

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 159

H.P. 134

House of Representatives, January 31, 2013

**An Act Regarding the Laws Governing Unemployment
Compensation Benefits for Employees of Temporary Staffing
Agencies**

Submitted by the Department of Labor pursuant to Joint Rule 204.
Reference to the Committee on Labor, Commerce, Research and Economic Development
suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative VOLK of Scarborough.
Cosponsored by Senator CUSHING of Penobscot and
Senators: CLEVELAND of Androscoggin, WOODBURY of Cumberland.

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

2 **Sec. 1. 26 MRSA §1193, sub-§1**, as amended by PL 2009, c. 33, §1, is further
3 amended to read:

4 **1. Voluntarily leaves work.**

5 A. For the week in which the claimant left regular employment voluntarily without
6 good cause attributable to that employment. The disqualification continues until the
7 claimant has earned 4 times the claimant's weekly benefit amount in employment by
8 an employer. A claimant may not be disqualified under this paragraph if:

9 (1) The leaving was caused by the illness or disability of the claimant or an
10 immediate family member and the claimant took all reasonable precautions to
11 protect the claimant's employment status by promptly notifying the employer of
12 the need for time off, a change or reduction in hours or a shift change and being
13 advised by the employer that the time off or change or reduction in hours or shift
14 change cannot or will not be accommodated;

15 (2) The leaving was necessary to accompany, follow or join the claimant's
16 spouse in a new place of residence, and the claimant is in all respects able,
17 available and actively seeking suitable work;

18 (3) The leaving was in good faith in order to accept new employment on a
19 permanent full-time basis and the new employment did not materialize for
20 reasons attributable to the new employing unit;

21 (4) The leaving was necessary to protect the claimant or any member of the
22 claimant's immediate family from domestic abuse or the leaving was due to
23 domestic violence that caused the claimant reasonably to believe that the
24 claimant's continued employment would jeopardize the safety of the claimant or
25 any member of the claimant's immediate family and the claimant made all
26 reasonable efforts to preserve the employment; or

27 (5) The claimant's employer announced in writing to employees that it planned
28 to reduce the work force through a layoff or reduction in force and that
29 employees may offer to be among those included in the layoff or reduction in
30 force, at which time the claimant offered to be one of the employees included in
31 the layoff or reduction in force and the claimant's employer accepted the
32 claimant's offer, thereby ending the employment relationship.

33 Separation from employment based on the compelling family reasons in
34 subparagraphs (1), (2) and (4) does not result in disqualification.

35 B. For the duration of ~~his~~ the claimant's unemployment period subsequent to ~~his~~ the
36 claimant's having retired; or having been retired from ~~his~~ the claimant's regular
37 employment as a result of a recognized employer policy or program, under which ~~he~~
38 the claimant is entitled to receive pension payments, if so found by the deputy, and
39 disqualification ~~shall continue~~ continues until the claimant has earned 6 times ~~his~~ the
40 claimant's weekly benefit amount in employment by an employer;

1 C. For the duration of an unpaid voluntary leave of absence or sabbatical leave that
2 has been mutually agreed to by the employee and the employer.

3 For the purposes of this subsection, a temporary employee leaves employment voluntarily
4 without good cause when that temporary employee fails to contact the employee's
5 temporary staffing agency upon completion of the employee's most recent work
6 assignment to seek additional work, unless good cause is shown for that failure, as long
7 as the temporary staffing agency gives prior written notice to the employee that the
8 employee is required to contact the agency at the completion of the most recent work
9 assignment to seek additional work.

10 **SUMMARY**

11 This bill specifies that, for purposes of unemployment compensation benefit
12 eligibility, the failure of a temporary employee to contact the temporary staffing agency
13 upon completion of a work assignment to seek additional work is considered a voluntary
14 job separation, as long as the temporary staffing agency gives prior written notice of this
15 requirement to the individual.