

(II) ALLOW THE DEPARTMENT TO HAVE ACCESS TO ALL RECORDS NECESSARY:

1. TO VERIFY THE WORK SHARING PLAN BEFORE ITS APPROVAL; AND

2. TO MONITOR AND EVALUATE THE APPLICATION OF THE WORK SHARING PLAN AFTER ITS APPROVAL.

(6) A WORK SHARING PLAN MAY NOT SUBSIDIZE AN EMPLOYING UNIT THAT TRADITIONALLY HAS USED EMPLOYEES WHO WORK LESS THAN 30 HOURS A WEEK.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95A, § 24(c)(1) through (4), (6) through (12), and the first sentence of (5).

In subsection (a) of this section, the reference to approval "only if" the requirements are met is deleted since the reference implied a contradiction to the use of the "shall" i.e., the Secretary has discretion to disapprove a work sharing plan "even if" the requirements are met. As to the power of the Secretary to revoke approval, see § 8-1210 of this subtitle.

In item (1) of this section, the former phrase "except that the 10 percent minimum shall be waived" is deleted as implicit in the word "or".

In item (3)(i) of this section, the former phrase "to which it applies" is deleted as included in the defined term "affected unit".

In item (3)(v)1 of this section, the words "employing unit or employer association" are added to clarify that the onus of submitting the plan is on the employing unit or employer organization to submit the plan.

In item (3)(v)2 of this section, the reference to the minimum number of employees specified in item (1) of this section, is substituted for the former reference to "[s]ubject to paragraph (7) of this subsection ... at least 10 percent of the employees", for brevity. This substitution accommodates a work sharing plan that would affect at least 20 employees rather than 10% of the employees in the affected unit.

Also in item (3)(v)2 of this section, the defined term "normal weekly work hours" is substituted for the former words "work hours" in the reference to the "total reduction", since the reference describes a "work sharing plan". However, since the reference to an "equivalent reduction" describes "layoffs", the reference to "work hours" is carried over from the former law.

In the introductory language of item (5) of this section, the phrase "to the Secretary" is added to clarify to whom the reports must be sent.