



The Port of Baltimore Worker Support Program Guidelines

GENERAL INFORMATION

Port of Baltimore Worker Retention Program

On March 26, 2024, the Francis Scott Key Bridge (the “Bridge”) collapsed after being struck by a large container vessel, blocking the shipping channel. In response, Governor Moore signed an Executive Order (“Order”) on April 5, 2024, and the Maryland General Assembly passed the *Maryland Protecting Opportunities and Regional Trade Act* (the “PORT” Act). The Order and the PORT Act authorize the Maryland Department of Labor (the “Department”) to establish certain programs to support individuals impacted by the reduction to Port of Baltimore (“Port”) operations. The Department has established the Port of Baltimore Worker Support Program (“Worker Support Program”) to provide temporary relief payments to Port workers who do not qualify for Unemployment Insurance (UI) and Port workers whose UI benefits are less than their previous income from work at the Port.

To be eligible for the Worker Support Program, workers must have regularly worked at the Port prior to the Bridge incident on March 26th. As of the opening of the Worker Support Program on April 19th, eligible workers will receive \$430 for each week of reduced pay dating back to the date of the bridge collapse. The Worker Support Program may be modified or terminated by the Department at any future time, depending upon funding, changes in the operating status of the Port of Baltimore, or other factors.

PROGRAM GUIDELINES

Definitions

1. “Adverse determination” means a denial or cancellation of the Worker Support Program temporary relief payments or a charge for an overpayment.
2. “Applicant” means any individual who applies for temporary relief from the Worker Support Program.
3. “Canceled temporary relief payments” means the discontinuation of temporary relief payments at the initiation of the Department.
4. “Application” means an applicant’s submission to the Worker Support Program.
5. “Complete application” means an application submitted by an applicant to the Worker Support Program with all required supporting documentation.
6. “The Department” means the Maryland Department of Labor.



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7. “Fraud” means a misrepresentation or concealment of a material fact made by an applicant which induces the State to provide temporary relief when the applicant would have otherwise not qualified.
 8. “Good cause” means a demonstration by an applicant that a failure to file a complete application was due to:
 - a. A serious health condition that resulted in an unanticipated and prolonged period of incapacity and that prevented an individual from filing an application in a timely manner; or
 - b. A demonstrated inability to reasonably access a means to file a recertification in a timely manner, such as due to a natural disaster, power outage, or a significant and prolonged Department system outage.
 9. “Maryland-based and Regularly perform paid work at the Port” means that a worker:
 - a. Was paid at least \$5,000 for work performed at the Port of Baltimore from January 1, 2024 - March 26, 2024, OR
 - b. Performed paid work that involved travel to or work physically performed at the Port of Baltimore typically two or more days a week or at least 25 times from January 1, 2024 - March 26, 2024. Travel to the terminals is intended to include travel that is essential to the terminals’ business operations, such as travel by truck drivers.
 10. “Port” and “Port of Baltimore” mean the public and privately owned inland and marine terminals and waterway areas in Baltimore City and Baltimore County.
 11. “Port of Baltimore Worker Support Program (Worker Support Program)” means the temporary relief program set up pursuant to the 2024 Maryland Protecting Opportunities and Regional Trade (“PORT”) Act by the Department to provide temporary relief payments to those who have lost paid work at the Port due to the reduced operations of the Port.
 12. “Recipient” means an applicant whose application for Worker Support Program and temporary relief payments has been approved and is receiving temporary relief payments.
 13. “Reduced operations of the Port” means the suspension of vessel traffic or the inability of vessels to access the Port of Baltimore due to the collapse of the Francis Scott Key Bridge on March 26, 2024.
 14. “Reduced pay” means a reduction in pay from work at the Port due to the collapse of the Francis Scott Key Bridge on March 26, 2024 that has not been wholly replaced through employer-provided pay, pay from other work, or Unemployment Insurance.
 15. “Temporary relief payment amount” means the dollar amount provided per week to a recipient under the Worker Support Program.
 16. “Terminated temporary relief payments” means discontinuation of temporary relief payments either due to the end of the Worker Support Program, the request of the recipient, a recertification response from the recipient that indicates that they are no longer eligible, or the failure of a recipient to respond to a recertification request.



Eligibility

Any individual is eligible to receive Worker Support Program temporary relief payments if they:

1. have reduced pay and
2. are Maryland-based and regularly performed paid work at the Port.

Application Process

1. Required Documentation. An applicant shall provide all information and documentation as required by the application including:
 - a. Proof of identify:
 - i. U.S. or state government issued photo identification, and
 - ii. A real-time photograph taken by smart phone or webcam during the application process.
 - b. Proof of access to the Port, which could include:
 - i. Transportation Worker Identification Credential (TWIC card),
 - ii. Employer provided badge,
 - iii. Terminal security badge, or
 - iv. Other proof of access to the Port.
 - c. Proof of work performed at the Port, which could include:
 - i. 2023 W-2 from Port employer,
 - ii. 2023 1099 from Port contractor,
 - iii. Copy of paystub(s) from 2024 from a Port employer/contractor,
 - iv. Canceled check(s) from 2024 from a Port employer/contractor,
 - v. Evidence of direct deposit(s) from 2024 from a Port employer/contractor, or
 - vi. Interchange ticket(s) for containers moved from the Port of Baltimore, or bill(s) of lading indicating a completed transaction at the Port in 2024.
2. Fraud. If Worker Support Program temporary relief payments have been approved and additional information proving fraud in the application or related supplemental submissions is provided to the Department then any temporary relief payments issued shall be considered an overpayment and may be collected.
3. Updating an Application.
 - a. An application shall be updated within 10 days, or as soon as practicable with good cause shown, of any changes to the information provided on an application.
 - b. Failure to update an application with any changes to the information provided on an application for temporary relief payments may result in a delay, underpayment, overpayment, or denial of temporary relief payments.
4. Cancellation of an Application. In the event an applicant no longer requires Worker Support Program temporary relief payments, their application may be withdrawn.



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5. Notice¹. Applicants shall be provided notice in the following circumstances:
 - a. When their application is submitted.
 - b. When an application is deemed incomplete by the Department.
 - c. Whether their application is approved, including:
 - i. Temporary relief payment amount;
 - ii. Worker Support Program temporary relief payments beginning date;
 - iii. Worker Support Program period beginning date; and
 - iv. The applicant's responsibility to recertify every two weeks.
 - b. If their application is denied (in full or in part) and the notice shall:
 - i. State concisely and simply:
 1. The reasons for denial;
 2. The applicant's appeal rights;
 - ii. State the pertinent sections under the 2024 Maryland Protecting Opportunities and Regional Trade (PORT) Act and/or these guidelines which the action was taken;
 - iii. State that the applicant has the opportunity to request an appeal, including:
 1. What, if anything, a person must do to appeal; and
 2. All relevant time requirements; and
 - iv. State the consequences of failing to apply in a timely manner without good cause.
 6. Recertification of Eligibility.
 - a. Every two weeks, the recipient will be responsible for recertifying their eligibility.
 7. In-person verification
 - a. For applicants who are denied due to an inability of the Department to verify their identity, an alternative in-person verification option will be provided.

Temporary Relief Payment Process

1. Payment Schedule.
 - a. The first payment of the weekly temporary relief payment amount as soon as administratively feasible, generally within 15 days.
 - b. Subsequent temporary relief payments to recipients shall be made every 2 weeks until the first of the following occurs:
 - i. The temporary relief payment period ends;
 - ii. The President of the United States declares a major disaster as a result of the collapse of the Francis Scott Key Bridge;

¹ All application and notice materials will be available in English and Spanish.



- iii. The funds allocated to the Worker Support Program run out;
 - iv. Reduced operations of the Port ends; or
 - v. June 30, 2025.
2. If there is a federal tax lien or a child support arrears lien, the Comptroller will reduce the payment accordingly.
3. Overpayment.
 - a. On learning of overpayment of temporary relief payments, written notice that repayment is sought will be sent to the recipient.
 - b. In cases of seeking repayment, the recipient shall have 30 days to reply to the notice indicating the recipient agrees to repay or that the recipient requests a waiver.
4. Repayment. Repayment of temporary relief payments may be sought from an individual who received temporary relief payments under Worker Support Program if temporary relief payments were paid erroneously or as a result of willful misrepresentation by the recipient.
5. Waiver. Repayment of temporary relief payments may be waived if:
 - a. The error in payment was not due to any knowingly false statement, nondisclosure of material fact, or misrepresentation by a covered individual; or
 - b. The repayment would be against equity and good conscience or administrative efficiency.
6. Denial of waiver. In the event a recipient requests a waiver and the request is denied, the overpayment may be collected.

Recertification of Eligibility

1. Recertification clock. For a given recipient, the recertification clock starts the day after the last period for which the applicant was approved for payment.
2. Recertification notification. The system will notify a given applicant to recertify two weeks after that applicant's recertification clock starts. For example, if an applicant's recertification clock starts on 4/16, the system will notify that applicant to recertify on 4/30.
3. Recipients must recertify within 5 business days of receiving the recertification email.



4. If a recipient does not recertify or indicates that they are no longer eligible, they will receive notice of terminated temporary relief payments.
5. Recipients will have the opportunity to show good cause if they miss the recertification window.

Appeals²

1. Entitlement.
 - a. Any applicant whose application has been denied, a recipient who receives notice of canceled temporary relief payments, or a recipient who is notified that an overpayment has been determined is entitled to file an appeal of the adverse determinations.
 - b. The appeal shall be filed within 15 days of the adverse determination unless the applicant or individual can show good cause.
2. Notice.
 - a. When an appeal is filed, the Department shall notify in a timely manner all parties to the adverse determination being appealed.
 - b. Absent unusual circumstances, a hearing shall be held on the appeal within 30 days of filing of the appeal.
3. Hearing Notice.
 - a. Parties to appeals shall be provided with reasonable written notice of a hearing.
 - b. The hearing notice shall contain:
 - i. The date, time, place, and nature of the hearing;
 - ii. A statement of the right to present witnesses, documents, and other forms of evidence, and the right to cross-examine witnesses of another party;
 - iii. A statement of the right to request subpoenas for witnesses and evidence, specifying the costs, if any, associated with the request;
 - iv. A copy of the hearing procedure;
 - v. A statement of the right or restrictions pertaining to representation;
 - vi. A statement that failure to appear for the scheduled hearing may result in an adverse action against that party; and
 - vii. A statement that the parties may agree to the evidence and waive their right to appear at the hearing.
4. Service of Notices, Orders, and Other Documents.
 - a. Except as provided by prior agreement of the parties, the hearing officer shall serve notices, orders, and other documents in one of the following ways:
 - i. By personal delivery; or

² An appeal under this section is not a contested case within the meaning of Maryland's Administrative Procedure Act or Code of Maryland Regulations 09.01.02.01.



- ii. By mailing a copy of the document, first class, postage prepaid, to the person's last known business or home address; and
 - iii. If the person is represented by counsel, also by delivering or mailing a copy of the document, first class, postage prepaid, to the person's attorney.
 - b. The hearing officer shall send the hearing notice to the parties to the appeal electronically and by certified mail to the person's last known address:
 - i. At least 10 days before the hearing; or
 - ii. If the parties have agreed to a date for which 10 days notice cannot be given, at the earliest time possible.
- 5. Representation.
 - a. A party to a proceeding may:
 - i. Appear individually or, if appearance by a representative is permitted by law, through a representative; or
 - ii. Be represented by an attorney authorized to practice in Maryland.
 - b. Any notice, decision, or other matter required to be sent to a party may also be sent to the party's attorney of record at the attorney's address.
 - c. If a party is represented by an attorney or appears through an authorized representative, then examination and cross-examination of witnesses, and objections and motions on the party's behalf shall be made solely by the attorney or the authorized representative.
- 6. Failure to Appear.
 - a. A hearing may proceed as scheduled in the absence of a party if the party has:
 - i. Been properly served; and
 - ii. Failed to obtain a postponement of the hearing from the hearing officer under these requirements.
 - b. In the event a party fails to appear the matter may be reopened. The Department shall follow the reopening procedures outlined in COMAR 09.32.11.02 O and P.
- 7. Postponement.
 - a. The hearing officer may postpone a hearing only if a written request for postponement is filed with the hearing officer not later than 10 days before the date of the hearing.
 - b. If a request for postponement is received later than 10 days before the date of the hearing, the hearing officer shall deny the request unless they determine that there was good cause which justified the delay.
 - c. Failure to retain counsel or to timely request a subpoena may not be considered good cause.
- 8. Discovery. There is no pre hearing discovery.



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9. Conduct of the Proceedings.
 - a. The hearing officer may impose reasonable time limitations.
 - b. The Maryland Rules of Civil Procedure may be used as a guide in resolving procedural issues governing the conduct of the hearing.
 - c. The hearing officer may conduct all or any part of the hearing by telephone, video conference, or other electronic means.

 10. Order of Proceedings. Absent unusual circumstances, the order of proceedings shall be as follows:
 - a. Opening statements and preliminary matters may be heard;
 - b. All individuals planning to testify shall be sworn before testifying;
 - c. The applicant or recipient or their attorney or authorized representative may present the applicant/recipient's case;
 - d. The Department may present the Department's case;
 - e. The applicant/recipient shall be entitled to a brief rebuttal after the conclusion of the Department's case;
 - f. The hearing officer may hear closing arguments in the same order as the presentation of evidence;
 - g. Dispositive motions are prohibited.

 11. Evidence. The rules of evidence for appeals under the Worker Support Program shall be as follows:
 - a. Admissibility of Evidence: All relevant evidence is admissible, unless it is deemed unreliable or prejudicial. Irrelevant, immaterial, or unduly repetitious evidence should be excluded.
 - b. Hearsay Evidence: Hearsay evidence may not be excluded solely on the basis that it is hearsay.
 - c. Documentary Evidence: Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.
 - d. Official Notice: The Department may take notice of judicially cognizable facts and in addition may take notice of general, technical or scientific facts within the Department's specialized knowledge.
 - e. Cross-Examination: A party has the right to conduct cross-examination of witnesses as required for a full and true disclosure of the facts.
 - f. Burden of Proof: The proponent of an order has the burden of proof. The standard of proof generally required is a preponderance of the evidence.
 - g. Expert Witnesses: Expert witnesses may be used to provide specialized factual information or opinions, but they must be properly qualified and their testimony must be relevant and reliable.
 - h. Objections: The rules of privilege shall be effective to the extent that they are recognized in law. All other objections to evidentiary offers may be made and shall be noted in the record.
 - i. Confidential Information: Any confidential information that is protected by law shall not be disclosed without proper authorization.



12. The record shall include:
 - a. All pleadings, motions, responses, correspondence, memoranda, including proposed findings of fact and conclusions of law, and requests filed by the parties;
 - b. All hearing notices;
 - c. All documentary and other tangible evidence received or considered;
 - d. A statement of each fact officially noticed;
 - e. All stipulations;
 - f. All offers of proof and objections;
 - g. All rulings, orders, and decisions, proposed or final;
 - h. Matters placed on the record in connection with ex parte communication;
 - i. The recording of the hearing, and any prehearing proceeding, and any transcript of the recording prepared by a court reporting service; and
 - j. Any other item required by law.
13. Interpreters. The Department's established rules regarding interpreters apply.
14. Burden of Proof. The applicant/recipient shall bear the burden of proving, by a preponderance of the evidence, that the applicant/recipient is entitled to Worker Support Program temporary relief payments.
15. Recording.
 - a. The proceedings shall be recorded.
 - b. The record need not be transcribed unless requested by a party.
 - c. The cost of a typewritten transcript of any proceeding or part of a proceeding shall be paid by the party requesting the transcript.
 - d. Except as provided above, cameras, tape recorders, and other electronic and photographic equipment of any type are not permitted at the hearing, unless the equipment is intended to be introduced into evidence or used to present evidence.
16. Recusal. A hearing officer shall be recused from the review of an appeal and from participating in a hearing if the hearing officer:
 - a. Has personal knowledge of the facts which gave rise to the appeal;
 - b. Has a personal or business relationship with any of the parties or witnesses; or
 - c. For any other reason may be unable to act impartially in the matter.
17. Decisions. After consideration of the testimony and other evidence at the conclusion of the hearing, the hearing officer shall issue a final written order, which shall include specific findings of fact on all relevant factual issues and conclusions of law, to the parties at the conclusion of the hearing.
18. Judicial Review. A party aggrieved by the final order may seek an administrative writ of mandamus under Maryland Rule 7-401, *et seq.*, asking a court to review the Department's Decision, and shall be apprised of this right. A petition for a writ of administrative mandamus must be filed, except as otherwise provided by Maryland Rule



7-203 or by statute, within 30 days after the latest of: (1) the date of the order or action of which review is sought; (2) the date the Department sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or (3) the date petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner.