

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1414

H. P. 1190 House of Representatives, March 19, 1981
Submitted by the Department of Manpower Affairs pursuant to Joint Rule
24.

Referred to the Committee on Labor. Sent up for concurrence and ordered
printed.

EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT Relating to Seeking Work and Accepting Suitable Work to be Eligible for
Extended Unemployment Benefits.**

Emergency preamble. Whereas, Acts of the Legislature do not become
effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Employment Security Law must provide for payment of extended
benefits during certain periods in conformity with provisions of the Federal-State
Extended Unemployment Compensation Act of 1970; and

Whereas, amendments made by the United States Omnibus Reconciliation Act,
P.L. 96-499, specify criteria for seeking work and accepting suitable work with
regard to extended benefit claimants; and

Whereas, the new federal requirement must be implemented by state law
effective the first week beginning after the end of the first regular session of the
Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency
within the meaning of the Constitution of Maine and require the following
legislation as immediately necessary for the preservation of the public peace,
health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

26 MRSA § 1195, sub-§§ 3-A to 3-F are enacted to read:

3-A. Failure to accept or seek work as grounds for ineligibility. Notwithstanding subsection 3, an individual shall be ineligible for payment of extended benefits for any week of unemployment in his eligibility period if the deputy finds that during such period:

A. He failed to accept an offer of suitable work, as defined under subsection 3-C, or failed to apply for any suitable work to which he was referred by the employment service; or

B. He failed to actively engage in seeking work as prescribed under subsection 3-E.

3-B. Additional ineligibility. Any individual who has been found ineligible for extended benefits for reason of the provisions in subsection 3-A shall also be denied benefits beginning with the first day of the week following the week in which that failure occurred and until he has been employed in each of 4 subsequent weeks, whether or not consecutive, and has earned remuneration equal to not less than 4 times the extended weekly benefit amount.

3-C. Definition. For purposes of this section, the term "suitable work" means, with respect to any individual, any work which is within the individual's capabilities, subject to the following:

A. The gross average weekly remuneration payable for the work must exceed the sum of:

(1) The individual's extended weekly benefit amount as determined under subsection 4; and

(2) The amount, if any, of supplemental unemployment benefits as defined in the United States Internal Revenue Code of 1954, Section 501 (c) (17) (D), payable to the individual for that week;

B. The work must pay wages not less than the higher of:

(1) The minimum wage provided by the United States Fair Labor Standards Act of 1938, Section 6 (a) (1), without regard to any exemption; or

(2) The applicable state or local minimum wage;

C. No individual may be denied extended benefits for failure to accept an offer of or apply for any job which meets the definition of suitability described in this subsection if:

(1) The position was not offered to the individual in writing and was not listed with the employment service;

(2) The failure could not result in a denial of benefits under the definition of suitable work for regular benefit claimants in section 1193, subsection 3 to the extent that the criteria of suitability in that section are not inconsistent with this subsection; and

(3) The individual furnishes satisfactory evidence to the deputy that his prospects for obtaining work in his customary occupation within a reasonably short period are good. If the evidence is deemed satisfactory for this purpose

the determination of whether any work is suitable with respect to that individual shall be made in accordance with the definition of suitable work for regular benefit claimants in section 1193, subsection 3 without regard to the definition specified by this subsection.

3-D. Work to be in accord with labor standard provisions. Notwithstanding the provisions of subsection 3 to the contrary, no work may be deemed to be suitable work, for an individual, which does not accord with the labor standard provisions required by the United States Internal Revenue Code of 1954, Section 3304 (a) (5) and set forth under section 1193, subsection 3, paragraph B.

3-E. Actively engaged in seeking work. For the purposes of subsection 3-A, paragraph B, an individual shall be treated as actively engaged in seeking work during any week if:

A. The individual has engaged in a systematic and sustained effort to obtain work during that week; and

B. The individual furnishes tangible evidence that he has engaged in that effort during that week.

3-F. Referred to suitable work. The employment service shall refer any claimant entitled to extended benefits under subsections 3-A to 3-E to any suitable work which meets the criteria prescribed in subsection 3-C.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect the first day of the first week following adjournment of the first regular legislative session.

STATEMENT OF FACT

This bill is required to assure that the Employment Security Law is in conformity with federal requirements coming from Congressional enactment of the Omnibus Reconciliation Act, P.L. 96-499.

Under this bill, an individual claiming extended benefits for a given week must:

A. Engage in a systematic and sustained effort to obtain work during such week; and

B. Furnish tangible evidence of his work search.

The bill also requires claimants to apply for and accept suitable work as defined more stringently than for regular benefit claimants.