



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 136

H.P. 118

House of Representatives, January 20, 2011

**An Act To Amend the Unemployment Compensation Law
Regarding Denial of Benefits for Refusing To Accept Work**

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative WOOD of Sabattus.
Cosponsored by Senator MASON of Androscoggin and
Representatives: CLARK of Easton, PRESCOTT of Topsham.

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 1983, c. 650, §1, is further
3 amended to read:

4 **3. Refused to accept work.** For the duration of ~~his~~ unemployment subsequent to ~~his~~
5 ~~having refused~~ the individual's refusing to accept an offer of suitable work for which ~~he~~
6 the individual is reasonably fitted, ~~or having refused; the individual's refusing~~ to accept a
7 referral to a suitable job opportunity when directed to do so by a local employment office
8 of this State or another state ~~or if an employer is; a former employer's being~~ unable to
9 contact ~~a former employee~~ the individual at the individual's last known or given address,
10 for the purpose of recall to suitable employment; ~~the individual's being~~ unable to accept
11 an offer of employment from a previous employer due to the individual's unreasonably
12 forfeiting a license or other qualifying credential necessary for employment; or the
13 ~~individual fails~~ individual's failing to respond to a request to report to the local office for
14 the purpose of a referral to a suitable job, ~~and the.~~ The disqualification ~~shall continue~~
15 continues until ~~claimant~~ the individual has earned 8 times ~~his~~ the individual's weekly
16 benefit amount in employment by an employer. If the deputy determines that refusal has
17 occurred for cause of necessitous and compelling nature, the individual ~~shall be~~ is
18 ineligible while ~~such~~ that inability or unavailability continues, but ~~shall be~~ the individual
19 is eligible to receive prorated benefits for that portion of the week during which ~~he~~ the
20 individual was able and available.

21 A. In determining whether or not any work is suitable for an individual during the
22 first 12 consecutive weeks of unemployment, the deputy shall consider the degree of
23 risk involved to ~~his~~ the individual's health, safety and morals, ~~his~~ the individual's
24 physical fitness and prior training, ~~his~~ the individual's experience and prior earnings,
25 ~~his~~ the individual's length of unemployment and prospects for securing local work in
26 ~~his~~ the individual's customary occupation; and the distance of the available work from
27 ~~his~~ the individual's residence.

28 In determining whether or not work is suitable for an individual after the first 12
29 consecutive weeks of unemployment, the deputy shall consider the degree of risk
30 involved to ~~his~~ the individual's health, safety and morals, ~~his~~ the individual's physical
31 fitness, ~~his~~ the individual's prior earnings, ~~his~~ the individual's length of
32 unemployment and prospects for securing local work in ~~his~~ the individual's
33 customary occupation and the distance of the available work from ~~his~~ the individual's
34 residence. The individual's prior earnings ~~shall~~ may not be considered with respect to
35 an offer of or referral to an otherwise suitable job ~~which~~ that pays wages equal to or
36 exceeding the average weekly wage in the State ~~of Maine~~.

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

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

- 1 (2) If the wages, hours or other conditions of work are substantially less
2 favorable to the individual than those prevailing for similar work in the locality;
- 3 (3) If, as a condition of being employed, the individual would be required to join
4 a company union or to resign from or refrain from joining any bona fide labor
5 organization;
- 6 (4) If the position offered is the same one previously vacated by the
7 ~~claimant individual~~ individual for good cause attributable to that employment or is the
8 position ~~which that~~ the employee left for reasons attributable to that employment,
9 but ~~which that~~ were found insufficient to relieve disqualification for benefits
10 under subsection 1, paragraph A, ~~provided that~~ as long as, in either instance, the
11 specific good cause or specific reasons for leaving have not been removed or
12 otherwise changed; and
- 13 (5) If the position offered is on a shift, the greater part of which falls between the
14 hours of midnight to 5 a.m., and is refused because of parental obligation, the
15 need to care for an immediate family member, or the unavailability of a personal
16 care attendant required to assist the unemployed individual who is a handicapped
17 person.

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SUMMARY

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Current unemployment benefit law provides for the disqualification from receipt of unemployment compensation of an individual who refuses to accept an offer of suitable work or is unable to be located by a prior employer, among other reasons. This bill adds to that list an individual who forfeits, unreasonably, a license or other credential necessary for employment by a former employer.