

MAINE STATE LEGISLATURE

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Maine's Unemployment "Blue Book"

A Worker's Guide to Maine's Unemployment Program

1-800-593-7660

www.file4ui.com

see back cover for more contact information

Unemployment benefits are intended as temporary assistance for workers. There are required eligibility conditions that you must meet in order to receive unemployment benefits. You are strongly urged to take time to read this important guidance book to assist you. If you do not understand any information provided you can obtain further assistance by calling the Unemployment Claims Center at the above number and speaking to a claims representative. You may also review eligibility conditions, file a new claim, file weekly claims or check the status of your claim on the above website.

Did you know that:

- Providing false information or failure to disclose information to obtain benefits is a criminal offense subject to prosecution and a loss of benefits ... ***Pages 10 and 11***
- Unemployed or under-employed workers are required to actively look for work and record their work search for inspection ... ***Pages 18 and 19***
- To be eligible for unemployment benefits a person must be able and available to work ... ***Pages 20 and 21***
- Any employment or wages earned must be reported in your claim for benefits ... ***Pages 22 through 25***
- If you refuse work or a referral to work you could be denied unemployment benefits ... ***Page 21***

VOLUNTARY DISCLOSURE FOR SPECIALIZED SERVICES FOR PEOPLE WITH DISABILITIES

The Americans with Disabilities Act prohibits inquiries as to whether or not an individual has a disability or to the nature and extent of such a disability. However, other federal laws provide various benefits and services for people with disabilities. If you would like to know more about these services, contact your Maine Department of Labor (MDOL) representative.

This is a voluntary disclosure. The disability information is not required in order for you to receive services from the MDOL.

The Maine Department of Labor, Bureau of Unemployment Compensation, is an equal opportunity employer/program. Upon request, auxiliary aids and services are available to individuals with disabilities.

VIDEOS

Brief videos of 3 to 5 minutes each are available online at www.file4ui.com and should be viewed for additional information on the unemployment insurance benefits program.

IF YOU NEED A LANGUAGE INTERPRETER

The Interactive Voice Response (IVR) telephone claim system offers instructions in English, Spanish, and French. If you need an interpreter for any other language, MDOL can arrange for one in your language. When you place your call and it is answered by the claims system, press "1" and then press "3" and you will be connected with a claims representative who will make arrangements for an interpreter to assist you.

This booklet is designed to assist people who file claims for unemployment benefits. It provides guidance, but it does not have the force or effect of law. The final controlling factors are 26 M.R.S.A., Rules of the Unemployment Insurance Commission and Department of Labor Rules. This booklet is based upon the Law and Rules in effect at the time that it was printed.

TABLE OF CONTENTS

	PAGE
Social Security Number Disclosure	5
How To File a Claim for Unemployment Benefits	5
Potential Difficulties Related to Phone Contacts	6
Other Important Information	
1. Employer Financed Unemployment Insurance	7
2. Voluntary Income Tax (Federal and/or State) Withholding	7
3. Child Support Deductions from Your Unemployment Payment	7
4. Maine Automated Payment (MAP) Card	8
5. Direct Deposit of Unemployment Compensation Benefits	8
6. Aliens	9
7. Confidential Information	9
Penalties for Unemployment Fraud	9
Fraud Detection	10
1. Employer Payroll Report Crossmatch	10
2. New Hire Systems Crossmatch	11
3. Interstate Crossmatch	11
4. Inmate Crossmatch	11
Filing an Initial Claim	12
Initial Claims and Monetary Determinations	
1. Base Period	12
2. Monetary Determination Letter	13
3. How Much Money Do You Have To Earn?	13
4. Wages Must Be from "Subject Employment"	14
5. How Much Can You Collect in Benefits?	14

6. Dependency Allowance	15
7. Benefit Year	15
8. Establishing a Second Benefit Year	15
9. Seasonal Employment	15
10. School Wages	15
11. Professional Athletes	16
Reopening a Claim	16
Benefit Rights and Responsibilities	17
1. File a Weekly Unemployment Claim ..	17
2. Be Unemployed, either Totally or Partially.....	17
3. Actively Seeking Work.....	18
4. Able and Available for Work	20
5. Refusal of Offers of Work or Referrals from a CareerCenter	21
6. Work and Earnings During a Week That You Claim Benefits	21
7. Severance Pay, Vacation Pay, Holiday Pay, and Other Nonwage Payments.....	23
8. Pensions	24
9. Jury Duty	24
10. Waiting Period Week	25
11. Registration for Work.....	25
12. Change of Name, Address, and/or Telephone Number.....	26
13. Filing Your Weekly Claims	27
14. Claim Messages	29
15. Filing Weekly Claims While You Are Temporarily Out-of-State.....	29
16. Moving: Within or Outside of Maine ...	30
17. Returning to Work	30
18. Approved Training	31
Reemployment Services Program.....	32
1. What Are Reemployment Services?...	32

2. Penalties for Not Meeting the Requirements	32
Separation From Work That Is Not Due to Lack of Work	33
Fact Finding Interviews	33
1. Quitting a Job	34
A. Illness.....	34
B. Leaving to Accept a New Job.....	34
C. Leaving to Accompany, Follow or Join Spouse	34
D. Leaving Due to Domestic Abuse..	35
E. Unpaid Voluntary Leave of Absence or Sabbatical Leave	35
2. Getting Fired from a Job.....	35
3. Discharge for Crime in Connection with Work	35
4. Suspended from Work	35
5. Retirement	36
6. Labor Dispute: Strike or Lockout	36
Refusal of Work or Referral.....	36
1. Suitable Work	37
2. Refusal of Referral	37
3. Attempted Recall to Work by a Former Employer	38
4. Refusal for "Necessitous and Compelling" Reasons	38
5. Special Situations When an Offer of Work May Not Be Considered "Suitable"	38
Requalifying for Benefits if You are Disqualified	39
Filing an Appeal	39
1. Appeal Rights	39
2. First Appeal	40
3. Second Appeal	41
4. Request for Reconsideration	41

5. Appeal to Court.....	42
Overpayments Due to an Error or Appeal Reversal	42
1. Federal Income Tax Refund Intercept.....	43
2. State Income Tax Refund Intercept....	43
3. Application of Benefit Repayments.....	43
4. Waiver of Overpayment.....	43
Overpayment Due to Fraud.....	43
Benefits Quality Control.....	44
Other Unemployment Programs.....	44
1. Dislocated Worker Benefits (DWB) ...	44
2. Trade Adjustment Assistance (TAA) for Workers Program	45
3. Federal or State Extended Benefits (EB)	45
4. Disaster Unemployment Assistance (DUA).....	45
Maine Department of Labor CareerCenters ..	45
Job Bank	46
The Maine Job Training System.....	46
Equal Opportunity Is the Law	Back Cover



REMINDER

If you move, it is critical that you update your address with the Unemployment Claims Center. You may update your address through the Maine Department of Labor (MDOL) web portal at www.maine.gov/online/laborui, you may also access your portal account at www.file4ui.com or on the Interactive Voice Response (IVR) telephone claims system by calling 1-800-593-7660 and following the system prompts. For the protection of your personal information, the U.S. Postal Service will **not** forward correspondence from the MDOL. This includes decisions that could affect your benefits as well as general notifications set to you and 1099G forms for tax filing purposes.

SOCIAL SECURITY NUMBER DISCLOSURE

The Privacy Act of 1974 requires that the Maine Department of Labor (MDOL) publish the following statement because a Social Security number is required on all UC claim forms:

Your Social Security Number is solicited under the authority of the Internal Revenue Code of 1954 (26 U.S.C. 85, 6011(a), 6050(b) and 6109(a)). Disclosure of your Social Security Number for this purpose is mandatory. It must be entered on the forms that you submit to claim unemployment compensation.

HOW TO FILE A CLAIM FOR UNEMPLOYMENT BENEFITS

You can file an initial claim for unemployment benefits on the Internet, by telephone, or by mail. Once you have completed your initial claim, you **must** file a weekly claim for benefits for any week that you want considered for payment.

BY INTERNET: To file a new, or reopen an existing, unemployment claim on the Internet, go to www.file4ui.com. Next, under Online Services, click on File a new unemployment claim or reopen a benefit claim. Follow instructions to sign into your account or to create a new account if you have not accessed your unemployment claims account since February 4, 2015. Pay close attention, provide all information requested, and select your most recent employer(s) from the list of employers. If your employer's name is not listed, enter your most recent employer's full name, address and telephone number. Answer all questions and then submit your claim. You will receive a confirmation number and a confirmation email when your claim has been accepted.

BY TELEPHONE: You can file a claim over the phone by calling an Unemployment Compensation (UC) Claims Center at 1-800-593-7660. A claims representative will ask you a series of questions to open your claim. There are no complicated forms to complete. **If you do not have a phone, you can use the phones at any**

Maine Department of Labor CareerCenters
free of charge.

Before You Call: To file your claim by phone, it is important to have the following information with you **before** you call:

1. Your Social Security Number.
2. The following **employer** information: The complete business name and mailing address (with zip code), telephone number, and dates you worked for each job you held during the last 18 months.

BY MAIL OR FAX: To file a claim by mail or fax, you need to complete a claim form. Forms are available at all Maine Department of Labor CareerCenters and on our website at **www.file4ui.com**, (at the bottom of the page, click on Publications and Forms, and locate the *Initial Claim Form* (B-9.2)). You must print a copy, complete it, and mail or fax it to a UC Claims Center (addresses/fax numbers are listed on the back cover of this booklet). Instructions for completing and mailing the form are included with the form. In some situations, your employer may give you a claim form.

POTENTIAL DIFFICULTIES RELATED TO PHONE CONTACTS

1. **CELL PHONES ARE NOT RECOMMENDED.** Cell phone messages often fade out or are not clear. When calling to change your name or address, please use a **landline** phone if possible.
2. **BEING PLACED ON "HOLD" OR GETTING A "BUSY" SIGNAL.** During periods of high unemployment, your call may be placed on hold. Hold times range from a few minutes up to a half hour. If your call is placed on hold, please **stay on the line**. If you call and get a busy signal, please call back later in the day.

NOTE: Calling Wednesday through Friday is recommended, as Monday and Tuesday may be busy with longer wait times.

OTHER IMPORTANT INFORMATION

1. EMPLOYER FINANCED UNEMPLOYMENT INSURANCE. No deduction is ever made from your wages for unemployment benefits. **It is not part of your Social Security deduction.** Employers pay the **full** cost of unemployment insurance benefits through payroll taxes.

2. VOLUNTARY INCOME TAX (FEDERAL AND/OR STATE) WITHHOLDING. Federal or State taxes will not be withheld from your unemployment benefits unless you request that taxes be withheld. You can request withholding by filling out Form W-4V. You can obtain a form by calling (207) 621-5100 or go to **www.file4ui.com**, then, at the bottom of the page, click on Publications and Forms to find and print a copy of Form W-4V to complete and mail in.

Requests to stop withholding must also be made by completing and mailing Form W4-V. The voluntary withholding rates on UC benefits are fixed at 10 percent Federal and 5 percent State of your gross entitlements for any eligible week.

Form 1099G will be mailed to you by January 31 of the year following the calendar year in which you were paid benefits and/or made repayments against an overpayment. *The U.S. Postal Service will not forward these forms so it is important to keep your address information current with the Claims Center.* If you believe your Form 1099G is incorrect, you may call the UC Claims Center at 1-800-593-7660 or write to a UC Claims Center (addresses on the back cover) explaining why you believe the amount reported is incorrect.

3. CHILD SUPPORT DEDUCTIONS FROM YOUR UNEMPLOYMENT PAYMENT. If you owe child support that you pay to the Department of Health and Human Services (DHHS), **up to 50 percent** of your benefits may be automatically taken by MDOL and sent to

DHHS. (This percentage may be different if you have an agreement with DHHS to pay a certain amount of child support towards a back debt.) If you are currently receiving SSI or are receiving public assistance for your child (TANF), you **may** be exempt from automatic withholding. MDOL is not authorized to change any of these withholdings. If you have any questions about the amount that will be taken for child support from your benefit payment, please contact your DHHS support enforcement agent or the agent's supervisor.

4. MAINE AUTOMATED PAYMENT (MAP) CARD. The MAP card provides you with fast, convenient and safe access to your benefits.

Instructions for using the card will be provided when the card is issued. If you have any questions about your debit card or need a replacement card, please use the contact information provided with the card. Do not call the UI Claims Center as claims representatives cannot help you with the card.

5. DIRECT DEPOSIT OF UNEMPLOYMENT COMPENSATION BENEFITS. You can have your weekly payments deposited directly into your checking or savings account. There are three ways to select direct deposit:

- **Online:** Sign into an existing unemployment portal account or create a new unemployment portal account at www.maine.gov/online/laborui. Through the MDOL web portal, you can enter a new direct deposit account, change an existing direct deposit account, or delete a direct deposit account. You will be asked for your account number and your bank's routing number, which is located on the bottom left side of your checks. Using this feature is the quickest way to activate your direct deposit option.
- **By Phone:** Call 1-800-593-7660 to file an application for direct deposit. You will be asked for your account number and your bank's routing number, which is located on

the bottom left side on your checks. Calling is the quickest way to activate your direct deposit option.

- **By Mail:** You can obtain an application for direct deposit (B-170) online at www.file4ui.com, then, at the bottom of the page, click on Publications and Forms. You can also call 1-800-593-7660 for an application to be mailed to you. Mail the completed application to the address provided on the top of the form.

6. ALIENS. Only U.S. citizens and certain aliens are eligible to receive unemployment insurance benefits. If you are not a U.S. citizen, you must have been legally allowed to work in the United States when you earned your base period wages. Also, you must be legally allowed to work while you are claiming unemployment benefits. If you are not a U.S. citizen, your Social Security Number and/or Alien Permit number will be checked with the U.S. Department of Homeland Security.

7. CONFIDENTIAL INFORMATION. Public disclosure of claimant and employer information is generally not allowable. However, at the time you apply, and periodically thereafter, confidential UC information relating to you may be requested and used for other governmental purposes, including, but not limited to, verification of eligibility under other governmental programs. When you request copies of agency records, a minimum research cost and reproduction fee will be charged. An authorization statement must be on file before your records and/or claim status can be discussed with or shared with your family or designated representative.

PENALTIES FOR UNEMPLOYMENT FRAUD

If you commit unemployment fraud you may be prosecuted. Unemployment fraud is theft by deception under Title 17-A, which may be a felony depending on the amount of benefits obtained through misrepresentation or false statement. If you are prosecuted in court and

convicted, you are subject to a fine of not more than \$2,000 and/or a jail term of not more than 364 days for **each** false statement or representation or failure to disclose a material fact when filing your initial and weekly claims.

Under the Maine Employment Security Law, you will be penalized if you knowingly make a false statement or representation, or knowingly fail to disclose a material fact to get or increase benefits. For the first or second violation, you will be disqualified from receiving benefits for the week(s) in which you made a fraudulent claim and become ineligible to receive benefits for 6 to 12 months. For a third or subsequent violation, you will be disqualified for a period to be determined by the Commissioner. In addition, you will be **fined 50 percent of the fraudulently claimed benefits for the first occurrence, 75 percent for the second and 100 percent for the third.**

Overpayments resulting from fraud will be charged interest at the rate of **1 percent per month** until penalties, accrued interest and benefit payments owed are paid in full. If you are unable to pay your debt in full, contact a Collection Representative at 621-5154 or by email at division.uccollections@Maine.gov to negotiate a repayment plan. **NOTE:** 100 percent of future benefits will be applied to any outstanding fraud balance until this overpayment is repaid in full, regardless of a repayment plan. To avoid set-off of future benefits, you must repay your debt in full. In addition, the following may be intercepted and applied to an outstanding fraud overpayment: 1) a Federal or State Income Tax refund due to you and your spouse (joint return); 2) lottery winnings paid directly by the Bureau of Alcoholic Beverages and Lottery Operations; and 3) wage garnishment. Collections may also be achieved by civil warrant.

FRAUD DETECTION

1. Employer Payroll Report Crossmatch. All weekly unemployment claims are "matched"

against employers' payroll records. This process detects individuals who have not reported wages earned during weeks that benefits were paid.

2. New Hire Systems Crossmatch. Each week, the Departments of Labor and Health and Human Services share new hire information provided by employers. This process allows us to identify ineligible payments early in the claims process.

3. Interstate Crossmatch. Each week the MDOL conducts a crossmatch to verify work registration for claimant's residing out-of-state and filing for unemployment benefits with the State of Maine. This process allows us to identify ineligible payments early in the claims process.

4. Inmate Crossmatch. Each week the MDOL conducts a crossmatch with the Maine State Prisons. This process allows us to identify claimants who may not be eligible for benefits due to their availability for work.

FILING AN INITIAL CLAIM

An "initial" unemployment claim is the first step in starting a claim for weekly benefits. An "initial" claim is defined as:

- A new claim for someone who has never filed a claim for unemployment benefits.
- A claim that "reactivates" an unemployment claim for a person who filed his/her most recent "new" claim within the past 52 weeks.
- A new claim for someone whose most recent one-year "benefit year" has ended.

See Page 5 for instructions on filing a claim for unemployment benefits.

INITIAL CLAIMS AND MONETARY DETERMINATIONS

Unemployment Insurance is based strictly on wages paid to you during a specified "base period." The "base periods" are described below.

1. BASE PERIOD

A. "Regular" Base Period. MDOL will first look at your earnings in the "Regular" Base Period, which is the first four of the last five completed calendar quarters prior to the date that you file your claim.

*IF you file your claim during one of these * months*

Oct. Nov. Dec.	Jan. Feb. Mar.	Apr. May June	July Aug. Sep.	Oct. Nov. Dec.	Jan. Feb. Mar.	*		
	Jan. Feb. Mar.	Apr. May June	July Aug. Sep.	Oct. Nov. Dec.	Jan. Feb. Mar.	Apr. May June	*	
		Apr. May June	July Aug. Sep.	Oct. Nov. Dec.	Jan. Feb. Mar.	Apr. May June	July Aug. Sep.	*
			July Aug. Sep.	Oct. Nov. Dec.	Jan. Feb. Mar.	Apr. May June	July Aug. Sep.	Oct. Nov. Dec.
Year Before Last	Last Year				This Year			

THEN the "Regular" Base Period will be the four quarters in the darker shaded area.

Example: If you filed your claim in August, the "Regular" Base Period would be from April of the previous year to March of the current year. If you were not paid enough wages in the **"Regular" Base Period** to set up an unemployment claim, MDOL will look at your wages in the **"Alternate" Base Period** (the light shaded quarter).

B. "Alternate" Base Period. The "Alternate" Base Period is the last four completed calendar quarters prior to the date you file your claim. This means that MDOL will substitute the most recently completed calendar quarter for the oldest quarter used in your "Regular" Base Period. For example, if you filed your claim in August, the **"Alternate" Base Period** would be from July of the previous year to June of the current year.

IMPORTANT NOTE: If you receive a form telling you that you do not have enough wages and that a "redetermination" will be

mailed, you should continue to send in **weekly** claims while the "Alternate" Base Period is checked.

(1) "Alternate" Base Period Monetary Determination. In some cases, MDOL will ask you to provide a listing of your earnings. **You must continue to file weekly claims during the period of investigation.** After MDOL finishes processing your "Alternate" Base Period claim, MDOL will send you another Monetary Determination. This second letter will tell you if you qualify to set up a claim using the "Alternate" Base Period.

2. MONETARY DETERMINATION LETTER.

You will receive a Monetary Determination letter that will show your weekly benefit amount (WBA) and maximum benefit amount (MBA) if you are "monetarily eligible" (have earned enough money) to set up a benefit claim year. **You should carefully review this letter for errors** (either missing wages, or wages which are not yours). **If any wages are missing or if you find other errors, get proof of the correct amount and contact a UC Claims Center.**

3. HOW MUCH MONEY DO YOU HAVE TO EARN?

To be "monetarily eligible" to set up an unemployment claim, you must meet two requirements:

A. During at least two calendar quarters in the base period, you must have been **PAID** wages that are at least two times the annual average weekly wage in Maine. (The calendar quarters are the months listed in the blocks shown in the shaded area on the base period chart on Page 12. Example: January, February and March equal one calendar quarter.) **AND**

B. In the whole base period, you must have been **PAID** wages totaling at least six times Maine's annual average weekly wage.

4. WAGES MUST BE FROM "SUBJECT EMPLOYMENT." Only wages earned from a "subject employer" can be used to meet the earnings requirement to establish a claim. A "subject employer" is one that pays unemployment insurance taxes on your wages or who may have liability for your unemployment insurance benefits. Most employers, including the government, are "subject employers." If you are not sure if you worked for a "subject employer," you should still file a claim for benefits. If no unemployment taxes were paid on your "wages," MDOL will verify that this was appropriate under Maine Employment Security Law.

A. Workers' Compensation: Certain Workers' Compensation weekly payments may be used towards meeting the earnings requirement.

B. Out-of-State Wages: If you worked in another state, you may be able to use those wages to file either a "combined-wage" claim or an "Interstate" claim.

5. HOW MUCH CAN YOU COLLECT IN BENEFITS? The amount of your earnings determines the amount of unemployment benefits you can collect.

A. Weekly Benefit Amount: Your weekly benefit amount (WBA) is the benefit amount that you can receive for one week. Your weekly benefit amount (up to the limit provided for under State law) is determined by dividing the average of the wages in the two (2) highest quarters of your "base period" by 22.

B. Maximum Benefit Amount: Your maximum benefit amount (MBA) is the maximum amount of benefits that you can receive during your "benefit year." This amount is either 26 times your weekly benefit amount, OR, one-third of your total base period wages, whichever is less.

6. DEPENDENCY ALLOWANCE. If you are the whole or main support of a child under the age of 18, who is a student between the ages of 18 and 23, or who is disabled, you may be eligible for a dependency allowance of \$10 for each child. You must report any changes such as an increase or decrease in child support or return to work of your spouse when you file your weekly claim.

7. BENEFIT YEAR. Each "Benefit Year" lasts for 12 months. It starts with the Sunday of the week in which you file your claim and ends one year later. **CLAIMS CANNOT BE BACK-DATED.** If you earned enough money to qualify, your benefits are available during this 12-month period. You may be eligible for up to 26 full benefit payments during your benefit year.

8. ESTABLISHING A SECOND BENEFIT YEAR. If you receive unemployment benefits during one "benefit year," there is an additional requirement that you must meet before you can receive benefits in a second (later) "benefit year." This requires that you have worked since the beginning of the first benefit year and earned eight times the weekly benefit amount of your **new benefit year**. This work has to be for an employer that pays unemployment taxes ("subject" employment).

9. SEASONAL EMPLOYMENT. Some employers operate for only part of the year. If you worked for a "seasonal employer," you would only be able to receive benefits, based on those seasonal wages, during the employer's regular seasonal period. The Maine Unemployment Insurance Commission determines which employers and industries are seasonal. If you have wages from a "seasonal" employer in your base period, your monetary determination will show this. It will tell you what your employer's seasonal period is and how much of your maximum benefit amount is available to you outside the employer's seasonal period.

10. SCHOOL WAGES. If you have base period wages from an educational institution, there may

be some restrictions on your unemployment benefits. Under some circumstances, you would not be able to receive unemployment benefits during school breaks. The key factor is whether or not ANY school has told you that you will have a job at the end of the summer vacation and/or after holiday/recess periods. MDOL will review the exact effect, if any, school wages have on your eligibility when you file your claim.

11. PROFESSIONAL ATHLETES. If you earned some or all of your base period wages while participating in sports as an athlete, a special law applies. You will not be able to use those wages as a basis for receiving benefits between two consecutive seasons under certain circumstances. MDOL will discuss these circumstances with claimants who are involved in this situation.

REOPENING A CLAIM

You can reactivate your claim at any time during your "benefit year" by:

- Internet at **www.file4ui.com**, then, under Online Services, click on File a New Unemployment Claim or Reopen a Benefit Claim.
- Calling 1-800-593-7660.
- Visiting a MDOL CareerCenter to obtain an initial claim form (B-9.2) and mailing it to a UC Claims Center listed on the back cover of this booklet. This form is also available online at **www.file4ui.com**, then, at the bottom of the page, click on Publications and Forms.

It does not matter why you stopped claiming benefits. Your weekly benefit amount does not change when you reactivate your claim. However, your claim will become "effective" the Sunday of the week in which you reopen your claim. If you are now unemployed and want to begin filing for benefits again, **DO NOT DELAY IN REAPPLYING FOR BENEFITS BECAUSE CLAIMS CANNOT BE BACKDATED.**

BENEFIT RIGHTS AND RESPONSIBILITIES

To receive weekly benefits, you must meet the eligibility requirements. You are responsible for knowing what is required of you while you are claiming benefits. If you have any questions or doubts, **it is important that you call 1-800-593-7660 and speak with an Unemployment Program Representative.** Failure to satisfy your responsibilities in this program can jeopardize your ability to collect benefits. Therefore, it is important to rely only on someone who is thoroughly familiar with the current laws that govern the unemployment program.

TO BE ELIGIBLE FOR UNEMPLOYMENT BENEFITS, EACH WEEK YOU MUST:

- 1. FILE A WEEKLY UNEMPLOYMENT CLAIM.** You can file weekly unemployment claims on the Internet at **www.file4ui.com** (under Online Services, select File a Weekly Unemployment Claim) or by telephone at 1-800-593-7660. See additional information for both filing methods on Page 27.
- 2. BE UNEMPLOYED, EITHER TOTALLY OR PARTIALLY.**

A. You will be considered **totally unemployed** in any week that you do not work.

B. You will be considered **partially unemployed** if you are working less than full time and do not earn \$5 or more above your weekly benefit amount. You generally will **not** be considered totally or partially unemployed if you are primarily self-employed or employed full time on a commission basis.

(1) Full time: Being employed full time generally means working the number of hours that are usually considered to be full time for the occupation or industry but not less than 35 hours per week.

3. ACTIVELY SEEKING WORK. To be eligible for unemployment benefits you must be registered and active with Maine's Job Bank if you are living in the State of Maine. If you are filing for unemployment benefits and living outside the State of Maine, you must be registered for work with the Job Service Agency in the state in which you are residing. The following factors come into consideration when the MDOL is looking at what kind of work search you should be doing:

- Work you usually do.
- Work you have training or experience doing.
- Work you have education to do.
- The number of possible job openings in the area to which you are able and available to commute.
- The number of weeks that you file for benefits.

Your local MDOL CareerCenter offers free job search help. **You cannot limit your work search only to CareerCenter registration.**

A. Method of Contact. You are required to seek work each week. Making personal employer contacts to complete an application is generally the most effective means of securing work. However, sending letters and résumés by mail or Internet, and using employment agencies can also be used along with personal employer contacts. Maine law requires that you track your work search using the Work Search Log. This includes maintaining a copy of emails and URL addresses for applications you submitted online. Keep a copy of any application submitted or, if applying online, write the web address or URL on your Work Search Log. A Work Search Log will be mailed to you to list the contacts you make each week. You will be asked to mail this log to the MDOL upon request; be sure to keep a copy of the Work Search Log for yourself. A new log will be mailed to you

approximately every five weeks. You should also fax or mail your log to the MDOL when you return to work or receive your last benefit payment. When your work search log information is requested, a detailed review of your work search to verify your work search efforts will be done by the department. **Verifiable contacts for each week in which a claim for benefits is filed must be provided.** Verifiable contact information includes employer name and address, name and title of the individual contacted, and telephone number or website addresses (URLs). If applying for jobs online, you must submit screen prints or email confirmations as proof with your work search log.

NOTE: You must continue to seek work even when claiming partial benefits.

Refer to the mail claim instructions sent to you when you file a new claim for additional information.

B. Work Search Waivers. Waivers may be given for two to six weeks and fall under one of the following categories. For additional information, refer to the claim instructions sent to you when you filed a new claim.

Your employer is **NOT** authorized to grant you a work search waiver. Only MDOL can grant a work search waiver. Unless you have been granted a work search waiver by MDOL, you must be actively seeking work each week of filing.

- **Pending Recall:** If you have been laid off due to a lack of work and you have a **definite** recall date within six weeks of that layoff date. Your employer must provide written verification of your recall date. **New Job:** If you have accepted an offer of permanent full-time **new** employment (not a recall by a former

employer) which will start within two weeks.

- **In Approved Training:** If you are in training that has been "approved" by the MDOL and waives your requirement to seek employment for a specific period while you are attending school or training. For more information, see Page 31.

4. ABLE AND AVAILABLE FOR WORK. To receive benefits you must be physically able to work and available to accept suitable full-time work without restrictions such as child care, transportation or shift preference when you work in a multi-shift industry. **Exceptions:** You will not be denied benefits if:

- a) The greater part of the shift is between midnight and 5 a.m., and you:
 - need to care for an immediate family member.
 - have a disability and a personal care attendant who is required to help you is not available.
- b) You worked less than full time for a majority (more than 50 percent) of weeks during your base period and you are able, available and seeking work for a comparable number of hours in your regular occupation; or
- c) You worked full time for a majority of the weeks during your base period but you are only able, available and seeking part time work due to your own or an immediate family member's illness or disability or when necessary for the safety or protection of yourself or an immediate family member, including protection from domestic abuse.

You must report any of the above exceptions to the MDOL when you file a claim.

A. Not Able or Available for Work for Part of the Week. Occasionally, you might not be able to work or be unavailable for work for part of the week. You must report

any such days and the reasons when filing your weekly claim for benefits. If you file by Internet, telephone or mail and you were not able or available for work, you may be contacted by the MDOL to provide additional information. When you are not able or available due to illness or other "good cause," you may be eligible for reduced benefits for the part of the week that you were able and available for work. **You must still meet all other conditions for being eligible for benefits.**

5. REFUSAL OF OFFERS OF WORK OR REFERRALS FROM A CAREERCENTER. You must report any offer of work that you refuse or any referral to work from a MDOL CareerCenter that you do not accept on your weekly claim. You must explain the refusal in the REMARKS section on the front of your weekly claim card for special programs, or in the space provided on this question if you file by the Internet. If you file your weekly claim by telephone, your claim may be accepted by the system but you will be contacted by the MDOL to provide additional information regarding the Refusal of Work or Referral by the CareerCenter. If you refuse an offer of "suitable" work or a referral to a "suitable" job, you may be disqualified from receiving further benefits.

A. Acceptance of a Referral. To be considered to have "accepted" a referral from a MDOL CareerCenter, you must contact the employer to whom you are referred to schedule a job interview.

6. WORK AND EARNINGS DURING A WEEK THAT YOU CLAIM BENEFITS. *Earnings apply to the week in which you work and earn the money, not when you get paid.* You must report **any work performed** (including self-employment and commission sales) and the **GROSS** amount of wages earned or in the space provided if you file on the Internet. If you file your weekly claim by telephone, at the prompt you must report your gross earnings from all the employer(s) for whom you worked.

If you were paid for an "odd job" and you can not provide written verification of your earnings, report your earnings for the week in which you did the work, regardless of when you are paid. "Gross wages" means the total wages paid or due to you before any deductions. This includes all employment of any kind, such as self-employment, odd jobs, baby-sitting, etc. Wages include cash, commissions, checks, tips, and the cash value of pay you receive in the form of food, lodging or any other means of payment. If you report that you worked, your benefit payment will be delayed until you report and provide verification of your earnings. If you do not report your earnings within 14 days of when MDOL asks for them, your benefits will be denied.

A. Partial Benefits. You must report **ALL** of your gross earnings. However, the first \$25 of gross earnings will not affect the amount of your unemployment payment for that week. Gross earnings above \$25 are subtracted from your benefit payment for that week. For example: If you earn \$40 in a week, only \$15 (\$40 minus the \$25 "allowance") will be deducted from your unemployment payment.

NOTE: You must continue to seek work even if you are claiming partial benefits.

B. Verification of Earnings. If you work during a week, you are required to report your earnings. **You also must provide proof of your gross earnings before a benefit payment can be sent to you for the week claimed.** Examples of acceptable proof are a paycheck stub or a statement signed by your employer. In addition, you can use a "Verification of Earnings" form (B-9.3) to verify your earnings for a particular week. This form can be obtained by contacting the UC Claims Center at 1-800-593-7660 or by downloading it from our website at **www.file4ui.com**, then, at the bottom of the page, click on Publications and Forms. This

form is also available at all MDOL CareerCenters. Ask your employer to complete the form and return it to you. You can fax or mail the form to:

Fax: (207) 561-4070 or (207) 561-4665

Mail: Maine Department of Labor
Attn: BUC Wage Verification
P.O. Box 450
Bangor, ME 04402-0450

IMPORTANT: If you do not provide proof of your earnings with your claim or **within 14 days** of the date MDOL requests it, **your claim for that week may be denied.**

C. "Excess" Earnings. If your **gross** earnings are \$5 or more above your weekly benefit amount, you will have what is called "excess earnings" and you will not be eligible for a benefit payment that week.

D. Working Full Time or the Full Number of Hours Able or Available Due to Illness or Disability. If you are working "full time," you will not be eligible for benefits regardless of the gross amount of your earnings. If you are working part time due to the reasons outlined on Page 20, Exceptions b) or c), and you are now working the full number of hours you are able or available to work considering your limitations, you will no longer be considered "partially unemployed" or eligible for benefits regardless of your earnings.

7. SEVERANCE PAY, VACATION PAY, HOLIDAY PAY, AND OTHER NONWAGE PAYMENTS. If you receive any payment from your employer that is not regular earnings, report it on your weekly claim form, or when requested to do so on the Internet or by the "telephone prompt" if you file your weekly claims by telephone. The types of payments and how they will be deducted are as follows:

A. Severance Pay, Dismissal Wages and Terminal Pay. Deducted from your

unemployment payment for the week or payroll period in which they are paid.

B. Wages In Lieu of Notice. Deducted for the period covered by the notice.

C. Vacation Pay. Any vacation pay in an amount exceeding the equivalent of four weeks of wages will be deducted.

D. Holiday Pay. Deducted from the claim week in which the holiday occurs.

E. Bonuses. If you receive a bonus, you must report it when you file your weekly claim for benefits.

8. PENSIONS. In some cases, pensions other than Social Security are deducted from your weekly benefit amount. They are deducted if: 1) you receive a pension from a base period employer; 2) that employer made some or all of the contributions towards your pension, and 3) the services provided for that employer during the base period affected the amount of, or eligibility for, the pension. MDOL only deducts the employer's portion of that pension from your weekly unemployment benefits. NOTE: If you receive Railroad Unemployment Insurance benefits, including sickness benefits, you will not be eligible for regular unemployment insurance benefits from Maine or another state.

A. How to Report the Amount of Your Pension. The **gross** amount of your pension (excluding Social Security) should be reported on your weekly claim or when requested to do so on the Internet or by the "telephone prompt" if you file your weekly claims by telephone. You need to report your pension for the week(s) in which you receive it. If your pension amount changes, please note the change when requested to do so on the Internet or by the "telephone prompt" if you file your weekly claims by telephone. You do not need to report any Social Security benefits.

9. JURY DUTY. If you are called for jury duty while you are filing for unemployment benefits,

you must report the jury duty pay (but not the mileage or other expense payments). If you normally file your claim by Internet or by telephone, please call your UC Claims Center and ask a representative to take your weekly claim by telephone because you have jury duty pay. If you file your claim by mail, write the words "jury duty," the dates of jury duty, and the amount of jury duty pay in the REMARKS section of your weekly claim for the week(s). Jury duty pay will be deducted from the benefit payment for the week(s) in which you are on jury duty. If your jury duty pay is less than your weekly benefit amount, you will still be eligible for some benefits. You will be considered to be available for work while on jury duty.

10. WAITING PERIOD WEEK. Maine law requires a one-week "waiting period" prior to paying benefits. You must file a weekly claim for this week, but you will not receive a benefit payment for the week. The first week in your new "benefit year" will normally serve as your waiting period. If you are not eligible for benefits for the first week in your "benefit year," then the next week you are eligible for benefits will be your "waiting period" week.

A. Do Not Delay in Filing Your Claim Because of the Waiting Period Week Requirement. To receive a "waiting period" credit, you must file a claim for that week. If you delay in filing your claim, your claim and the waiting period week will only start the week in which you file it.

11. REGISTRATION FOR WORK. To complete an initial claim for benefits, you are required to be registered for work. You must fully register with the Maine's Job Bank to ensure that you have access to all job referrals and services offered. Registration for work will enable the MDOL CareerCenter to assist you in returning to work. **If you fail to register with the Maine's Job Bank, you could be denied benefits until you have registered.**

You can access the Maine's Job Bank online at: www.mainecareercenter.com, click on Jobseekers under the Maine's Job Bank logo. A user name and password are required; follow the prompts if you are a "Returning Customer." If you are not registered with the Maine's Job Bank, under "New Customers," click on Sign Up and then follow the prompts. If you do not have a computer, you can visit any MDOL CareerCenter and use their computers. To locate the CareerCenter nearest to you, please call 1-888-457-8883.

If you move or live out-of-state, you must also register with a local Job Service Agency or America's Job Bank at www.ajb.org. You can locate your local Job Service Agency by visiting www.servicelocator.org/onestopcenters.asp.

12. CHANGE OF NAME, ADDRESS, AND/OR TELEPHONE NUMBER. If your name, address and/or telephone number changes while claiming benefits, you must update your information. You may change information online through your MDOL web portal at www.maine.gov/online/laborui. You may also call 1-800-593-7660 and follow the menu instructions for changing your name, address, and/or telephone number.

REMINDER: The U.S. Postal Service will **NOT** forward unemployment materials to you. You must notify the U. S. Postal Service **AND** the UC Claims Center of your new address and also put your name on your new mailbox.

A. Establishing and Changing Personal Identification Numbers (PIN). To access some functions of the UC Claims Center System, you will be required to provide a PIN number. You selected this number when you first filed a new claim. If you need to change the PIN number, or if it is lost or forgotten, you may change or obtain your PIN Number online through your MDOL portal account at www.maine.gov/online/laborui or call the

UC Claims Center telephone number listed on the front cover of this booklet. You will be presented with a menu. If you know the number and wish to change it, follow the menu instructions for changing your PIN. If you do not know the PIN, you must speak to a claims representative. Select the menu choice to speak to a claims person about your claim. A claims representative will come on the line to assist you. In either event, the new PIN number will be mailed or emailed to you to verify that it is what you wanted.

13. FILING YOUR WEEKLY CLAIMS.

After you have opened your unemployment claim and established a benefit year, you still **must** file a claim **each week**. If you fail to file a timely claim for any week after opening a claim for benefits, your account may be closed and you will be required to reopen it before any further claims can be filed.

A. Filing Your Claims by the Internet or Telephone. You **cannot** file a weekly claim by the Internet or the telephone if you do not have an **active** claim. If you do not file your claim for the current or previous week in a timely manner, the automated Internet or telephone systems will not accept your claim. You will need to call 1-800-593-7660 to reopen your claim. If your claim *is* active, you may file your claim for the week that has just ended and/or the previous week online at www.file4ui.com; then, under Online Services, click on File a Weekly Unemployment Claim, or call 1-800-593-7660 any time after 12:01 a.m., Sunday morning. You will need your PIN number to access this function of our automated systems. **Please follow all the prompts and wait for the system to confirm that your claim has been accepted.** If you log off your computer or hang up the telephone before you receive

this confirmation, you will need to begin again.

B. Filing Your Claims by Mail. Except for special programs that require a paper claim (Dislocated Worker Benefits, Trade Readjustment Act, Extended Benefits), you may no longer file weekly claims by mail using a paper claim. The MDOL no longer mails out paper weekly claims or claim cards.

You may file weekly unemployment claims using the telephone Interactive Voice Response System by calling 1-800-593-7660 and selecting the prompt to file a weekly claim. You may also file weekly claims on the Internet by going to **www.file4ui.com** and selecting the option to file a weekly claim.

C. Late Claim Filing. You are allowed to file your weekly claim up to 14 days after the end of the week being claimed. However, if you delay in filing your claim, this will delay how soon a payment may be issued to you if you are eligible. If you delay *more* than 14 days, you will be unable to file your claim by telephone or Internet. After 14 days, you will be required to reopen your claim by either going to the Internet and selecting the option to file a claim for benefits or calling the claim center and speaking to a customer service representative.

D. When Should You Expect Your Payments? After filing your initial claim, you must file weekly claims either online or by phone. You should receive your Maine Automated Payment (MAP) card in the mail the week after you file your initial claim for benefits. If you are eligible for benefits, your first payment will be made about three weeks after you file your initial claim. However, heavy workloads (especially in the winter), holiday periods and other factors may cause delays in processing benefit payments. You can check on the

status of your weekly claim online through your MDOL portal account at **www.maine.gov/online/laborui** or by calling 1-800-593-7660 and selecting the option to check the status of your recent claims. **You should allow seven days after you file your claim before calling a UC Claims Center to ask about your payment.**

Your electronic fund transfers should be in your bank account or in your MAP account two to three business days from the date your payment was certified.

E. Look-Up Information About Your Unemployment Claim and Benefits Paid.

You can look up information about an unemployment claim online through your MDOL portal account at **www.maine.gov/online/laborui**. You can use this website to get information about your claim(s) 24 hours a day, seven days a week. You can also look up tax and other withholding information as well as account balances.

14. CLAIM MESSAGES. When you log onto the Internet or call the telephone Interactive Voice Response System to file your claim or to get information about your claims, you may be provided with either a written message on the Internet or an audio message on the telephone regarding your claims or your claim status. If the message is prompting you to take some action, such as providing a copy of your check stub or submitting your work search log, carefully follow the instructions. *If you do **not** follow through on these messages, your benefits could be delayed or denied.*

15. FILING WEEKLY CLAIMS WHILE YOU ARE TEMPORARILY OUT-OF-STATE. If you plan on going out-of-state to seek work, please call 1-800-593-7660 and ask to speak to a Team Leader or Claims Adjudicator for guidance. Once given permission, you may file in another state for one or two weeks.

16. MOVING: WITHIN OR OUTSIDE OF MAINE. If you move within Maine or to another state, please indicate your address and telephone number changes when asked to do so while filing your weekly claim. If you file your claims by mail, you should continue to mail your weekly claims and forms to the UC Claims Center that currently serves you.

If you relocate to another state at any time while you are filing for unemployment benefits, you **must** register for work at a local Job Service Agency in your new state. You can find your local Job Service Agency by visiting www.servicelocator.org/onestopcenters.asp.

17. RETURNING TO WORK

A. Full Time. When you return to work **full time**, mail your Work Search Log to one of the claim centers listed on the back of this booklet. On the log, note the date you returned to work and the name of the employer. When you file your claim by Internet or telephone for the week that you return to work, be sure to answer "Yes" to the question that asks if you worked or earned any wages during the week. **Wages apply to the week in which you do the work, not when you are paid.** Whether or not the employer "Holds back" your first paycheck has no effect on how you should answer the question if you worked during the week being claimed. **When you receive your pay check, be sure to submit a copy of your pay stub showing your gross earnings for the days you worked.** To temporarily close or place your claim on hold, simply stop filing weekly claims.

(1) Reactivating your claim if you separate from work again during your benefit year. Your claim can be reactivated at any time during your benefit year. **Claims are "effective" the Sunday of the week in which you start your claim again. CLAIMS**

CANNOT BE BACKDATED. You should reactivate your claim as soon as you separate from the job; you can do this online through your MDOL portal account at

www.maine.gov/online/laborui, then, under your services, select File a claim. Do not log off the computer until you have received confirmation that your claim has been received. If you wish to reactivate your claim by telephone, call 1-800-593-7660. Keep track of your confirmation number.

B. Part Time. If you return to work **part time**, but you are still seeking full-time work, you might still be eligible for some benefits. You should continue to file your claims each week as long as your gross earnings are not \$5 or more above your weekly benefit amount. If you file claims on the Internet or by telephone, answer "Yes" to the question, "Did you work during the week claimed?" and provide all requested employer and wage information. Report your **gross wages** regardless of when you get paid. **You must submit a copy of your pay stub for the days you worked.** MDOL will review your earnings and issue you an unemployment payment if you are eligible. **If you are working part time because of your own or an immediate family member's illness or disability**, in addition to reporting your wages each week as outlined previously in the section, **you must report the number of hours you work each week.** Once you are working the full number of hours for which you are able or available to work because of the illness or disability, you are no longer considered unemployed, regardless of your earnings.

18. APPROVED TRAINING. If you are interested in attending school and your schooling will restrict your availability to seek or accept full-time employment, you will need to

request a waiver to be exempted from the requirement of looking for work while you are in training. Waivers can only be granted for training programs under two conditions:

1) Enrollment and attendance in programs that are federally sponsored and pre-approved: Workforce Investment Act (WIA), Trade Adjustment Assistance (TAA) (for workers who have lost their jobs due to imports), and Trade Readjustment Assistance (TRA); or

2) Enrollment and attendance at other schooling or training, not one of the types of training listed in item 1 above, that falls within Employment Security Law §1192.6 and the Unemployment Insurance Commission Rules.

Approval for this training requires that you submit certain information to the claims centers and participate in a telephone interview to review the training. You should contact the UC Claims Center to find out about the procedure for getting training approved.

REEMPLOYMENT SERVICES PROGRAM

1. WHAT ARE REEMPLOYMENT SERVICES? The Reemployment Services Program selects individuals who may benefit from additional assistance in their effort to find a job. All individuals filing an initial claim for unemployment benefits are compared with claimants who have exhausted benefits in the past. Current applicants who are most similar to those who exhausted benefits are selected to receive additional assistance. If you are selected, a letter will be sent to you notifying you of this and scheduling you for a Reemployment Services orientation session. You **must** take the letter with you when you report for your **scheduled** interview.

2. PENALTIES FOR NOT MEETING THE REQUIREMENTS. Individuals who are referred to reemployment services under the Reemployment Services Program are **required**

to participate in those services. If you do not attend scheduled workshops or other activities, your benefits **may be denied until you participate**. During the period that you are receiving reemployment services, you are still required to make an active search for work and be available for work.

SEPARATION FROM WORK THAT IS NOT DUE TO LACK OF WORK

If you are laid off from a job due to a "lack of work," then your unemployment benefits will be allowed on the "issue" of separation. If the reason that you separated from a job was **NOT due to a "lack of work,"** further information will be needed.

FACT FINDING INTERVIEWS

When separation from work was **NOT** due to a lack of work, a "fact-finding interview" will be scheduled to get information from you and from your former employer. A claims adjudicator will use this information to determine your eligibility. Fact-finding interviews are held over the telephone. Therefore, if you are scheduled for a fact-finding interview and you have written information that you want the claims adjudicator to see (such as a separation paper, doctor's note, etc.), mail or fax them to the UC Claims Center **before** the interview date. A form concerning your separation will normally be mailed to you before the interview. **Complete this form and return it immediately by mail or fax so the claims adjudicator may review it before calling you. Claim Center addresses and fax numbers are listed on the back cover of this booklet.**

Once the claims adjudicator has made a decision, you will be mailed a written determination that will tell you whether benefits will be allowed or denied. If you disagree with any decision mailed to you, see Page 39 for appeal rights.

1. QUITTING A JOB. If you quit your last job, the claims adjudicator will decide whether you are allowed or denied unemployment benefits. If you had a **"good cause" related to your work** for leaving, your benefits will be allowed. If you did not have "good cause," you will be disqualified from receiving benefits. See exceptions below. This disqualification period continues until you earn four times your weekly benefit amount in new employment "covered" under the unemployment law. **Special circumstances** that are part of the voluntary quit section of the law are mentioned below.

A. Illness. If you voluntarily leave work due to the illness or disability of you or an immediate family member, you *may* be eligible for benefits if you meet certain conditions. You need to promptly notify you employer of the need for time off, a change or reduction in your hours or a shift change. If the employer is not able to or will not accommodate your request, you may be allowed benefits based on the separation. In order to be eligible for benefits, you must still be physically able to work (within any restrictions or limitations), must be available for work and must be actively seeking work (see Pages 18 through 21).

B. Leaving to Accept a New Job. Under some circumstances, your benefits will be allowed if you leave one job with the intention of taking another job. You must have left one job with the intention of starting a new, permanent, full-time job with another employer. You must have an actual offer of employment with a specific start date. If the new job falls through because of action by the new employer, your benefits will be allowed.

C. Leaving to Accompany, Follow or Join Spouse. Your benefits will normally be allowed if it was necessary for you to leave your job to accompany, follow or join your spouse to a new place of residence. **You need to wait until you arrive at your**

new residence before filing for unemployment benefits, and you must be available for and seeking work.

D. Leaving Due to Domestic Abuse. If you have to leave your job to protect yourself or an immediate family member from domestic abuse, your benefits may be allowed. You must make all reasonable efforts to keep your job. Domestic abuse includes attempting or actually causing bodily harm or putting another in fear of bodily injury. It also includes controlling another's conduct, restricting another's movements, threatening violence, or repeated intimidation or harassment.

E. Unpaid Voluntary Leave of Absence or Sabbatical Leave. You will not be eligible for benefits while you are on a voluntary leave of absence or sabbatical leave to which you and your employer have mutually agreed.

2. GETTING FIRED FROM A JOB. If you are fired from a job, the claims adjudicator will decide if you were fired for "misconduct." "Misconduct" means that you were doing something against your employer's interests. It also covers doing something that you knew you should not have. If you were discharged for "misconduct," you will be disqualified until you earn **eight** times your weekly benefit amount in employment "covered" under the unemployment law.

3. DISCHARGE FOR CRIME IN CONNECTION WITH WORK. If you are discharged for conviction of a felony or misdemeanor in connection with your work, you will be disqualified until you have earned \$600 or **eight** times your weekly benefit amount in employment "covered" under the unemployment law, whichever is greater.

4. SUSPENDED FROM WORK. If you are suspended from work, the claims adjudicator will decide if you were suspended for "misconduct." (See Section 2 above on this page for

information on "misconduct.") If you are disqualified for suspension, the disqualification continues until the end of the suspension.

5. RETIREMENT. If you voluntarily retire, or retire under a recognized company program under which you are entitled to receive pension payments, you will be disqualified from receiving benefits until you have earned **six** times your weekly benefit amount in employment "covered" under the unemployment law.

6. LABOR DISPUTE: STRIKE OR LOCK-OUT. If you are on strike and out of work because of a stoppage of work due to a labor dispute, a special law applies. If there is a stoppage of work due to a labor dispute, and you are participating in the "strike" or financing or directly interested in the labor dispute that caused the stoppage of work, then you will not be eligible for benefits during the labor dispute. You will be disqualified until one of the following occurs:

- You have earned **eight** times your weekly benefit amount in employment "covered" under the unemployment law, OR,
- You have been employed for **five full weeks in employment "covered" under the unemployment law, OR,**
- MDOL determines that a "stoppage of work" no longer exists.

If you have been "**locked out**" by your employer, you will **NOT** be disqualified under the labor dispute section of the law.

REFUSAL OF WORK OR REFERRAL

If you refuse any work or fail to apply for any job referrals accepted from Maine's Job Bank, you must report the refusal via any weekly claim filing method and provide details about the refusal or if you file your claim by telephone when asked by the telephone prompt. If you refuse an offer of "suitable" work or a referral to a "suitable" job, you will be

disqualified from receiving benefits. This disqualification will continue until you have worked (after the refusal) for an employer covered by the unemployment law and earned **ten** times your weekly benefit amount.

1. SUITABLE WORK. In determining whether or not the job involved was "suitable," the claims adjudicator will compare the offered work to your previous work.

A. During your first 10 consecutive weeks of unemployment. During the first 10 consecutive weeks that you are unemployed, the claims adjudicator will consider the following factors to determine if a job was suitable:

- 1) The degree of risk to your health, safety and morals.
- 2) Your physical fitness.
- 3) Prior training.
- 4) Previous work experience.
- 5) **Prior** earnings.
- 6) How long you have been unemployed.
- 7) Your prospects for getting work in your local area in your usual occupation.
- 8) The distance to the work from your home.

B. After 10 consecutive weeks of unemployment. After you have been out of work for more than 10 weeks, your prior training and work experience are **NOT** taken into consideration. Also, your prior earnings will **NOT** be taken into consideration if the offered job pays wages equal to or more than the "average weekly wage" in Maine as determined by MDOL.

2. REFUSAL OF REFERRAL. You may accept a referral from Maine's Job Bank. If you do, you must apply for the job as directed in the referral. If you do not, you may be disqualified from receiving benefits.

A. Acceptance of a Referral. To be considered to have "accepted" a referral from Maine's Job Bank, you must apply to the employer to whom you are referred..

3. ATTEMPTED RECALL TO WORK BY A FORMER EMPLOYER. If your former employer tries to recall you to a suitable job but is unable to contact you at the last address that you gave the employer, you might be disqualified from receiving benefits.

4. REFUSAL FOR "NECESSITOUS AND COMPELLING" REASONS. If you refuse work or a referral for work for "good cause," then you would only be disqualified for the time that the "good cause" (such as illness) was limiting you.

5. SPECIAL SITUATIONS WHEN AN OFFER OF WORK MAY NOT BE CONSIDERED SUITABLE.

- If the position offered is vacant due to a labor dispute (strike or lockout).
- If the wages, hours or other conditions of work are substantially less favorable than those for similar work in the area.
- If, as a condition of being employed, you would be required to join a **company** union or resign from or refrain from joining any **bona fide labor organization**.
- If the position offered is the **same one** that you previously left for good cause related to that employment. Furthermore, a job is not suitable if you previously left that job for good reasons related to the work, but the reasons were not good enough to allow your benefits. These exceptions only apply if the specific "good cause" or "good reason" has not been removed.
- If the position offered involves a shift, the greater part of which is between the hours of midnight and 5 a.m., **and** you refuse because of parental obligation, the need to care for an immediate family member, or the unavailability of a personal care attendant

who is required to help you if you have a disability. (A "parental obligation" is the obligation to care for the claimant's children.)

REQUALIFYING FOR BENEFITS IF YOU ARE DISQUALIFIED

If the reason you are disqualified from receiving benefits is due to a job separation issue or refusal of a suitable job, you will not be able to collect benefits until:

- You have worked in a job for an employer who pays unemployment taxes (a covered employer); **AND**
- You have earned the required amount of money. The exact dollar amount will be specified in any disqualification decision; **AND**
- You separate from the new job for reasons that would allow your benefits.

You may be required to provide documentation showing that required wages have been earned.

FILING AN APPEAL

NOTE: IF YOU FILE AN APPEAL, CONTINUE TO FILE YOUR WEEKLY CLAIMS WHILE YOUR APPEAL IS BEING PROCESSED. NO PAYMENTS CAN BE MADE FOR WEEKS FOR WHICH TIMELY CLAIMS WERE NOT FILED, EVEN IF THE APPEAL IS DECIDED IN YOUR FAVOR.

1. APPEAL RIGHTS. If you are not going to be paid unemployment benefits for any reason, MDOL will inform you in writing. If you are "denied" benefits, "disqualified," or found to be "ineligible" to receive benefits, or if it has been determined that an overpayment has been made, you have the right to file an appeal to review that decision.

A. Employer Right of Appeal. If your former employer does not agree with a decision in which the employer is involved, such as a separation from work or refusal of

an offer of work, then that employer may also file an appeal on the decision.

B. Appeal of Monetary Determination. If you feel that your monetary determination is incorrect, call your UC Claims Center. You will be advised to file an appeal. While the appeal is pending, MDOL will investigate its accuracy and completeness. If MDOL finds any errors, MDOL will correct the amount of the wages. If MDOL does not find any errors, you will be scheduled for an appeal hearing.

2. FIRST APPEAL

A. How to File an Appeal of the Deputy's Decision or Monetary Determination.

(1) Time limit. Appeals must be filed within 15 calendar days of the mailing date of the Deputy's Decision or Monetary Determination. An additional 15 days for filing an appeal may be granted if you have **good cause** for late filing.

(2) Ways to file. You have five different ways to file an appeal:

- **By Internet:**
www.Maine.gov/labor/appeals.
This is the fastest way to file an appeal and lock-in the appeal date.
- **By Telephone:** (207) 621-5001; TTY users call Maine Relay 711.
Note: Although you may leave a message concerning your appeal, your appeal is not filed until you actually speak to a Division of Administrative Hearing staff person who will take your appeal by telephone.
- **By Fax:** (207) 287-5949
- **By Mail Addressed to:**
Division of Administrative Hearings
30 State House Station
Augusta, ME 04333-0030

- **By Hand Delivery:** To any office of the Maine Department of Labor.

B. Preparing for Your Appeal Hearing.

Once you file your appeal, all matters related to the appeal should be directed to the Division of Administrative Hearings (DAH). They will send you a booklet "How to Prepare for an Appeal Hearing." Information about appeals can also be accessed through the DAH website at **www.Maine.gov/labor/appeals**.

DAH will mail you a notice of the date and time of your hearing. Most hearings are held by telephone. If your hearing will be in person, the notice will include the hearing location. After your hearing, a Hearings Officer will render a decision regarding your eligibility for benefits.

If you do not agree with the Hearing Officer's decision, you can appeal that decision to the Unemployment Insurance (UI) Commission. (See Section 3 below.)

3. SECOND APPEAL.

A. Time Limit. You have 15 days from the "date mailed" on your Division of Administrative Hearings decision to file a written appeal to the Unemployment Insurance Commission. Be sure to include any new information that you want to present and any specific objections that you have. A brochure, "Presenting Your Best Case at Your Commission Hearing," form MUIC H-1, is available by calling (207) 623-6786.

B. Mailing Address and Fax Number:

Unemployment Insurance Commission
57 State House Station
Augusta, ME 04333-0057

Fax Number: (207) 287-4554

4. REQUEST FOR RECONSIDERATION. If you do not agree with the decision of the Commission, you can request a reconsideration

of that decision within 10 days of the mailing date of that decision. Your request **must** specify your reason for reconsideration.

5. APPEAL TO COURT. If you do not agree with a decision of the Unemployment Insurance Commission, you may file an appeal with the State Superior Court within 30 days of receipt of the Commission decision.

OVERPAYMENTS DUE TO AN ERROR OR APPEAL REVERSAL

If you have been paid benefits that should not have been paid, then you will be required to repay those benefits. If you are unable to repay your overpayment in full, MDOL will consider a reasonable weekly or monthly installment plan. Please contact a collections representative at (207) 621-5154 to discuss your repayment plan.

Repayments: Make your check or money order payable to "**Department of Labor.**" Please be sure to write your Social Security Number on your payment before mailing it to:

Bureau of Unemployment Compensation
Collections Unit
47D State House Station
Augusta, ME 04333-0047

Maine Employment Security Law requires automatic withholding of unemployment insurance benefits to repay an overpayment if you open a claim. A repayment plan, therefore, would be suspended for the duration of your claim series.

Any balance that remains unpaid one year after the overpayment is established will be assessed interest of 1 percent per month until payment plus accrued interest is received by MDOL. **For non-fraud overpayments**, deductions from benefits that may be or become payable are limited to 10 percent of the first \$100 and 50 percent of any amount above \$100 of any weekly benefit payment due you. If the overpayment was **due to fraud**, 100 percent of payable benefits will be used to offset penalty,

interest, and the balance of your overpayment. Lottery winnings and refunds of Federal and Maine State income taxes may be intercepted and applied to your overpayment. Civil warrant procedures may also be used to collect monies due.

1. FEDERAL INCOME TAX REFUND INTERCEPT. If you have an outstanding unemployment overpayment that was the result of any benefit fraud, or of non-fraud involving failure to report or under-reporting of wages earned, you and/or your spouse's (joint return) federal income tax refund may be intercepted to repay the overpayment. If there is any remaining tax refund balance available, it will be sent to you.

2. STATE INCOME TAX REFUND INTERCEPT. If you have an outstanding unemployment overpayment debt, your income tax refund may be intercepted to repay the overpayment. Any remaining tax refund balance will be sent to you by the Maine Revenue Services.

3. APPLICATION OF BENEFIT REPAYMENTS. Claimant repayments, deductions from future benefits, Federal and State income tax refunds and lottery winning intercepts, and wage garnishments must be applied first to penalties, second to accrued interest, and third to the balance of your benefit overpayment.

4. WAIVER OF OVERPAYMENT. If your overpayment was **not due to fraud**, then you can request a "waiver" of the overpayment. Your request for waiver of the overpayment must be in writing and mailed to:

Unemployment Insurance Commission
57 State House Station
Augusta, ME 04333-0057

You may call (207) 623-6786 for information.

OVERPAYMENT DUE TO FRAUD

If you have collected benefits fraudulently, see the section "Penalties for Unemployment Fraud"

on Page 9 for additional information. Overpayments due to fraud **CANNOT** be waived. **NOTE:** If the overpayment was due to fraud, 100 percent of any future unemployment payments will be used to repay that overpayment and related penalty and interest.

BENEFITS QUALITY CONTROL

The Benefits Quality Control Program is designed to prevent both errors and fraud in unemployment compensation claims. The program ensures that claims have been paid correctly or denied accurately. Claimants are selected weekly on a random basis. If you are selected, an investigator will meet with you to review the claim week being investigated as well as other parts of your unemployment claim.

Re-contacting all interested parties gives a complete picture of whether the decision to pay or deny the claim was the one that would have been made if all relevant facts were known.

To assist with this process, it is important that you maintain a record of your work search contacts.

OTHER UNEMPLOYMENT PROGRAMS

1. Dislocated Worker Benefits (DWB). Dislocated Worker Benefits is an unemployment program for individuals who have been separated from their job through no fault of their own and are expected to be out of work for an extended period of time. It provides extra weekly unemployment benefits for eligible individuals:

- Who are in an "approved training" program, and
- Who have exhausted their regular unemployment benefits and are not eligible for unemployment benefits under any other program.
- For a maximum of 26 weeks or until your approved training ends, whichever is first.

See Page 31 for an explanation of "approved training." If you are interested in this program, call your UC Claims Center.

2. Trade Adjustment Assistance (TAA) for Workers Program. The TAA Program provides opportunities for training and reemployment. Workers covered by approved petitions filed for adjustment assistance may apply for benefits and services at CareerCenters. Individual workers who meet qualifying criteria may receive job training, income support in the form of Trade Readjustment Allowances (TRA), Reemployment Trade Adjustment Assistance (RTAA) in the form of a wage supplement and relocation allowances. In addition, all workers covered by a certification are eligible for reemployment services including job clubs, and résumé writing assistance at CareerCenters.

To file your initial application for assistance, call 1-888-457-8883. Eligible TAA workers should contact a MDOL CareerCenter for information on training and other forms of TAA assistance or visit our website at www.Maine.gov/labor.

3. Federal or State Extended Benefits (EB). These are extra unemployment benefits that are paid during periods of high unemployment. These program requirements are different from regular benefit requirements. Failure to accept suitable work, work search, and special reporting requirements may result in a finding of ineligibility for EB benefits.

4. Disaster Unemployment Assistance (DUA). DUA provides temporary income for individuals who are unemployed as a direct result of a disaster and do not qualify for regular UI benefits. To apply, contact a UC Claims Center within 30 days of the date on which Maine announces the availability of DUA.

MAINE DEPARTMENT OF LABOR CAREERCENTERS

The primary mission of the MDOL CareerCenter is to place people in jobs. The CareerCenter serves people with varied backgrounds and

needs who are seeking employment and employers who need qualified workers. These services include job registration, interviewing, testing, counseling, job development, recruitment, and other services for employers. They also include referrals to jobs, referrals to training, and other services to help people prepare for employment.

You do not need to be claiming unemployment benefits or be out of work to use their services. The MDOL CareerCenter is your most economical, convenient, and efficient source of information for finding work.

JOB BANK

All CareerCenters can access jobs listed on the Maine's Job Bank. This service, which is also available online, puts you in instant contact with job openings throughout the state. You can search for jobs online, post your résumé, and get matched with employers looking for your skills. You can get assistance at your local CareerCenter or visit:

www.MaineCareerCenter.com

THE MAINE JOB TRAINING SYSTEM

MDOL uses a wide variety of federal and state programs. Each program has special guidelines, eligibility requirements, and services. For more information, call or visit the MDOL CareerCenter nearest you. For the center nearest you, call 1-888-457-8883 or check your local Telephone Directory.

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of federal financial assistance to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIA Title I financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

What Can You Do If You Believe You Have Experienced Discrimination. If you think that you have been subjected to discrimination under a WIA Title I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: The recipient's Equal Opportunity Officer – Michaela Loisel, (207) 623-6735; or the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you **filed** your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you **filed** your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

UC Claim Center Telephone No.

(Office Hours are 8 a.m. to 4:45 p.m.)

1-800-593-7660

TTY Users Call Maine Relay 711

Online Claim Filing: www.file4ui.com

AUGUSTA UC CLAIM CENTER

Fax Number: (207) 287-5905

Mailing Address:

Bureau of Unemployment Compensation
97 State House Station
Augusta, ME 04333-0097

BANGOR UC CLAIM CENTER

Fax Number: (207) 561-4665

Mailing Address:

Bureau of Unemployment Compensation
P.O. Box 450
Bangor, ME 04402-0450

PRESQUE ISLE UC CLAIM CENTER

Fax Number: (207) 764-2142

Mailing Address:

Bureau of Unemployment Compensation
P.O. Box 1088
Presque Isle, ME 04769-1088

SPECIAL PROGRAMS UNIT

⇒ **Telephone Number:** (207) 621-5101

Fax Number: (207) 287-3395

Mailing Address:

Bureau of Unemployment Compensation
Special Programs Unit
47P State House Station
Augusta, ME 04333-0047
