 OF THIS SUBTITLE.

(B) DURATION OF DISQUALIFICATION.

A DISQUALIFICATION UNDER THIS SECTION SHALL:

(1) BEGIN WITH THE FIRST WEEK FOR WHICH UNEMPLOYMENT IS CAUSED BY DISCHARGE OR SUSPENSION FOR MISCONDUCT; AND

(2) CONTINUE FOR A TOTAL OF AT LEAST 5 BUT NOT MORE THAN 10 WEEKS, AS DETERMINED BY THE SECRETARY, BASED ON THE SERIOUSNESS OF THE MISCONDUCT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95A, § 6(c) and the second sentence of § 11(a)(1).

In subsection (a) of this section, the words "but that is not gross misconduct" are substituted for the former parenthetical "(other than for acts specified hereinabove in this section)", for clarity. Former Art. 95A, § 6 described both "voluntarily quit" and "gross misconduct" before it described misconduct. However, the ambiguous parenthetical seemed to be a limited reference to "gross misconduct".

As to the addition of the clause "who otherwise is eligible to receive benefits", in subsection (a) of this section, see the revisor's note to § 8-1001 of this subtitle.

As to the reference in subsection (b)(2) of this section, to "a total of 5 but not more than 10 weeks" to describe the period that the disqualification continues, see the revisor's note to § 8-1001 of this subtitle.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the statute does not define "misconduct".

Defined terms: "Benefits" § 8-101

"Secretary" § 8-101 "Week" § 8-101

8-1004. STOPPAGE OF WORK CAUSED BY LABOR DISPUTE.

(A) GROUNDS FOR DISQUALIFICATION.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:

(1) AN INDIVIDUAL WHO OTHERWISE IS ELIGIBLE TO RECEIVE BENEFITS IS DISQUALIFIED FROM RECEIVING BENEFITS FOR EACH WEEK FOR WHICH THE SECRETARY FINDS THAT UNEMPLOYMENT RESULTS