

NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, AN INDIVIDUAL MAY NOT BE DISQUALIFIED UNDER SUBSECTION (A) OF THIS SECTION IF THE INDIVIDUAL RECEIVES HOLIDAY OR VACATION PAY ATTRIBUTABLE TO A PERIOD THAT IS OUTSIDE THE TERMS OF AN EMPLOYMENT AGREEMENT THAT SPECIFIES:

- (1) SCHEDULED HOLIDAY OR VACATION PERIODS; OR
- (2) EMPLOYEE DISCRETION IN SCHEDULING HOLIDAY OR VACATION PERIODS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95A, § 6(i).

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.

In subsection (a) of this section, the reference to a finding of the "Secretary" is added to conform to other similar provisions throughout this subtitle.

Defined terms: "Benefits" § 8-101

"Employing unit" § 8-101 "Secretary" § 8-101

8-1008. RETIREMENT PAYMENTS.

(A) "RETIREMENT PAYMENT" DEFINED.

IN THIS SECTION, "RETIREMENT PAYMENT":

(1) MEANS AN AMOUNT IN THE FORM OF A PENSION, ANNUITY, OR RETIREMENT OR RETIRED PAY FROM A TRUST, ANNUITY, PROFIT SHARING PLAN, INSURANCE FUND, ANNUITY OR INSURANCE CONTRACT, OR ANY OTHER SIMILAR LUMP SUM OR PERIODIC PAYMENT THAT IS BASED ON ANY PREVIOUS COVERED EMPLOYMENT FOR A BASE PERIOD EMPLOYER UNDER A PLAN PAID FOR WHOLLY OR PARTLY BY A BASE PERIOD EMPLOYER; AND

(2) DOES NOT INCLUDE A PAYMENT FROM A STATE OR FEDERAL WORKERS' COMPENSATION PROGRAM.

(B) EFFECT OF PAYMENT.

(1) FOR EACH WEEK IN WHICH THE SECRETARY FINDS THAT AN INDIVIDUAL WHO OTHERWISE IS ELIGIBLE FOR BENEFITS RECEIVES A RETIREMENT PAYMENT:

(I) IF THE WEEKLY AMOUNT OF THE RETIREMENT PAYMENT COMPUTED UNDER SUBSECTION (C) OF THIS SECTION AT LEAST EQUALS THE INDIVIDUAL'S WEEKLY BENEFIT AMOUNT, THE INDIVIDUAL IS DISQUALIFIED FROM RECEIVING BENEFITS FOR THAT WEEK; AND