

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 784

S.P. 228

In Senate, February 12, 2019

An Act To Amend the Laws Governing Eligibility for Unemployment Benefits

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative STETKIS of Canaan and
Senators: BLACK of Franklin, DOW of Lincoln, HAMPER of Oxford, POULIOT of
Kennebec, TIMBERLAKE of Androscoggin, Representatives: CURTIS of Madison,
MILLETT of Waterford, SKOLFIELD of Weld.

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

2 **Sec. 1. 26 MRSA §1193, sub-§3**, as amended by PL 2011, c. 645, §7, is further
3 amended to read:

4 **3. Refused to accept work.** For the duration of the individual's unemployment
5 subsequent to the individual's having refused to accept an offer of, or having not accepted
6 or attended an offered interview for, suitable work for which the individual is reasonably
7 fitted, or having refused to accept a referral to a suitable job opportunity when directed to
8 do so by a local employment office of this State or another state or if an employer is
9 unable to contact a former employee at last known or given address, for the purpose of
10 recall to suitable employment; or the individual fails to respond to a request to report to
11 the local office for the purpose of a referral to a suitable job, and the disqualification
12 continues until claimant has earned 10 times the claimant's weekly benefit amount in
13 employment by an employer. If the deputy determines that refusal has occurred for cause
14 of necessitous and compelling nature, the individual is ineligible while such inability or
15 unavailability continues, but is eligible to receive prorated benefits for that portion of the
16 week during which the individual was able and available.

17 A. In determining whether or not any work is suitable for an individual during the
18 first 10 consecutive weeks of unemployment, the deputy shall consider the degree of
19 risk involved to the individual's health, safety and morals, the individual's physical
20 fitness and prior training, the individual's experience and prior earnings, the
21 individual's length of unemployment and prospects for securing local work in the
22 individual's customary occupation and the distance of the available work from the
23 individual's residence.

24 In determining whether or not work is suitable for an individual after the first 10
25 consecutive weeks of unemployment, the deputy shall consider the degree of risk
26 involved to the individual's health, safety and morals, the individual's physical fitness,
27 the individual's prior earnings, the individual's length of unemployment and prospects
28 for securing local work in the individual's customary occupation and the distance of
29 the available work from the individual's residence. The individual's prior earnings
30 may not be considered with respect to an offer of or referral to an otherwise suitable
31 job that pays wages equal to or exceeding the average weekly wage in the State.

32 B. Notwithstanding any other provisions of this chapter, work may not be considered
33 suitable and benefits may not be denied under this chapter to any otherwise eligible
34 individual for refusing to accept new work under any of the following conditions:

35 (1) If the position offered is vacant due directly to a strike, lockout or other labor
36 dispute;

37 (2) If the wages, hours or other conditions of work are substantially less
38 favorable to the individual than those prevailing for similar work in the locality;

39 (3) If, as a condition of being employed, the individual would be required to join
40 a company union or to resign from or refrain from joining any bona fide labor
41 organization;

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(4) If the position offered is the same one previously vacated by the claimant for good cause attributable to that employment or is the position that the employee left for reasons attributable to that employment, but which were found insufficient to relieve disqualification for benefits under subsection 1, paragraph A, as long as, in either instance, the specific good cause or specific reasons for leaving have not been removed or otherwise changed; and

(5) If the position offered is on a shift, the greater part of which falls between the hours of midnight and 5 a.m., and is refused because of parental obligation, the need to care for an immediate family member or the unavailability of a personal care attendant required to assist the unemployed individual who is a handicapped person;

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SUMMARY

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This bill disqualifies an individual from eligibility for unemployment benefits when the individual has refused to accept or attend a job interview for suitable work for which the individual is reasonably fitted.