

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1753

H.P. 1254

House of Representatives, June 13, 1989

Reported by Representative McHENRY from the Committee on Labor and printed under Joint Rule 2.

Ed Pert

EDWIN H. PERT, Clerk

Original bill sponsored by Representative McHENRY of Madawaska.

STATE OF MAINE

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

An Act to Permit a 7-day Recall to Work Period.

(NEW DRAFT OF H.P. 1134, L.D. 1577)

(NEW TITLE)



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

3 26 MRSA §596 is enacted to read:

5 §596. Recall period

7 An employee who is temporarily laid off by an employer for
9 over 6 weeks and who is placed on a "recall" or "spare" list by
11 that employer for the purpose of being recalled to work shall
13 have 7 days from receiving notice of a recall to work in which to
15 respond to the notice without discrimination on subsequent
17 recalls by the employer.

19 1. Effect of exercising option. No employer may remove an
21 employee from a "recall" or "spare" list solely because the
23 employee chooses to exercise the 7-day option under this
25 section. No employer may discriminate against an employee in
27 subsequent recalls to work solely because the employee chooses to
29 exercise the 7-day option under this section.

31 2. Limitations. Nothing in this section may be construed
33 to:

35 A. Prevent an employer from offering recall to another
37 employee on the "recall" or "spare" list in the place of an
39 employee who is contacted earlier but who chooses to
41 exercise the 7-day option under this section;

43 B. Require an employer to hold a position or an offer of
45 recall open for an employee who exercises the 7-day option
47 under this section; or

49 C. Require an employee to wait 7 days before returning to
51 work after receiving a recall notice.

37 STATEMENT OF FACT

39 This new draft permits an employee who has been temporarily
41 laid off for over 6 weeks and placed on a recall list to delay an
43 acceptance of a recall to work for up to 7 days without fear of
45 retribution from the employer. The purpose of providing this
47 7-day period is to enable the employee to provide a subsequent
49 employer with adequate notice of the employee's intent to return
51 to work with the prior employer. Present law permits an employer
to remove an employee from a recall list if the employee refuses
to accept a recall offer immediately. This practice discourages
these recall employees from seeking interim employment until they
receive a recall notice. The new draft prevents employers from
engaging in this practice.

1 The new draft does not require an employer to hold an offer
of recall open for the entire 7-day period. The employer may
3 simply offer the recall position to another employee on the
recall list if the first employee contacted chooses to exercise
5 the 7-day option provided under the new draft. The employer may
not, however, remove the first employee from the recall list or
7 discriminate in any way against that employee in subsequent
recalls. Similarly, the new draft does not require an employee
9 to wait 7 days before returning to work. The employee may choose
to leave an interim job immediately to return to the employer who
11 offers the recall.