

MAINE STATE LEGISLATURE

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Date: 5/13/13

L.D. 1250
(Filing No. H-160)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 884, L.D. 1250, Bill, "An Act To Revise Maine's Unemployment Compensation Laws"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 26 MRSA §1221, sub-§3, ¶A, as amended by PL 2005, c. 40, §1, is further amended to read:

A. At the time the status of an employing unit is ascertained to be that of an employer, the commissioner shall establish and maintain, until the employer status is terminated, for the employer an experience rating record, to which are credited all the contributions that the employer pays on the employer's own behalf. This chapter may not be construed to grant any employer or individuals in the employer's service prior claims or rights to the amounts paid by the employer into the fund. Benefits paid to an eligible individual under the Maine Employment Security Law must be charged against the experience rating record of the claimant's most recent subject employer or to the General Fund if the otherwise chargeable experience rating record is that of an employer whose status as such has been terminated; except that no charge may be made to an individual employer but must be made to the General Fund if the commission finds that:

- (1) The claimant's separation from the claimant's last employer was for misconduct in connection with the claimant's employment or was voluntary without good cause attributable to the employer;
- (2) The claimant has refused to accept reemployment in suitable work when offered by a previous employer, without good cause attributable to the employer;
- (3) Benefits paid are not chargeable against any employer's experience rating record in accordance with section 1194, subsection 11, paragraphs B and C;
- (5) Reimbursements are made to a state, the Virgin Islands or Canada for benefits paid to a claimant under a reciprocal benefits arrangement as authorized in section 1082, subsection 12, as long as the wages of the claimant transferred to

COMMITTEE AMENDMENT

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1 the other state, the Virgin Islands or Canada under such an arrangement are less
2 than the amount of wages for insured work required for benefit purposes by
3 section 1192, subsection 5;

4 (6) The claimant was hired by the claimant's last employer to fill a position left
5 open by a Legislator given a leave of absence under chapter 7, subchapter 5-A,
6 and the claimant's separation from this employer was because the employer
7 restored the Legislator to the position after the Legislator's leave of absence as
8 required by chapter 7, subchapter 5-A; or

9 (7) The claimant was hired by the claimant's last employer to fill a position left
10 open by an individual who left to enter active duty in the United States military,
11 and the claimant's separation from this employer was because the employer
12 restored the military serviceperson to the person's former employment upon
13 separation from military service; or

14 (8) The claimant was hired by the claimant's last employer to fill a position left
15 open by an individual given a leave of absence for family medical leave provided
16 under Maine or federal law, and the claimant's separation from this employer was
17 because the employer restored the individual to the position at the completion of
18 the leave.'

19

SUMMARY

20 This amendment fulfills the intent of the bill by expanding the current exceptions
21 under which no unemployment benefit charges are made to an individual employer's
22 experience rating record to include a situation in which the employer hired an individual
23 to temporarily cover a position vacant due to a leave of absence for family medical leave
24 provided under Maine or federal law and the claimant's employment was subsequently
25 terminated when the permanent employee returned at the completion of the leave of
26 absence. Any unemployment benefits paid out as a result of this type of job separation
27 would be charged to the General Fund within the Unemployment Trust Fund.

FISCAL NOTE REQUIRED
(See Attached)



126th MAINE LEGISLATURE

LD 1250

LR 1480(02)

An Act To Revise Maine's Unemployment Compensation Laws

Fiscal Note for Bill as Amended by Committee Amendment *A (H-160)*
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Undetermined current biennium cost increase - Other Funds

Undetermined current biennium savings - All Funds

Fiscal Detail and Notes

Expanding the current exceptions under which no unemployment benefit charges are made to an individual employer's experience rating record to include a situation where a temporary replacement worker who is hired when a permanent employee is given a leave of absence under the Family Medical Leave Act and is subsequently laid-off when the permanent worker returns to work is not expected to have a significant impact to the Unemployment Compensation Trust Fund or the contribution rate schedule currently in effect.

This legislation will relieve the State of Maine, as a direct reimbursement employer, from unemployment costs under circumstances where a permanent employee who was given a leave of absence under the Family Medical Leave Act returns to work and causes the temporary replacement worker to be laid-off. The projected savings from this proposed exception can not be determined at this time.