

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 245

S.P. 111

In Senate, January 20, 2023

**An Act to Require a Person Receiving Unemployment Benefits to
Attend Scheduled Interviews to Fulfill the Work Search
Requirement**

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 GUERIN of Penobscot.
Cosponsored by Senators: BRAKEY of Androscoggin, HARRINGTON of York, KEIM of
Oxford, LYFORD of Penobscot, MOORE of Washington, STEWART of Aroostook.

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

2 **Sec. 1. 26 MRSA §1082, sub-§15** is enacted to read:

3 **15. Bureau to establish online portal.** The bureau shall establish an online portal for
4 employers to report individuals who refuse to comply with the requirement under section
5 1193, subsection 3 that an individual appear for an employment interview scheduled with
6 an employer for a suitable job opportunity.

7 **Sec. 2. 26 MRSA §1193, sub-§3**, as amended by PL 2021, c. 348, §40, is further
8 amended to read:

9 **3. Refused to accept work.** For the duration of the individual's unemployment
10 subsequent to the individual's having refused to accept an offer of suitable work for which
11 the individual is reasonably fitted, having refused to appear for an employment interview
12 scheduled with an employer for a suitable job opportunity or having refused to accept a
13 referral to a suitable job opportunity when directed to do so by a local employment office
14 of this State or another state or if an employer is unable to contact a former employee at
15 last known or given address, for the purpose of recall to suitable employment; or the
16 individual fails to respond to a request to report to the local office for the purpose of a
17 referral to a suitable job, and the disqualification continues until claimant has earned 10
18 times the claimant's weekly benefit amount in employment by an employer. If the deputy
19 determines that refusal has occurred for cause of necessitous and compelling nature, the
20 individual is ineligible while such inability or unavailability continues, but is eligible to
21 receive prorated benefits for that portion of the week during which the individual was able
22 and available.

23 A. In determining whether or not any work is suitable for an individual during the first
24 10 consecutive weeks of unemployment, the deputy shall consider the degree of risk
25 involved to the individual's health, safety and morals, the individual's physical fitness
26 and prior training, the individual's experience and prior earnings, the individual's length
27 of unemployment and prospects for securing local work in the individual's customary
28 occupation and the distance of the available work from the individual's residence.

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

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

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

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

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

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

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

15 **SUMMARY**

16 This bill amends the Employment Security Law to provide that an individual who
17 refuses to appear for an employment interview scheduled with an employer for a suitable
18 job opportunity is disqualified from receiving unemployment benefits. The bill also
19 requires the Department of Labor, Bureau of Unemployment Compensation to establish an
20 online portal for employers to report individuals who refuse to appear for scheduled
21 employment interviews.