

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

What Every Worker Should Know About Unemployment Insurance

* * * * *

Information About Unemployment Insurance Eligibility and How to File a Claim

You are strongly urged to read the information in this booklet. You are responsible for knowing what is required of you while you are claiming benefits. Failure to comply may mean a loss of benefits.



Maine Department of Labor
Bureau of Unemployment Compensation

UC Claims Center Mailing Addresses Are Located on the Page 26

Telephone Number

1-800-593-7660

TTY for Deaf / Hard of Hearing

1-888-457-8884

Maine Department of Labor Web Site:

www.Maine.gov/labor

VOLUNTARY DISCLOSURE FOR SPECIALIZED SERVICES FOR PEOPLE WITH DISABILITIES

The Americans With Disabilities Act prohibits inquiries as to whether or not an individual has a disability or to the nature and extent of such a disability. However, other federal laws provide various benefits and services for people with disabilities. If you would like to know more about these services, contact your Department of Labor (DOL) representative.

This is a voluntary disclosure. The disability information is not required in order for you to receive services from the Maine Department of Labor.

The Maine Department of Labor, Bureau of Unemployment Compensation, is an equal opportunity employer / program. Upon request, auxiliary aids and services are available to individuals with disabilities.

IF YOU NEED A LANGUAGE INTERPRETER

If English is **NOT** your first language and you feel you need an interpreter to complete your call, DOL can easily arrange for one in your language. When you place your call and it is answered by the UC Claims Center System, press "1" and you will be connected with a claims representative who will make arrangements for an interpreter to assist you.

<p>This booklet is designed to assist people who file claims for unemployment benefits. It provides guidance, but it does not have the force or effect of law. The final controlling factors are 26 M.R.S.A., Rules of the Unemployment Insurance Commission and Department of Labor Rules. This booklet is based upon the Law and Rules in effect at the time that it was printed.</p>

TABLE OF CONTENTS

	PAGE
Social Security Number Disclosure.....	4
How To File A Claim For Unemployment Benefits.....	4
Potential Difficulties Related To Phone Contacts	4
Other Important Information	
1. Employer Financed Unemployment Insurance.....	5
2. Voluntary Income Tax (Federal and/or State) Withholding.....	5
3. Child Support Deductions From Your Unemployment Payment.....	5
4. Maine Automated Payment (MAP) Card	5
5. Direct Deposit of Unemployment Compensation Benefits.....	6
6. Aliens	6
7. Confidential Information.....	6
Penalties for Unemployment Fraud	7
Fraud Detection	7
1. Employer Payroll Report Crossmatch.....	7
2. New Hire Systems Crossmatch	7
Filing An Initial Claim	7
Initial Claims and Monetary Determinations	7
1. Base Period	7
2. Monetary Determination Letter	8
3. How Much Money Do You Have To Earn?	9
4. Wages Must Be From "Subject Employment"	9
5. How Much Can You Collect in Benefits?	9
6. Dependency Allowance	9
7. Benefit Year	9
8. Establishing a Second Benefit Year	9
9. Seasonal Employment	9
10. School Wages	10
11. Professional Athletes	10
Reopening a Claim	10
Benefit Rights and Responsibilities	10
1. Be Unemployed, Either Totally or Partially	10
2. Actively Seeking Work.....	11

3.	Able and Available for Work	12
4.	Refusal of Offers of Work or Referrals from a CareerCenter	12
5.	Work and Earnings During a Week That You Claim Benefits	13
6.	Severance or Holiday Pay, and Other Nonwage Payments	13
7.	Pensions.....	14
8.	Jury Duty	14
9.	Waiting Period Week	14
10.	Registration for Work.....	14
11.	Change of Name, Address, and/or Telephone Number	15
12.	Filing Your Weekly Claims.....	15
13.	Messages on Weekly Claim Cards	16
14.	Filing Weekly Claims While You Are Temporarily Out-of-State.....	16
15.	Moving: Within or Outside of Maine	16
16.	Returning to Work.....	16
17.	Approved Training	17
	Reemployment Services Program	17
1.	What are Reemployment Services	17
2.	Penalties for not Meeting the Requirements.....	18
	Separation From Work That Is <u>Not</u> Due to Lack of Work	18
	Fact-Finding Interviews.....	18
1.	Quitting a Job	18
A.	Illness	18
B.	Leaving to Accept a New Job	18
C.	Leaving to Accompany, Follow or Join Spouse	18
D.	Leaving Due to Domestic Abuse	19
E.	Unpaid Voluntary Leave of Absence or Sabbatical Leave.....	19
2.	Getting Fired From a Job.....	19
3.	Absence From Work Because You Are in Jail	19
4.	Discharge For Crime in Connection With Work.....	19
5.	Suspended From Work	19
6.	Retirement.....	19
7.	Labor Dispute - Strike or Lockout	19
	Refusal of Work or Referral.....	19
1.	Suitable Work	20

2. Refusal of Referral	20
3. Attempted Recall to Work by a Former Employer	20
4. Refusal for "Necessitous and Compelling" Reasons	20
5. Special Situations When an Offer of Work Not Considered "Suitable"....	20
Requalifying For Benefits If You Are Disqualified	21
Filing An Appeal	21
1. Appeal Rights	21
2. First Appeal	21
3. Second Appeal	22
4. Request for Reconsideration	22
5. Appeal to Court.....	22
Overpayments Due to an Error or Appeal Reversal	22
1. State Income Tax Refund Intercept.....	23
2. Application of Benefit Repayments.....	23
3. Waiver of Overpayment.....	23
Overpayment Due To Fraud	23
Benefits Quality Control	23
Other Unemployment Programs	24
1. Dislocated Worker Benefits (DWB)	24
2. Trade Adjustment Assistance (TAA) for Workers Program	24
3. Federal or State Extended Benefits (EB)	24
4. Disaster Unemployment Assistance (DUA)	24
5. Maine Enterprise Option (MEO)	24
Department of Labor CareerCenters	24
Job Bank	25
The Maine Job Training System	25
Equal Opportunity Is the Law.....	26



REMINDER

If you move, remember to give your new address to your UC Claims Center listed on the back cover.

SOCIAL SECURITY NUMBER DISCLOSURE

The Privacy Act of 1974 requires that DOL publish the following statement because a Social Security number is required on all UC claim forms:

Your Social Security Number is solicited under the authority of the Internal Revenue Code of 1954 (26 U.S.C. 85, 6011(a), 6050(b) and 6109(a)). Disclosure of your Social Security Number for this purpose is mandatory. It must be entered on the forms that you submit to claim unemployment compensation.

HOW TO FILE A CLAIM FOR UNEMPLOYMENT BENEFITS

You can file a claim for unemployment benefits on the Internet, by telephone or by mail.

BY INTERNET: To file a new or reopen an existing unemployment claim on the Internet, go to www.file4ui.com and then, under Featured Links, click on File a New or Weekly Unemployment Claim Online. Pay close attention to providing all information requested and selecting your most recent employer(s) from the "Maine Employers" box. If your employer's name is not listed, select "Employer Search" and then enter the employer's name. If there still is no match to the name, click on the "Enter Employer" box. There are guides on how to enter data printed in red on the right side of each page. Complete all questions asked and then submit your claim. You will receive a confirmation number when your claim has been accepted.

BY TELEPHONE: You can file a claim over the phone by calling an Unemployment Compensation (UC) Claims Center at 1-800-593-7660. A claims representative will ask you a series of questions to open your claim. There are no complicated forms to complete. **If you do not have a phone, you can still call in your claim. Phones are provided free of charge at all Department of Labor CareerCenters.**

Before You Call: To file your claim by phone, it is important to have the following information available before you call:

1. Your Social Security number.
2. You will need the following **employer** information: The complete business name and mailing address (with Zip Code), telephone number, and dates you worked for each job held during the last 18 months.

BY MAIL: To file a claim by mail, you need to complete a claim form. Forms are available at all Maine Department of Labor CareerCenters and on our website at www.file4ui.com, then, under Information & Resources, click on Publications and Forms, and locate the *Initial Claim Form (B-9.2)*. You must print a copy, complete it, and mail it to a UC Claims Center (addresses are listed on the back cover of this booklet). Instructions for completing the form are included with the form. In some situations, your employer may give you a claim form. Instructions for how to complete and mail this form are included.

POTENTIAL DIFFICULTIES RELATED TO PHONE CONTACTS

1. **CELL PHONES ARE NOT RECOMMENDED.** Cell phone messages often fade out or are not clear. When calling to change your name or address, please use a **regular** phone.
2. **BEING PLACED ON "HOLD" OR GETTING A "BUSY" SIGNAL.** During periods of high unemployment, your call may be placed on hold. Hold times range from a few minutes up to a half hour. If your call is placed on hold, please stay on the line. If you call and get a busy signal, please call back later in the day.

NOTE: Calling Wednesday through Friday is recommended, as Monday and Tuesday are very busy with long wait times.

OTHER IMPORTANT INFORMATION

1. EMPLOYER FINANCED UNEMPLOYMENT INSURANCE. NO deduction is ever made from your wages for unemployment benefits. It is not part of your Social Security deduction. Employers pay the full cost of unemployment insurance benefits through payroll taxes.

2. VOLUNTARY INCOME TAX (FEDERAL AND/OR STATE) WITHHOLDING. Federal or State taxes will not be withheld from your unemployment benefits unless you request that taxes be withheld. You can request withholding by filling out Form W-4V. You can obtain a form by calling (207) 621-5100 or go to www.file4ui.com, then, under Information & Resources, click on Publications and Forms to find and print a copy of Form W-4V to complete and mail in.

Requests to stop withholding must also be made by completing and mailing Form W4-V. The voluntary withholding rates on UC benefits are fixed at 10% Federal and 5% State.

A Form 1099G will be mailed to you by January 31 of the year following a calendar year during which you were paid benefits and/or made repayments against an overpayment. If you believe your Form 1099G is incorrect, you may call the UC Claims Center at 1-800-593-7660 or write to a UC Claims Center (addresses on the back cover) explaining why you believe the amount reported is incorrect.

3. CHILD SUPPORT DEDUCTIONS FROM YOUR UNEMPLOYMENT PAYMENT. If you owe child support that you pay to the Department of Health and Human Services (DHHS), **up to 50%** of your benefits may be automatically taken by DOL and sent to DHHS. (This percentage may be different if you have an agreement with DHHS to pay a certain amount of child support towards a back debt.) Also, if you are currently receiving SSI or are receiving public assistance for your child (TANF), you may be exempt from automatic withholding. If you have any questions about the amount that will be taken for child support from your benefit payment, please contact your DHHS support enforcement agent or the agent's supervisor.

4. MAINE AUTOMATED PAYMENT (MAP) CARD. The MAP card provides you with fast, convenient and safe access to your benefits. Use it everywhere VISA debit cards are accepted. You can check your balance and review your transactions for free at www.myaccount.chase.com or by calling Chase at 1-866-315-1011, or at any ATM. These methods are available 24 hours a day, seven days a week. Your MAP card is free, but fees and surcharges apply to certain transactions.

A. Fee and Surcharge Schedule. MAP Card is free, but fees and surcharges apply to certain transactions.

Service	Fee
ATM Cash Withdrawals at any Allpoint, Key Bank or Chase ATM *	1 free withdrawal per deposit; \$1.50 per withdrawal thereafter
ATM Cash Withdrawal at other ATMs in U.S.	\$ 1.50 each + surcharge
ATM Cash Withdrawal at ATM's outside U.S.	\$3.00 each + surcharge
ATM Balance Inquiry at any ATM in or outside the U.S.	Free
Retail Purchase with Signature	Free
Retail Service with PIN (includes cash back)	\$0.25 each

Service	Fee
Over-the-Counter Cash Advance at a Visa Member Bank	Free
Transaction Denied for Insufficient Funds **	\$1.00 per denial
Monthly Statement – Web	Free
Monthly Statement – Mail	\$0.75
Card Replacement – standard delivery	1 free per year; \$5.00 for each card thereafter
Card Replacement – expedited delivery	\$15.00 per card
Foreign Currency Conversion	3% of transaction
180 day Inactive Account with a Balance	\$1.50 per month

You can check your balance and review your transactions at www.myaccount.chase.com or by calling 1-866-315-1011 anytime.

Refer to the MAP card packet mailed to you by Chase.

B. Signature vs. PIN Transactions. Signature transactions are the “credit option,” and you sign to make a purchase. PIN transactions are the “debit option” and can allow you to get cash back. PIN transactions are \$.25 each.

5. DIRECT DEPOSIT OF UNEMPLOYMENT COMPENSATION BENEFITS. Would you like to have your weekly payments deposited directly into your checking or savings account?

There are 2 ways to select direct deposit:

- Call 1-800-593-7660 to file an application for direct deposit. You will be asked for your account number and your bank’s routing number which is located on the bottom left side on your checks. Calling is the quickest way to activate your direct deposit option.
- Fill out the yellow Application (B-170) sent to you along with this booklet or obtain a copy online at www.file4ui.com, then, under Information & Resources, click on Publications and Forms. You can also call 1-800-593-7660 for an Application to be mailed to you. Be sure to send a “Voided” check or letter from your bank with account and routing/transit numbers with your Application.

There is a 10-day verification period from the date your application is received and the date that your payments can be deposited into your account.

6. ALIENS. Only U.S. citizens and certain aliens are eligible to receive unemployment insurance benefits. If you are not a U.S. citizen, you must have been legally allowed to work in the United States when you earned your base period wages. Also, you must be legally allowed to work while you are claiming unemployment benefits. If you are not a U.S. citizen, your Social Security Number and/or Alien Permit number will be checked with the U.S. Department of Homeland Security.

7. CONFIDENTIAL INFORMATION. Public disclosure of claimant and employer information is generally not allowable. However, at the time you apply, and periodically thereafter, confidential UC information relating to you may be requested and used for other governmental purposes, including, but not limited to, verification of eligibility under other governmental programs. When you request copies of agency records, a minimum research cost and reproduction fee will be charged. An authorization statement must be on file before your records and/or claim status can be discussed with or shared with your family or designated representative.

PENALTIES FOR UNEMPLOYMENT FRAUD

Under the Maine Employment Security Law, you will be penalized if you make a false statement or representation, knowing it to be false or knowingly fail to disclose a material fact to get or increase benefits. You will be disqualified from receiving benefits for the week in which you made a fraudulent claim and become ineligible to receive benefits for 6 to 12 months. Additionally, you will be **fined 50% of the fraudulently claimed benefits for the first occurrence, 75% for the second and 100% for the third and any subsequent violations.**

Overpayments resulting from fraud will be charged interest at the rate of **1% per month** until penalties, accrued interest and benefit payments owed are paid in full. If you are unable to pay your debt in full, contact a Collection Representative at 621-5154 or by e-mail at division.uccollections@Maine.gov to negotiate a repayment plan. **NOTE:** 100% of future benefits will be applied to any outstanding fraud balance until this overpayment is repaid in full, regardless of a repayment plan. To avoid set-off of future benefits, you must repay your debt in full. Additionally, the following may be intercepted and applied to an outstanding fraud overpayment: 1) a State Income Tax refund due to you and your spouse (joint return); 2) lottery winnings paid directly by the Bureau of Alcoholic Beverages and Lottery Operations; and 3) wage garnishment. Collections may also be achieved by civil warrant. Unemployment fraud is a Class D crime. If you are prosecuted in court and convicted, you are subject to a fine of not more than \$2,000 and/or a jail term of not more than 364 days for **each** false statement or representation, or failure to disclose a material fact when filing your initial and weekly claims.

FRAUD DETECTION

1. Employer Payroll Report Crossmatch. All weekly unemployment claims are "matched" against employers' payroll records. This process detects individuals who have not reported wages earned during weeks that benefits were paid.

2. New Hire Systems Crossmatch. Each week, the Departments of Labor and Health and Human Services share new hire information provided by employers. This process allows us to identify ineligible payments early in the claims series.

FILING AN INITIAL CLAIM

An "initial" unemployment claim is the first step in starting a claim for weekly benefits. An "initial" claim is defined as:

- A new claim for someone who has never filed a claim for unemployment benefits.
- A claim that "reactivates" an unemployment claim for a person who filed his/her most recent "new" claim within the past 52 weeks.
- A new claim for someone whose most recent one-year "benefit year" has ended.

See Page 4 for instructions on filing a claim for unemployment benefits.

INITIAL CLAIMS AND MONETARY DETERMINATIONS

Unemployment Insurance is based strictly on wages paid to you during a specified "base period." The "base periods" are described below.

1. BASE PERIOD

A. "Regular" Base Period. DOL will first look at your earnings in the "Regular" Base Period, which is the first 4 of the last 5 completed calendar quarters prior to the date that you file your claim.

IF you file your claim during one of these months



Oct. Nov. Dec.	Jan. Feb. Mar.	Apr. May June	July Aug. Sep.	Oct. Nov. Dec.	Jan. Feb. Mar.	↓		
	Jan. Feb. Mar.	Apr. May June	July Aug. Sep.	Oct. Nov. Dec.	Jan. Feb. Mar.	Apr. May June	↓	
		Apr. May June	July Aug. Sep.	Oct. Nov. Dec.	Jan. Feb. Mar.	Apr. May June	July Aug. Sep.	↓
			July Aug. Sep.	Oct. Nov. Dec.	Jan. Feb. Mar.	Apr. May June	July Aug. Sep.	Oct. Nov. Dec.
Year Before	Last Year				This Year			

THEN the "Regular" Base Period will be the 4 quarters in the darker shaded area.

Example: If you filed your claim in August, the "Regular" Base Period would be from April of the previous year to March of the current year. If you were not paid enough wages in the "**Regular**" Base Period to set up an unemployment claim, DOL will look at your wages in the "**Alternate**" Base Period (the light shaded quarter).

B. "Alternate" Base Period. The "Alternate" Base Period is the last 4 completed calendar quarters prior to the date you file your claim. This means that DOL will substitute the most recently completed calendar quarter for the oldest quarter used in your "Regular" Base Period. For example, if you filed your claim in August, the "**Alternate**" Base Period would be from July of the previous year to June of the current year.

IMPORTANT NOTE: If you receive a form telling you that you do not have enough wages and that a "redetermination" will be mailed, you should continue to send in **weekly** claims while the "Alternate" Base Period is checked.

(1) "Alternate" Base Period Monetary Determination. In some cases, DOL will ask you to provide a listing of your earnings. **You must continue to file weekly claims during the period of investigation.** After DOL finishes processing your "Alternate" Base Period claim, DOL will send you another Monetary Determination. This second letter will tell you if you can qualify to set up a claim using the "Alternate" Base Period.

2. MONETARY DETERMINATION LETTER. You will receive a Monetary Determination letter which will show your weekly benefit amount (WBA) and maximum benefit amount (MBA) if you are "monetarily eligible" (have earned enough money) to set up a benefit claim year. **You should carefully review this letter for errors** (either missing wages, or wages which are not yours). **If any wages are missing or if you find other errors, get proof of the correct amount and contact a UC Claims Center.**

3. HOW MUCH MONEY DO YOU HAVE TO EARN? To be "monetarily eligible" to set up an unemployment claim, you must meet two requirements:

A. During at least 2 calendar quarters in the base period, you must have been **PAID** wages that are at least 2 times the annual average weekly wage in Maine. (The calendar quarters are the months listed in the blocks shown in the shaded area on the base period chart on Page 8. Example: January, February and March is a calendar quarter.) **AND**

B. In the whole base period, you must have been **PAID** wages totaling at least 6 times Maine's annual average weekly wage.

4. WAGES MUST BE FROM "SUBJECT EMPLOYMENT." Only wages earned from a "subject employer" can be used to meet the earnings requirement to establish a claim. A "subject employer" is one that pays unemployment insurance taxes on your wages. Most employers, including the government, are "subject employers." If you are not sure if you worked for a "subject employer," you should still file a claim for benefits. If no unemployment taxes were paid on your "wages," DOL will verify that this was appropriate under Maine Employment Security Law.

A. Workers' Compensation: Certain Workers' Compensation weekly payments may be used towards meeting the earnings requirement.

B. Out-of-State Wages: If you worked in another state, you may be able to use those wages to file either a "combined-wage" claim or an "Interstate" claim.

5. HOW MUCH CAN YOU COLLECT IN BENEFITS? The amount of your earnings determines the amount of unemployment benefits you can collect.

A. Weekly Benefit Amount: Your weekly benefit amount (WBA) is the benefit amount that you can receive for one week. Your weekly benefit amount (up to the limit provided for under State law) is determined by dividing the average of the wages in the two (2) highest quarters of your "base period" by 22.

B. Maximum Benefit Amount: Your maximum benefit amount (MBA) is the maximum amount of benefits that you can receive during your "benefit year." This amount is either 26 times your weekly benefit amount, OR, one-third of your total base period wages, whichever is less.

6. DEPENDENCY ALLOWANCE. If you are the whole or main support of a child under the age of 18, who is a student between the ages of 18 and 23, or who is disabled, you may be eligible for a dependency allowance of \$10 for each child. You must report any changes such as an increase or decrease in child support or return to work of your spouse when you file your weekly claim.

7. BENEFIT YEAR. Each "Benefit Year" lasts for 12 months. It starts with the Sunday of the week in which you file your claim and ends one year later. **CLAIMS CANNOT BE BACK-DATED.** If you earned enough money to qualify, your benefits are available during this 12-month period. You may be eligible for up to 26 full benefit payments during your benefit year.

8. ESTABLISHING A SECOND BENEFIT YEAR. If you receive unemployment benefits during one "benefit year," there is an additional requirement which you must meet before you can receive benefits in a second (later) "benefit year." You also must have worked since the beginning of the first benefit year and earned eight times the weekly benefit amount of your **new benefit year**. This work has to be for an employer that pays unemployment taxes ("subject" employment).

9. SEASONAL EMPLOYMENT. Some employers operate for only part of the year. If you worked for a "seasonal employer," you would only be able to receive benefits, based on those seasonal wages, during the employer's regular seasonal period. The Maine Unemployment Insurance Commission determines which employers and industries are "seasonal." If you have wages from a "seasonal" employer in your base period, your monetary determination will show this. It will tell you

what your employer's "seasonal" period is and how much of your maximum benefit amount is available to you outside the employer's "seasonal" period."

10. SCHOOL WAGES. If you have base period wages from an educational institution, there may be some restrictions on your unemployment benefits. Under some circumstances, you would not be able to receive unemployment benefits during school breaks. The key factor is whether or not ANY school has told you that you will have a job at the end of the summer vacation and/or after holiday/recess periods. DOL will review the exact effect, if any, school wages have on your eligibility when you file your claim.

11. PROFESSIONAL ATHLETES. If you earned some or all of your base period wages while participating in sports as an athlete, a special law applies. You will not be able to use those wages as a basis for receiving benefits between two consecutive seasons under certain circumstances. DOL will discuss these circumstances with claimants who are involved in this situation.

REOPENING A CLAIM

You can reactivate your claim at any time during your "benefit year" by:

- Internet at www.file4ui.com, then, under Featured Links, click on File a New or Weekly Unemployment Claim Online.
- Calling 1-800-593-7660.
- Visiting a DOL CareerCenter to obtain an initial claim form (B-9.2) and mailing it to a UC Claims Center listed on the back cover of this booklet. This form is also available online at www.file4ui.com, then, under Information & Resources, click on Publications and Forms.

It does not matter why you stopped claiming benefits. Your weekly benefit amount does not change when you reactivate your claim. However, your claim will become "effective" the Sunday of the week in which you reopen your claim. If you are now unemployed and want to begin filing for benefits again, **DO NOT DELAY IN REAPPLYING FOR BENEFITS BECAUSE CLAIMS CANNOT BE BACKDATED.**

BENEFIT RIGHTS AND RESPONSIBILITIES

To receive weekly benefits, you must meet the eligibility requirements. You are responsible for knowing what is required of you while you are claiming benefits. If you have any questions or doubts, **it is important that you call 1-800-593-7660 and speak with an Unemployment Program Representative.** Failure to satisfy your responsibilities in this program can jeopardize your ability to collect benefits. Therefore, it is important to rely only on someone who is thoroughly familiar with the current laws that govern the unemployment program.

TO BE ELIGIBLE FOR UNEMPLOYMENT BENEFITS, EACH WEEK YOU MUST:

1. BE UNEMPLOYED, EITHER TOTALLY OR PARTIALLY.

- A.** You will be considered **totally unemployed** in any week that you do not work.
- B.** You will be considered **partially unemployed** if you are working less than full-time and do not earn \$5.00 or more above your weekly benefit amount. You generally will **not** be considered totally or partially unemployed if you are primarily self-employed or employed full-time on a commission basis.

(1) Full-time: Being employed full-time generally means working the number of hours that are usually considered to be full-time for the occupation or industry but not less than 35 hours per week.

2. ACTIVELY SEEKING WORK. The following factors come into consideration when the Bureau is looking at what kind of work search you should be doing:

- Work you usually do;
- Work you have training or experience doing;
- Work you have education to do;
- The number of possible job openings in the area that you are able and available to commute to; and
- The number of weeks that you file for benefits.

Your local DOL CareerCenter offers free job search help. **You cannot limit your work search only to CareerCenter registration.**

A. Method of Contact. You are required to seek work each week. Making personal employer contacts to complete an application is generally the most effective means of securing work. However, sending letters and résumés by mail or Internet, and using employment agencies can also be used along with personal employer contacts. Telephone calls to employers are not considered employment contacts unless the employer has specifically requested this method of contact. You must contact an employer in person, by mail or apply online. Keep a copy of any application submitted or, if applying online, write the web address or URL on your Work Search Log. A Work Search Log will be mailed to you to document the contacts you make each week. You will be asked to fax or mail this log to the Bureau every few weeks; be sure to keep a copy of the Work Search Log for yourself. A new log will be mailed to you approximately every five weeks. You should also fax or mail your log to the Bureau when you return to work or receive your last benefit payment. **Periodically, the work search contacts you report will be checked by DOL personnel.**

Refer to the mail claim instructions sent to you when you file a new claim for additional information.

B. Effect of Length of Unemployment. After 12 consecutive weeks, you will be expected to increase your work search efforts. For example, you may:

- Seek work that is different from the type of work you have done in the past; or
- Travel farther for work; or
- Accept a lower starting salary than your highest previous wage.

C. Work Search Waivers. Your UC Claims Center will tell you if you do not have to do a weekly work search. Most often waivers are given for 2 to 6 weeks and fall under one of the following categories.

- **Pending Recall:** If you have been laid off due to a lack of work and you have a **definite** recall date within 6 weeks of that layoff date. Your employer must provide written verification of your recall date.
- **New Job:** If you have accepted an offer of permanent full-time **new** employment (not a recall by a former employer) which will start within two weeks.
- **In Approved Training:** If you are in training that has been "approved" by the Unemployment Insurance Commission. Also see Page 17.
- **Trade Union Member:** For six weeks from layoff date, if you normally seek work through a **trade union** of which you are a member in "good standing." You have to send in proof of

your union membership and you must contact your union business agent (or similar official) each week. After six weeks, you must contact employers directly in addition to the union.

- **Labor Dispute:** For the period that the Unemployment Compensation Director determines that a stoppage of work exists due to a labor dispute. This waiver only applies if you are involved in a strike, lockout or other labor dispute. See Page 19.

3. ABLE AND AVAILABLE FOR WORK. To receive benefits you must be physically able to work and available to accept suitable full-time work without restrictions such as child care, transportation or shift preference when you work in a multi-shift industry. **Exceptions:** You will not be denied benefits if:

- a) The greater part of the shift is between midnight and 5:00 a.m., and you:
 - need to care for an immediate family member; or
 - because you are handicapped and a personal care attendant who is required to help you is not available; or
- b) The majority (more than 50%) of the weeks you worked during your base period were less than full-time and you are able, available and seeking work for a comparable number of hours in your regular occupation; or
- c) The majority of the weeks you worked during your base period were full-time but you are only able, available and seeking part-time work due to your own or an immediate family member's illness or disability or when necessary for the safety or protection of yourself or an immediate family member, including protection from domestic abuse.

You must report any of the above exceptions to the Bureau when you file a claim.

A. Not Able or Available for Work for Part of the Week. Occasionally, you might not be able to work or are unavailable for work for part of the week. You must report any such days and the reasons in the REMARKS section on the front of your weekly claim card and report this in Question 1 or 2 on the back of the card or in the space provided for these questions if you file your claim through the Internet. If you file by Internet, telephone or mail and you were not able or available for work, you may be contacted by the Bureau to provide additional information. When you are not able or available due to illness or other "good cause," you may be eligible for reduced benefits for the part of the week that you were able and available for work. **You must still meet all other conditions for being eligible for benefits.**

4. REFUSAL OF OFFERS OF WORK OR REFERRALS FROM A CAREERCENTER. You must report any offer of work that you refuse or any referral to work from a DOL CareerCenter that you do not accept (Question 4 on your weekly claim card) or any referral to work from a DOL CareerCenter that you do not accept (Question 4). If you do not follow through on a referral by contacting the employer for an interview that information should be noted in Question 4 as well. You must explain the refusal in the REMARKS section on the front of your weekly claim card or in the space provided on this question if you file by the Internet. If you file your weekly claim by telephone, your claim may be accepted by the system but you will be contacted by the Bureau to provide additional information regarding the Refusal of Work or Referral by the CareerCenter. If you refuse an offer of "suitable" work or a referral to a "suitable" job, you may be disqualified from receiving further benefits.

A. Acceptance of a Referral. To be considered to have "accepted" a referral from a DOL CareerCenter, you must contact the employer to whom you are referred to schedule a job interview.

5. WORK AND EARNINGS DURING A WEEK THAT YOU CLAIM BENEFITS. You must report **any work performed** (including self-employment and commission sales) and the **GROSS** amount of wages earned on your weekly claim card (Question 6) or in the space provided if you file on the Internet. If you file your weekly claim by telephone, at the prompt you must report your gross earnings and the employer(s) for whom you worked. **Report your earnings according to your employers' payroll week. If you were paid for an "odd job" and you can not provide written verification of your earnings, report your earnings for the week in which you did the work, regardless of when you are paid.** "Gross wages" means the total wages paid or due to you before any deductions. This includes all employment of any kind, such as self-employment, odd jobs, babysitting, etc. Wages include cash, commissions, checks, tips, and the cash value of pay you receive in the form of food, lodging or any other means of payment. If you report that you worked, but you do not list any amount of earnings, your benefit payment will be delayed until you report and provide verification of your earnings. If you do not report your earnings within 14 days of when DOL asks for them, your benefits will be denied.

A. Partial Benefits. You must report **ALL** of your gross earnings. However, the first \$25 of gross earnings will not affect the amount of your unemployment payment for that week. Gross earnings above \$25 are subtracted from your benefit payment for that week. For example: If you earn \$40 in a week, only \$15 (\$40 minus the \$25 "allowance") will be deducted from your unemployment payment. The benefits that are deducted from that payment are not deducted from your maximum benefit amount.

B. Verification of Earnings. If you work during a week, you are required to report your earnings. **You also must provide proof of your gross earnings before a benefit payment can be sent to you for the week claimed.** Examples of acceptable proof are a paycheck stub or a statement signed by your employer. Additionally, you can use a "Verification of Earnings" form (B-9.3) to verify your earnings for a particular week. This form can be obtained by contacting the UC Claims Center at 1-800-593-7660 or by downloading it from our website at www.file4ui.com, then, under Information & Resources, click on Publications and Forms. This form is also available at all DOL CareerCenters. Ask your employer to complete the form and return it to you. You can mail or fax the form to your UC Claims Center.

IMPORTANT - If you do not provide proof of your earnings with your claim card or **within 14 days** of the date DOL requests it, **your claim for that week may be denied.**

C. "Excess" Earnings. If your **gross** earnings are \$5 or more above your weekly benefit amount, you will have what is called "excess earnings" and you will not be eligible for a benefit payment that week.

D. Working Full-Time or the Full Number of Hours Able or Available Due to Illness or Disability. If you are working "full-time," you will not be eligible for benefits regardless of the gross amount of your earnings. If you are working part-time due to the reasons outlined on Page 12, Exceptions b) or c), and you are now working the full number of hours you are able or available to work considering your limitations, you will no longer be considered "partially unemployed" or eligible for benefits regardless of your earnings.

6. SEVERANCE OR HOLIDAY PAY, AND OTHER NONWAGE PAYMENTS. If you receive any payment from your employer that is not regular earnings, report it in Question 7 on your weekly claim form, or when requested to do so on the Internet or by the "telephone prompt" if you file your weekly claims by telephone. The types of payments and how they will be deducted are as follows:

A. Severance Pay, Dismissal Wages and Terminal Pay. Deducted from your unemployment payment for the week or payroll period in which they are paid.

B. Wages In Lieu of Notice. Deducted for the period covered by the notice.

C. Holiday Pay. Deducted from the claim week in which the holiday occurs.

D. Bonuses. If you receive a bonus, you must report if when you file your weekly claim for benefits. If the amount of the bonus is more than one week's normal pay for you, it will be divided by your regular week's pay and applied to that same number of weeks. (Example: Bonus=\$700. Regular weekly pay=\$300. \$300 applies to the week in which paid and the next week, the remaining, \$100, applies to the third week after the bonus is paid.)

7. PENSIONS. In some cases, pensions other than Social Security are deducted from your weekly benefit amount. They are deducted if: 1) you receive a pension from a base period employer; and 2) that employer made some or all of the contributions towards your pension. DOL only deducts the employer's portion of that pension from your weekly unemployment benefits. NOTE: If you receive Railroad Unemployment Insurance benefits, including sickness benefits, you will not be eligible for regular unemployment insurance benefits from Maine or another state.

A. How to Report the Amount of Your Pension. The **gross** amount of your pension (excluding Social Security) should be reported in Question 5 on your weekly claim card or when requested to do so on the Internet or by the "telephone prompt" if you file your weekly claims by telephone. You need to report your pension for the week(s) in which you receive it. If your pension amount changes, please note the change in Question 5 and in the REMARKS section on the front of the card or when requested to do so on the Internet or by the "telephone prompt" if you file your weekly claims by telephone. You do not need to report any Social Security benefits.

8. JURY DUTY. If you are called for jury duty while you are filing for unemployment benefits, you must report the jury duty pay (but not the mileage or other expense payments). If you normally file your claim by the Internet or by telephone, please call your UC Claims Center and ask a representative to take your weekly claim by telephone because you have jury duty pay. If you file your claim by mail, write the words "jury duty," the dates of jury duty, and the amount of jury duty pay in the REMARKS section of your weekly claim card for the week(s). Jury duty pay will be deducted from the benefit payment for the week(s) in which you are on jury duty. If your jury duty pay is less than your weekly benefit amount, you will still be eligible for some benefits. You will be considered to be available for work while on jury duty.

9. WAITING PERIOD WEEK. Maine law requires a one-week "waiting period" prior to paying benefits. You must file a weekly claim for this week, but you will not receive a benefit payment for the week. The first week in your new "benefit year" will normally serve as your waiting period. If you are not eligible for benefits for the first week in your "benefit year," then the next week you are eligible for benefits will be your "waiting period" week.

A. Do Not Delay in Filing Your Claim Because of the Waiting Period Week Requirement. To receive a "waiting period" credit, you must file a claim for that week. If you delay in filing your claim, your claim will only start the week in which you file it.

10. REGISTRATION FOR WORK. You are automatically registered for work when you filed your initial unemployment claim. Registration for work will enable the DOL CareerCenter to assist you in returning to work. However, even though you are automatically registered, you are encouraged to fully register for work with the Maine Job Bank to ensure that you have access to all job referrals and services offered. You can access the Maine Job Bank online at www.mainecareercenter.com, click on Jobseekers under the Maine Job Bank logo. A user name and password are required; follow the prompts if you are a "Returning Customer." If you are not registered with the Maine Job Bank, under "New Customers," click on Sign Up and then follow the prompts. If you do not have a computer, you can visit any DOL CareerCenter and use their computers. To locate the CareerCenter nearest to you, please call 1-888-457-8883.

If you move or live out-of-state, you must also register with a local CareerCenter.

11. CHANGE OF NAME, ADDRESS, AND/OR TELEPHONE NUMBER. If your name, address, and/or telephone number changes while claiming benefits, write your **NEW** name, address, and/or telephone number in Question 8 on the back of your weekly claim card or when requested to do so on the Internet or by the “telephone prompt” if you file your weekly claims by telephone. After you start receiving mail at your new address or after you have reported a new telephone number, **do not write them on your weekly claim card again or report the change again if filing by telephone or the Internet.** A second option to correct your name, address, and/or telephone number is to leave a message on the Bureau’s automated telephone system (option 5 when you call your UC Claims Center phone number). Please use a **regular** phone; **do not use a cell phone.** Cell phone messages often fade out or are not clear.

REMINDER: The U.S. Postal Service will **NOT** forward unemployment materials to you. You must notify the U. S. Postal Service **AND** the UC Claims Center of your new address and also put your name on your new mailbox.

A. Establishing and Changing PIN Numbers (Personal Identification Numbers). To access some functions of the UC Claims Center System, you will be required to provide a PIN number. You selected this number when you first filed a new claim. If you need to change the PIN number, or if it is lost or forgotten, you may call the UC Claims Center telephone number listed on the front cover of this booklet. You will be presented with a menu. If you know the number and wish to change it, follow the menu instructions for changing your PIN. If you do not know the PIN, you must speak to a claims representative. Select the menu choice to speak to a claims person about your claim. A claims representative will come on the line to assist you. In either event, the new PIN number will be mailed to you to verify that it is what you wanted.

12. FILING YOUR WEEKLY CLAIMS.

A. Filing Your Claims by the Internet or Telephone. You **cannot** file a weekly claim by the Internet or the telephone if you do not have an active claim. If you do not file your claim for the current or previous week in a timely manner, the automated Internet or telephone systems will not accept your claim. You will need to call 1-800-593-7660 to reopen your claim. If your claim is active, you may file your claim for the week that has just ended and/or the previous week on online at www.file4ui.com; then, under Featured Links, click on File a New or Weekly Unemployment Claim Online, or call 1-800-593-7660 any time after 12:01 AM, Sunday morning. You will need your PIN number to access this function of our automated systems. **Please follow all the prompts and wait for the system to confirm that your claim has been accepted.** If you log off your computer or hang up the telephone before you receive this confirmation, you will need to begin again.

B. Filing Your Claims by Mail. Mail your weekly claim card to your UC Claims Center as soon as you can **AFTER** the Saturday week ending date on the claim card. **Use the UC Claims Center addresses listed on the back cover of this booklet.** It is advantageous to file your claim as soon as possible after that Saturday date.

When DOL receives your claim card for the “current week,” a claim card for the next week will be sent to you. **If you do not return your claim card, additional cards will NOT be sent to you.** If you wish to file your weekly claims by the Internet or the telephone, see **(A)** above.

C. Late Claim Filing. You are allowed to mail your weekly claim card up to 14 days (determined by the postmark date) after the end of the week being claimed. However, if you delay in filing your claim card, this will delay how soon a payment may be issued to you if you are eligible. Your claim card can still be paid if you mail it within 21 days of the week ending date, but only if you have “good cause” for late filing. If there is an administrative delay in

sending a claim card to you because you filed a claim late, but still within the allowed time limits, you have up to 10 days after DOL mails a claim card to you to mail it back. If the Bureau sends you a claim card in a timely manner and your claim is mailed more than 21 days after the end of the week you are claiming, benefits will be denied until you call your UC Claims Center and reactivate your claim.

If you file your claims by telephone or the Internet, the automated system will only accept a claim for the two most recent calendar weeks. If you have not filed claims for either of these two weeks, you must call a Claims Center and reopen your claim.

D. When Should You Expect Your Payments/Claim Cards? After filing your initial claim, you must file weekly claims either online, by phone, or by filling out a claim form and mailing it to us. You should receive your Maine Automated Payment (MAP) card in the mail the week after you file your initial claim for benefits. If you are eligible for benefits, your first payment will be made about three weeks after you file your initial claim. However, heavy workloads (especially in the winter), holiday periods and other factors may cause delays in processing benefit payments. You can check on the status of your most recent weekly claim by using the information part of our telephone system. **You should allow 7 days after you file your claim before calling a UC Claims Center to ask about your payment.** If you have not received a claim card for the next week within that time, you should contact your UC Claims Center immediately.

Your electronic fund transfers should be in your bank account or in your MAP account 2-business days from the date your payment was certified. You can find out your balance 24/7 by calling 1-866-315-1011, visiting the Chase Visa Debit Cardholder's website at www.myaccount.chase.com or by doing a balance inquiry at any ATM.

E. Look-Up Information About Your Unemployment Claim and Benefits Paid. Go to www.file4ui.com, then, under Featured Links, click on Look Up Information About Unemployment Claim. You can use this website to get information about your claim(s) 24 hours a day, seven days a week. Tax and other withholding information as well as account balances can also be looked up. To use this site, you must enter your Social Security Number and your PIN number.

13. MESSAGES ON WEEKLY CLAIM CARDS. Sometimes a message will be printed on your weekly claim card. When this happens, a card will be attached with more information. **Read these messages carefully and follow their instructions.** If you do not follow through on these messages, your benefits could be delayed or denied.

14. FILING WEEKLY CLAIMS WHILE YOU ARE TEMPORARILY OUT-OF-STATE. If you plan on going out-of-state to seek work, you must request permission from your UC Claims Center **before you go**. Once given permission, you may file in another state for 1 or 2 weeks.

15. MOVING: WITHIN OR OUTSIDE OF MAINE. If you move within Maine and file your claims by Internet, telephone or by mail, please indicate your address and telephone number changes when asked to do so. If you file your claims by mail, you should continue to mail your claim cards and forms to the UC Claims Center that currently serves you.

If you relocate to another state at any time while you are filing for unemployment benefits, you **must** register for work at a local CareerCenter office in your new state.

16. RETURNING TO WORK

A. Full-Time. When you return to work **full-time**, complete all questions on your claim card. Mail it, along with your Work Search Log, within 10 days of starting work. Write the date you started in Question 6, and the employer's name and address in the "Remarks" section. Report

wages earned starting from the day you begin work if you are claiming benefits for that same week. **"Holding back"** your first paycheck has no effect on your claim. **The wages apply to the week in which you do the work**, not when you are paid. For example, if you start work on a Thursday, report the days you work for the remainder of that calendar week and report the wages you will be paid for this work. **Be sure to submit a copy of your pay stub showing your gross earnings for the days you worked.** DOL will review your earnings and issue an unemployment payment to you if you are eligible (depends upon your gross earnings for the week). Upon receipt of your last claim card, DOL will place your records in an "inactive" status.

(1) Reactivating your claim if you separate from work again during your benefit year.

Your claim can be reactivated at any time during your benefit year. **Claims are "effective" the Sunday of the week in which you start your claim again. CLAIMS CANNOT BE BACKDATED.** You should reactivate your claim as soon as you separate from the job via the Internet at www.file4ui.com, then, under Featured Links, click on File a New or Weekly Unemployment Claim Online. Do not log off the computer until you have received confirmation that your claim has been received. If you wish to reactivate your claim by telephone, call 1-800-593-7660.

B. Part-Time. If you return to work **part-time**, but you are still seeking full-time work, you might still be eligible for some benefits. You should continue to file your claims each week as long as your gross earnings are not \$5.00 or more above your weekly benefit amount. If you file claims on the Internet or by telephone, answer "Yes" to the question, "Did you work during the week claimed?" and provide all requested employer and wage information or if you file claims by mail, complete Question 6 on your claim card. Report your **gross wages** according to your employer's payroll week regardless of when you get paid. **You must submit a copy of your pay stub for the days you worked.** DOL will review your earnings and issue you an unemployment payment if you are eligible (depends upon your gross earnings for the week). **If you are working part-time because of your own or an immediate family member's illness or disability**, in addition to reporting your wages each week as outlined previously in the section, **you must report the number of hours you work each week.** Once you are working the full number of hours for which you are able or available to work because of the illness or disability, you are no longer considered unemployed, regardless of your earnings.

17. APPROVED TRAINING. Some training can be "approved" by the Unemployment Insurance Commission. If approved, you would not have to seek work and would not have to be available to accept work **while in training**. Training which is sponsored through the following programs has been pre-approved: Workforce Investment Act (WIA), Trade Adjustment Assistance (TAA) (for workers who have lost their jobs due to imports), and Trade Readjustment Assistance (TRA).

Other types of training can also be "approved." If you are interested in training, contact your local DOL CareerCenter. You should then contact the nearest UC Claims Center to find out about the procedure for getting training "approved."

REEMPLOYMENT SERVICES PROGRAM

1. WHAT ARE REEMPLOYMENT SERVICES? The Reemployment Services Program selects individuals who may benefit from additional assistance in their effort to find a job. All individuals filing an initial claim for unemployment benefits are compared with claimants who have exhausted benefits in the past. Current applicants who are most similar to those who exhausted benefits are selected to receive additional assistance. If you are selected, a letter will be sent to you notifying you of this and scheduling you for a Reemployment Services orientation session. You **must** take the letter with you when you report for your **scheduled** interview.

2. PENALTIES FOR NOT MEETING THE REQUIREMENTS. Individuals who are referred to reemployment services under the Reemployment Services Program are **required** to participate in those services. If you do not attend scheduled workshops or other activities, your benefits **may be denied**. During the period that you are receiving reemployment services, you are still required to make an active search for work and be available for work.

SEPARATION FROM WORK THAT IS NOT DUE TO LACK OF WORK

If you are laid off from a job due to a "lack of work," then your unemployment benefits will be allowed on the "issue" of separation. If the reason that you separated from a job was **NOT due to a "lack of work,"** further information will be needed. The information that DOL gets from you and your former employer will be used to determine your benefit eligibility.

FACT-FINDING INTERVIEWS

When separation from work was **NOT** due to a lack of work, a "fact-finding interview" will be scheduled to get information from you and from your former employer. A claims adjudicator will use this information to determine your eligibility. Fact-finding interviews are held over the telephone. Therefore, if you are scheduled for a fact-finding interview and you have written information that you want the claims adjudicator to see (such as a separation paper, doctor's note, etc.), mail or fax them to the UC Claims Center **before** the interview date. A form concerning your separation will normally be mailed to you before the interview. **Mail this back immediately; the claims adjudicator will review it before calling you. You may also return the form by faxing it to DOL. Fax numbers are listed on the back cover of this booklet.**

After the fact-finding interview, a Deputy's Decision will be mailed to you. The decision will tell you if you are eligible for unemployment benefits or not. See appeal rights on Page 21.

1. QUITTING A JOB. If you quit your last job, the claims adjudicator will decide if you are eligible for unemployment benefits. If you had a "**good cause**" related to your work for leaving, your benefits will be allowed. If you did not have "good cause," you will be disqualified from receiving benefits. See exceptions below. This disqualification period continues until you earn four times your weekly benefit amount in new employment "covered" under the unemployment law. Special circumstances that are part of the voluntary quit section of the law are mentioned below.

A. Illness. If you leave a job due to illness, you may be eligible for benefits if you meet certain conditions. The illness can be either your own illness or that of an immediate family member. To be eligible, you must first **tell your employer** why you are absent. You must then follow any employer requirements regarding how often you must keep in contact with the employer. Finally, you must **request reemployment** when you are able to work again. **This section addresses eligibility based on reason for separation only. To collect benefits, you must be physically able to work again and be available for and actively seeking suitable, full-time work (see Pages 11-12).**

B. Leaving to Accept a New Job. Under some circumstances, your benefits will be allowed if you leave one job with the intention of taking another job. You must have left one job with the intention of starting a new, permanent, full-time job with another employer. If the new job falls through because of action by the new employer, your benefits will be allowed.

C. Leaving to Accompany, Follow or Join Spouse. Your benefits will normally be allowed if it was necessary for you to leave your job to accompany, follow or join your spouse to a new place of residence. **You need to wait until you arrive at your new residence before filing for unemployment benefits and you must be available for and seeking work in the new area within 14 days after you arrive at your new residence.**

D. Leaving Due to Domestic Abuse. If you have to leave your job to protect yourself from domestic abuse, your benefits may be allowed. You must make all reasonable efforts to keep your job. Domestic abuse includes attempting or actually causing bodily harm, or putting another in fear of bodily injury. It also includes controlling another's conduct, restricting another's movements,

E. Unpaid Voluntary Leave Of Absence Or Sabbatical Leave. You will not be eligible for benefits while you are on a voluntary leave of absence or sabbatical leave to which you and your employer have mutually agreed.

2. GETTING FIRED FROM A JOB. If you are fired from a job, the claims adjudicator will decide if you were fired for "misconduct." "Misconduct" means that you were doing something against your employer's interests. It also covers doing something that you knew you should not have. If you were discharged for "misconduct," you will be disqualified until you earn four times your weekly benefit amount in employment "covered" under the unemployment law.

3. ABSENCE FROM WORK BECAUSE YOU ARE IN JAIL. If you are discharged because you were absent from work for more than 2 workdays because you are in jail after being convicted of a criminal offense, you will be disqualified until you have earned four times your weekly benefit amount in employment "covered" under the unemployment law.

4. DISCHARGE FOR CRIME IN CONNECTION WITH WORK. If you are discharged for conviction of a felony or misdemeanor in connection with your work, you will be disqualified until you have earned \$600.00 or **eight** times your weekly benefit amount in employment "covered" under the unemployment law, whichever is greater.

5. SUSPENDED FROM WORK. If you are suspended from work, the claims adjudicator will decide if you were suspended for "misconduct." (See section 2 above for information on "misconduct.") If you are disqualified for suspension, the disqualification continues until the end of the suspension.

6. RETIREMENT. If you voluntarily retire, or retire under a recognized company program under which you are entitled to receive pension payments, you will be disqualified from receiving benefits until you have earned **six** times your weekly benefit amount in employment "covered" under the unemployment law.

7. LABOR DISPUTE - STRIKE OR LOCKOUT. If you are on strike and out of work because of a stoppage of work due to a labor dispute, a special law applies. If there is a stoppage of work due to a labor dispute, and you are participating in the "strike" or financing or directly interested in the labor dispute that caused the stoppage of work, then you will not be eligible for benefits during the labor dispute. You will be disqualified until one of the following occurs:

- You have earned **eight times** your weekly benefit amount in employment "covered" under the unemployment law, OR,
- You have been employed for **five full weeks in employment "covered" under the unemployment law**, OR,
- DOL determines that a "stoppage of work" no longer exists.

If you have been "**locked out**" by your employer, you will **NOT** be disqualified under the labor dispute section of the law.

REFUSAL OF WORK OR REFERRAL

If you refuse any work or any referral from a DOL CareerCenter, you must report the refusal on your weekly Internet claim and provide details about the refusal or if you file your claim by

telephone when asked by the "telephone Prompt." If you file your weekly claims by mail, you must report the refusal in Question 4 on your weekly claim card. If you refuse an offer of "suitable" work or a referral to a "suitable" job, you will be disqualified from receiving benefits. This disqualification will continue until you have worked (after the refusal) for an employer "covered" by the unemployment law and earned **eight** times your weekly benefit amount.

1. SUITABLE WORK. In determining whether or not the job involved was "suitable," the claims adjudicator will compare the offered work to your previous work.

A. During your first 12 consecutive weeks of unemployment. During the first 12 consecutive weeks that you are unemployed, the claims adjudicator will consider the following factors to determine if a job was "suitable":

- 1) The degree of risk to your health, safety and morals;
- 2) Your physical fitness;
- 3) Prior training;
- 4) Previous work experience;
- 5) **Prior** earnings;
- 6) How long you have been unemployed;
- 7) Your prospects for getting work in your local area in your usual occupation; and
- 8) The distance to the work from your home.

B. After 12 consecutive weeks of unemployment. After you have been out of work for more than 12 weeks, your prior training and work experience are **NOT** taken into consideration. Also, your prior earnings will **NOT** be taken into consideration if the offered job pays wages equal to or more than the "average weekly wage" in Maine as determined by DOL.

2. REFUSAL OF REFERRAL. A DOL CareerCenter may refer you to an employer for an interview for a job. If the potential job is "suitable," you must contact the employer to schedule an interview. If you do not try to schedule an interview, you may be disqualified from receiving benefits.

A. Acceptance of a Referral. To be considered to have "accepted" a referral from a DOL CareerCenter, you must contact the employer to whom you are referred to schedule an interview.

3. ATTEMPTED RECALL TO WORK BY A FORMER EMPLOYER. If your former employer tries to recall you to a "suitable" job but is unable to contact you at the last address that you gave the employer, you might be disqualified from receiving benefits.

4. REFUSAL FOR "NECESSITOUS AND COMPELLING" REASONS. If you refuse work or a referral for work for "good cause," then you would only be disqualified for the time that the "good cause" (such as illness) was limiting you.

5. SPECIAL SITUATIONS WHEN AN OFFER OF WORK NOT CONSIDERED "SUITABLE."

- If the position offered is vacant due to a labor dispute (strike or lockout).
- If the wages, hours or other conditions of work are substantially less favorable than those for similar work in the area.
- If, as a condition of being employed, you would be required to join a **company** union or resign from or refrain from joining any **bona fide labor organization**.
- If the position offered is the **same one** that you previously left for good cause related to that employment. Also, a job is not "suitable" if you previously left that job for good reasons related to the work, but the reasons were not good enough to allow your benefits. These exceptions only

apply if the specific "good cause" or "good reason" has not been removed.

- If the position offered involves a shift, the greater part of which is between the hours of midnight and 5:00 a.m., **and** you refuse because of parental obligation, the need to care for an immediate family member, or the unavailability of a personal care attendant who is required to help you if you are handicapped. (A "parental obligation" is the obligation to care for the claimant's children.)

REQUALIFYING FOR BENEFITS IF YOU ARE DISQUALIFIED

If the reason you are disqualified from receiving benefits is due to a job separation issue or refusal of a suitable job, you will not be able to collect benefits until:

- You have worked in a job for an employer who pays unemployment taxes (a "covered" employer); **AND**
- You have earned the required amount of money (4 times your weekly benefit amount for quitting or being fired, 6 times your weekly benefit amount if you retired, and at least 8 times your weekly unemployment benefit amount if you refused work or a referral); **AND**
- You separate from the new job for reasons that would allow your benefits.

You may be required to provide documentation showing that required wages have been earned.

FILING AN APPEAL

NOTE: IF YOU FILE AN APPEAL, CONTINUE TO FILE YOUR WEEKLY CLAIMS WHILE YOUR APPEAL IS BEING PROCESSED. NO PAYMENTS CAN BE MADE FOR WEEKS FOR WHICH TIMELY CLAIMS WERE NOT FILED, EVEN IF THE APPEAL IS DECIDED IN YOUR FAVOR.

1. APPEAL RIGHTS. If you are not going to be paid unemployment benefits for any reason, DOL will inform you in writing. If you are "denied" benefits, "disqualified," or found to be "ineligible" to receive benefits, or if it has been determined that an overpayment has been made, you have the right to file an appeal to review that decision.

A. Employer Right of Appeal. If your former employer does not agree with a decision in which the employer is involved, such as a separation from work or refusal of an offer of work, then that employer may also file an appeal on the decision.

B. Appeal of Monetary Determination. If you feel that your monetary determination is incorrect, call your UC Claims Center. You will be advised to file an appeal. While the appeal is pending, DOL will investigate its accuracy and completeness. If DOL finds any errors, DOL will correct the amount of the wages. If DOL does not find any errors, you will be scheduled for an appeal hearing.

2. FIRST APPEAL

A. How to File an Appeal of the Deputy's Decision or Monetary Determination.

(1) Time limit. Appeals must be filed within 15 calendar days of the mailing date of the Deputy's Decision or Monetary Determination. An additional 15 days for filing an appeal may be granted if you have good cause for late filing.

(2) Ways to file. You have 5 different ways to file an appeal:

- **By Internet:**

www.Maine.gov/labor/appeals. This is the fastest way to file an appeal and lock-in the appeal date.

- **By Telephone:** (207) 621-5001; TTY 1-800-794-1110 (deaf / hard of hearing)
- **By Fax:** (207) 287-5949
- **By Mail addressed to:**
 Division of Administrative Hearings
 30 State House Station
 Augusta, ME 04333-0030
- **By Hand Delivery:** To any office of the Maine Department of Labor

B. Preparing for Your Appeal Hearing. Once you file your appeal, all matters related to the appeal should be directed to the Division of Administrative Hearings (DAH). They will send you a booklet "How to Prepare for an Appeal Hearing." Information about appeals can also be accessed through the DAH website at www.Maine.gov/labor/appeals.

DAH will mail you a notice of the date and time of your hearing. Some hearings are held by telephone. If your hearing will be in-person, the notice will include the hearing location. After your hearing, a Hearings Officer will render a decision regarding your eligibility for benefits.

If you do not agree with the Hearing Officer's decision, you can appeal that Decision to the Unemployment Insurance (UI) Commission. (See section 3 below.)

3. SECOND APPEAL.

A. Time Limit. You have 15 days from the "date mailed" on your Division of Administrative Hearings decision to file a written appeal to the Unemployment Insurance Commission. Be sure to include any new information that you want to present and any specific objections that you have. A brochure "Presenting Your Best Case At Your Commission Hearing," Form MUIC H-1, is available by calling (207) 623-6786.

B. Mailing Address and Fax Number:

Unemployment Insurance Commission
 57 State House Station
 Augusta, ME 04333-0057
 Fax Number: (207) 287-4554

4. REQUEST FOR RECONSIDERATION. If you do not agree with the decision of the Commission, you can request a reconsideration of that decision within 10 days of the mailing date of that decision. Your request **must** specify your reason for reconsideration.

5. APPEAL TO COURT. If you do not agree with a decision of the Unemployment Insurance Commission, an appeal can be filed with the State Superior Court within 30 days of receipt of the Commission decision.

OVERPAYMENTS DUE TO AN ERROR OR APPEAL REVERSAL

If you have been paid benefits that should not have been paid, then you will be required to repay those benefits. If you are unable to repay your overpayment in full, DOL will consider a reasonable weekly or monthly installment plan. Please contact a collections representative at (207) 621-5154 to discuss your repayment plan.

Repayments: Make your check or money order payable to "**Department of Labor.**" Please be sure to write your Social Security Number on your payment before mailing it to:

Bureau of Unemployment Compensation
Collections Unit
47D State House Station
Augusta, ME 04333-0047

Maine Employment Security Law requires automatic withholding of unemployment insurance benefits if you open a claim. A repayment plan, therefore, would be suspended for the duration of your claim series.

Any balance that remains unpaid one year after the overpayment is established will be assessed interest of 1% per month until payment plus accrued interest is received by DOL. Deductions from benefits that may be or become payable are limited to 10% of the first \$100 and 50% of any amount above \$100 of any weekly benefit payment due you. If the overpayment was **due to fraud**, 100% of payable benefits will be used to offset penalty, interest, and the balance of your overpayment. Lottery winnings and Maine State income tax refunds may be intercepted and applied to your overpayment. Civil warrant procedures may also be used to collect monies due.

1. STATE INCOME TAX REFUND INTERCEPT. If you have an outstanding unemployment overpayment, yours and/or your spouse's (joint return) State income tax refund may be intercepted to repay the overpayment. Any remaining tax refund balance will be sent to you by the Maine Revenue Services.

2. APPLICATION OF BENEFIT REPAYMENTS. Claimant repayments, deductions from future benefits, State income tax refund and lottery winning intercepts, and wage garnishments must be applied first to penalties, second to accrued interest, and third the balance of your benefit overpayment.

3. WAIVER OF OVERPAYMENT. If your overpayment was **not due to fraud**, then you can request a "waiver" of the overpayment. Your request for waiver of the overpayment must be in writing and mailed to:

Unemployment Insurance Commission
57 State House Station
Augusta, ME 04333-0057

You may call (207) 623-6786 for information.

OVERPAYMENT DUE TO FRAUD

If you have collected benefits fraudulently, see the section "Penalties for Unemployment Fraud" on Page 7 for additional information. Overpayments due to fraud **CANNOT** be waived. **NOTE:** If the overpayment was due to fraud, 100% of any future unemployment payments will be used to repay that overpayment and related penalty and interest.

BENEFITS QUALITY CONTROL

The Benefits Quality Control Program is designed to prevent both errors and fraud in unemployment compensation claims. The program ensures that claims have been paid correctly or denied accurately. Claimants are selected weekly on a random basis. If you are selected, an investigator will meet with you to review the claim week being investigated as well as other parts of your unemployment claim.

Re-contacting all interested parties gives a complete picture of whether the decision to pay or deny the claim was the one that would have been made if all relevant facts were known.

To assist with this process, it is important that you maintain a record of your work search contacts.

OTHER UNEMPLOYMENT PROGRAMS

1. Dislocated Worker Benefits (DWB). Dislocated Worker Benefits is an unemployment program for individuals who have been separated from their job through no fault of their own and are expected to be out of work for an extended period of time. It provides extra weekly unemployment benefits for eligible individuals:

- Who are in an "approved training" program as approved by the Unemployment Insurance Commission, and
- Who are not eligible for unemployment benefits under any other program.

See Page 17 for an explanation of "approved training." If you are interested in this program, call your UC Claims Center.

2. Trade Adjustment Assistance (TAA) for Workers Program. The TAA Program provides opportunities for training, health insurance coverage, and reemployment. Workers covered by approved petitions filed for adjustment assistance may apply for benefits and services at CareerCenters. Individual workers who meet qualifying criteria may receive job training, income support in the form of Trade Readjustment Allowances (TRA), Health Coverage Tax Credit (HCTC), Reemployment Trade Adjustment Assistance (RTAA) in the form of a wage supplement and relocation allowances. In addition, all workers covered by a certification are eligible for reemployment services including job clubs, and résumé writing assistance at CareerCenters.

To file your initial application for assistance, call 1-888-457-8883. Eligible TAA workers should contact a DOL CareerCenter for information on training and other forms of TAA assistance or visit our website at www.Maine.gov/labor.

For more information about Health Coverage Tax Credit, go to www.irs.gov [IRS keyword: HCTC] or call the HCTC Customer Contact Center toll free at 1-866-628-4282 or TDD/TYY number at 1-866-626-4282.

3. Federal or State Extended Benefits (EB). These are extra unemployment benefits that are paid during periods of high unemployment. These program requirements are different from regular benefit requirements. Failure to accept suitable work, work search, and special reporting requirements may result in a finding of ineligibility for EB benefits.

4. Disaster Unemployment Assistance (DUA). DUA provides temporary income for individuals who are unemployed as a direct result of a disaster and do not qualify for regular UI benefits. To apply, contact a UC Claims Center within 30 days of the date on which Maine announces the availability of DUA.

5. Maine Enterprise Option (MEO). Under this program, eligible individuals can receive weekly benefits while starting their own business. Individuals who are eligible to apply for consideration under MEO will receive a letter. Additional information is available at DOL CareerCenters.

DEPARTMENT OF LABOR CAREERCENTERS

The primary mission of the DOL CareerCenter is to place people in jobs. The CareerCenter serves people with varied backgrounds and needs who are seeking employment and employers who need qualified workers. These services include job registration, interviewing, testing, counseling, job development, recruitment, and other services for employers. They also include referrals to jobs, referrals to training, and other services to help people prepare for employment.

You do not need to be claiming unemployment benefits or be out of work to use their services. The DOL CareerCenter is your most economical, convenient and efficient source of information for finding work.

JOB BANK

Each DOL CareerCenter has a listing of job openings called a Job Bank. It puts you in instant contact with job openings throughout the State. There is also a Job Bank that lists some out-of-state jobs.

THE MAINE JOB TRAINING SYSTEM

MDOL uses a wide variety of Federal and State programs. Each program has special guidelines, eligibility requirements, and services. For more information, call or visit the DOL CareerCenter nearest you. For the center nearest you, call 1-888-457-8883 or check your local Telephone Directory.

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/ status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially-assisted program or activity.

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIA Title I financially-assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

What Can You Do If You Believe You Have Experienced Discrimination. If you think that you have been subjected to discrimination under a WIA Title I financially-assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: The recipient's Equal Opportunity Officer – Michaela Loisel, (207) 623-6735; or The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you **filed** your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you **filed** your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

UC Claim Center Telephone No.

(Office Hours are 8:00 a.m. to 5:00 p.m.)

1-800-593-7660

TTY for Deaf / Hard of Hearing

1-888-457-8884

Online Claim Filing: www.file4ui.com

AUGUSTA UC CLAIM CENTER

Fax Number: (207) 287-5905

Mailing Address:

Bureau of Unemployment Compensation
97 State House Station
Augusta, ME 04333-0097

ORONO UC CLAIM CENTER

Fax Number: (207) 561-4665

Mailing Address:

Bureau of Unemployment Compensation
P.O. Box 610
Orono, ME 04473-0610

PRESQUE ISLE UC CLAIM CENTER

Fax Number: (207) 764-2142

Mailing Address:

Bureau of Unemployment Compensation
P.O. Box 1088
Presque Isle, ME 04769-1088

SPECIAL PROGRAMS UNIT

⇒ **Telephone Number: (207) 621-5103**

Fax Number: (207) 287-3395

Mailing Address:

Bureau of Unemployment Compensation
Special Programs Unit
47P State House Station
Augusta, ME 04333-0047
