## MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

### FIRST REGULAR SESSION - 1989

Legislative Document

No. 621

H.P. 456

House of Representatives, March 6, 1989

Reference to the Committee on Labor suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.
Cosponsored by Representative PINEAU of Jay, Representative CLARK of Millinocket and Senator ESTY of Cumberland.

### STATE OF MAINE

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

An Act Concerning Unemployment Benefits for Lockouts.



1	Be it enacted by the People of the State of Maine as follows:
3	26 MRSA §1193, sub-§4, as amended by PL 1985, c. 737, PT. A, §72, is repealed and the following enacted in its place:
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7	4. Stoppage of work. For any week with respect to which the deputy, after notification by the Director of Unemployment Compensation under section 1194, subsection 2, finds that the
9	individual's total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory,
11	establishment or other premises at which the individual is or was employed, or there would have been a stoppage of work had
13	substantially normal operations not been maintained with other personnel previously and currently employed by the same employer
15	and any other additional personnel which the employer may hire to perform tasks not previously done by the striking employees.
17	periorm casks not previously done by the striking employees.
19	If in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each
21	department, for the purposes of this subsection, shall be deemed to be a separate factory, establishment or other premises.
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25	This subsection does not apply if it is shown to the satisfaction of the deputy that the individual:
27	A. Is not participating in or financing or directly
29	interested in the labor dispute that caused the stoppage of work;
31	B. Does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage of work,
33	there were members employed at the premises at which the stoppage occurs, any of whom are participating in or
35	financing or directly interested in the dispute;
37	C. Has obtained employment after the commencement of the stoppage of work and has earned at least 8 times the
39	employee's weekly benefit amount in employment by an employer or has been in employment by an employer for 5 full
41	weeks;
43	D. Became unemployed because of a strike or lockout caused by:
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47	(1) An employer's willful failure to observe the terms of the safety and health section of a union contract;
49	(2) An employer's willful failure to comply in a timely fashion with an official citation for a
51	violation of federal and state laws involving occupational safety and health; or

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(3) The quitting of labor by an employee or employees in good faith because of an abnormally dangerous condition for work at the place of employment of that employee or employees;

7 9 This paragraph does not apply if the strike or lockout extends past the time of the employer's compliance with the safety and health section of the union contract, the employer's compliance with the official citation or the finding that an abnormally dangerous condition does not exist by a federal or state official empowered to issue official citations for violation of federal and state laws involving occupational safety and health; or

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E. Became unemployed because of a lockout. For the purposes of this paragraph, a lockout exists when an employer fails to provide employment to the employer's employees because of a labor dispute, whether or not the employees are directly or indirectly interested in the labor dispute, either by physically closing the plant or informing the employees that there will be no work until the labor dispute has ended;

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#### STATEMENT OF FACT

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This bill expands the eligibility to receive unemployment benefits of persons unemployed due to a labor dispute. Current law prevents a person from receiving unemployment benefits if the person is unemployed due to a stoppage of work caused by a labor "labor dispute" The term includes employee-initiated strikes and employer-initiated lockouts of employees. In the case of a lockout, the employees are willing to work, but are prevented from doing so solely by the employer's refusal allow them work. Since the unemployment to to compensation law was intended to provide benefits to employees who are unemployed through no fault or their own and who are willing to work, these persons should be allowed to receive unemployment benefits if they are prevented from working due to an employer-initiated lockout. This bill allows these persons to receive unemployment compensation if their unemployment is due to lockout. Employees unemployed who are due to employee-initiated strike continue to be disqualified from receiving benefits in most circumstances as under current law.