

MAINE DEPARTMENT OF LABOR BUREAU OF UNEMPLOYMENT COMPENSATION WORKERS

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EMPLOYEES OF THIS FIRM ARE COVERED BY THE MAINE EMPLOYMENT SECURITY LAW

RULE 3: UNEMPLOYMENT BENEFITS, INTRASTATE

1. **Benefits for total unemployment, as to claimants.**
 - A. Claims for total unemployment benefits must be made in accordance with this section and upon forms prescribed by the bureau.
 - B. Claims for total unemployment benefits will be accepted by the bureau as follows:
 1. At an office of the bureau; or
 2. At an itinerant station established by the bureau; or
 3. By mail when filed in accordance with procedures as approved by the bureau.
 - C. After initial claim has been filed, subsequent claims, reports, communications, or other matters relative to claimant's status must be made through, or taken up with, the office serving the area in which the claimant first filed unless permission is granted by that office to temporarily report elsewhere.
 - D. Upon showing of convenience or necessity, the bureau may arrange to transfer the claimant to the jurisdiction of an office serving a different area than that in which the initial claim was filed.
 - E. No claim shall be valid for any week prior to the week in which a claimant has registered for work with a representative of the bureau except under the circumstances provided for in this section and, in addition, registrations may be deferred for the following classes of claimants:
 1. Claimants involved in a mass temporary lay-off;
 2. Claimants involved in a strike, lockout, or other labor dispute;
 3. Claimants who have a continuing job attachment with renegotiated terms of employment;
 4. Claimants who reside in areas beyond commuting distance or who are usually served at designated itinerant stations where the employment office cannot provide effective placement service.
 - F. To maintain eligibility for benefits, claimants must report at the time and place assigned to him for reporting by a representative of the bureau. If a claimant is filing by mail under the provisions of subsection (B)(3), the envelope containing the claim must bear a postmark date not later than fourteen (14) days from the date the mail claim card was issued for the week claimed. If the envelope is postmarked, or if the claim is filed in person, later than fourteen (14) days after the mail card was issued, benefits for that week will not be allowed unless the claimant can show good cause for the failure to file the claim in a timely fashion.
 - G. Claimants who are filing by mail shall report in person when directed to do so by the bureau, at a date and time specified in a message printed on their mail claim card. If the claimant does not report within fourteen (14) days of that date, benefits for that week will be denied unless the claimant can show good cause for the failure to report at a date and time specified in a message printed on their mail claim card.
 - H. If a claimant has been instructed by mail claim card to provide information which is necessary to determine his eligibility for benefits, and such information is not provided within fourteen (14) days from the date on which the message was mailed to him with his mail claim card or the date on which any other request to provide such information was mailed to him, benefits shall be denied for the week for which the requested information was not provided unless the claimant can show good cause for the failure to provide requested information to the bureau.
 - I. No benefits will be paid for any week of unemployment unless the claimant has affixed his signature to and answered all questions on the claim form provided by the bureau for the purpose of claiming benefits for the week involved.
 - J. If a claim form provided by the bureau for purposes of claiming benefits for a week is not signed or if all questions on the

claim form are not answered, the form will not be considered to be a claim for purposes of subsection (A) of this section. However, if the claim form or a duplicate is later signed or if the unanswered question or questions are later answered, the original filing date of the claim form will determine the timeliness of the claim for the purpose of Rule 3.1(F).

3. A claimant will be notified, by means of a message which will be sent to him with his mail claim card or by any other written means, that he has an opportunity to sign the claim form or a duplicate or to answer questions which were not answered on the claim form. If the claimant does not provide his signature on the answer which the message is mailed to him with his mail claim card, or the date on which such signature or answers shall be denied for the week for which the signature or answers were not provided.
- H. Any claimant who obtains work of any kind shall inform the claims taker of such work and amount earned when making his claim.
- I. A claimant's week of unemployment and his registration for work shall be deemed to commence on the Sunday of the calendar week in which he registers for work and files a claim with a representative of the bureau, except that in the case of a claimant reporting at an itinerant station such claimant's week of unemployment and his registration for work shall be deemed to commence on the Sunday of the preceding calendar week, if his unemployment occurred on or subsequent to the time of the last previously scheduled report day. However, if an office of the bureau is closed on a Friday which the government or the commissioner of personnel of the state of Maine has determined to be a non-work day because of a regular holiday, a claimant may file an initial claim at such office of the bureau for that week on the next scheduled work day of such office of the bureau.
- J. A claimant reporting at an itinerant station being conducted on a biweekly schedule shall be deemed to have his week of unemployment and his registration for work commence on the Sunday of the preceding calendar week if in fact otherwise eligible unless his unemployment occurred on or subsequent to the time of the last previously scheduled itinerant report day, in which case his week of unemployment and his registration for work shall be deemed to have commenced on the Sunday of the calendar week in which the unemployment occurred.
- K. Claimants who are employed part time, but not in such places or establishments or capacities in which they are customarily employed as full-time workers, must register and maintain their eligibility for unemployment benefits in the same manner prescribed for totally unemployed persons.

- L. After claimant has been determined to be eligible for benefits, payments will nevertheless not be allowed for any week of unemployment which is not reported by the claimant on his assigned report day. A claimant who has been assigned to report in person by a representative of the bureau must report in person at the place assigned to him for reporting except under the following circumstances:
 1. A claimant returning to work on or before his assigned report day may file a claim, whether in person or by mail, to complete his claims for his last week or weeks of unemployment, provided he does so within ten (10) days of commencing work;
 2. Permit Claims.
 - a. A claimant requesting permit claims in accordance with subsection (C) of this section will be allowed to file such permit claims for only two consecutive weeks during a period that he is away from his reporting office. Prior written approval of permit claims must be secured in person from a deputy prior to leaving, except when a claimant is relocating. The deputy will interview the claimant with regard to the area(s) that he is going to, the length of time that he is going to be away, and what his activities will be. No claim will be allowed for a week that a permit claim has been denied.
 - b. Permit claims will only be issued if the claimant is temporarily going to another area to seek work. However, benefits may be allowed if the claimant, due to time constraints, had inadequate opportunity to obtain a permit claim prior to leaving the area in which he was filing in order to temporarily go to another area to seek work. In addition, prior written approval shall not be necessary when a claimant relocates for the purpose of accepting temporary employment, which is unavailable upon the expiration of his unemployment claim.
 - c. Additional claims for any period longer than two (2) consecutive weeks away from the office serving the area in which the claimant first filed must be filed through the office serving the area where the claimant has moved, if within the state, or through the interstate benefit payment plan, if the claimant has moved outside of the state;
 3. A claimant who has good cause for his failure to report on his assigned report date and reports to file a claim within fourteen (14) days of such assigned report date.
 4. Claimants who are in continued claims status who move to a new location within the state of Maine or to another state shall, within seven (7) days of arrival at the new location, report to a local office or agent state office for the purposes of establishing the proper reporting requirements from their new location.
- M. With respect to a claimant whose assigned time and place for reporting may be itinerant station, time limits imposed in the foregoing subsection may be waived if the claimant makes all reasonable efforts to comply with the reporting requirements and has previously informed a representative of the bureau of his efforts within a reasonable time, either in person or by mail.
- N. When filing his first claim in a benefit year to establish benefits entitlement, a claimant shall furnish a witnessed statement giving his name, social security account number, and all work history, dates and conditions of job separations, and labor market attachment information required by the bureau. It is not a requirement that a claimant present a card, issued by the Social Security Administration, which includes his social security account number.
- O. Requalifying earnings under sections 1193, 1 and 1193, 2 shall include only those earnings earned after the actual date of the disqualifying separation.
- P. Benefits paid to an individual shall be deemed to be paid through an office of the bureau where any or all of the requirements relating to the determination of an individual's eligibility for benefits are performed.

2. **Benefits for partial unemployment, as to claimants and employers.**
 - A. With respect to a partially unemployed individual whose wages are paid on a weekly basis, a week of partial unemployment shall be deemed to be that calendar week which includes the major part of his regular payroll week, and wages reported for the payroll week shall be considered as earned in such calendar week. Wages of partially unemployed individuals who are paid on other than a weekly basis shall be reported for the calendar week involved.
 - B. Each employing unit, immediately following the close of a week during which any individual customarily employed full time in its employ worked less than full-time hours and did not earn \$5 or more in excess of his weekly benefit amount due to lack of work, or, while not having been affirmatively terminated, performed no services and earned no wages for a period of one calendar week due to lack of work, shall give such individual a claim form properly filled out and instructions if no employment is available the employing unit shall issue instructions to the worker for making application for total benefits. If the employing unit is not cognizant of an employee's weekly benefit amount, the claim form should be issued for the first week of less than full-time work in the employee's benefit year in order that a determination of the employee's rights may be made and the employing unit and the employee duly notified. Pending receipt of notice of the employee's benefit rights, the employing unit shall issue the claim form for each week of less than full-time work.
 1. Issuance of the claim form to individuals for limited periods of more than one consecutive calendar week of performing no services and earning no wages, while not having been affirmatively terminated may be authorized by the commission upon specific request from the employing unit due to temporary shut down of operations at the employing establishment.
 - C. Whenever an employing unit has workers partially unemployed because of lack of work, it shall make available to such workers printed notices as to partial benefit rights as provided by the bureau.
 - D. A claim form, issued by an employing unit in accordance with subsection (B), when filed with the bureau shall constitute an individual's notice of partial unemployment and registration for work and his claim for benefits or for any past compensable week of partial unemployment covered by the claim, provided that such claim shall be filed within 4 weeks from the date of the filing of the claim form, or, if the claimant is at a local office or an itinerant station of the bureau within 10 days following the end of such week, except that claimant returning to full-time work may file such claim by mail within 10 days of commencing work.
 - E. However, failure by a claimant to file a claim for partial benefits within the time specified in subsection (D), shall not constitute cause for such failure. Good cause shall also be deemed to exist due to failure on the part of the employing unit to comply with verification or other requirements relating to partial unemployment, to coercion or intimidation exercised by the employing unit to prevent the prompt filing of a claim for partial unemployment, or to failure by the bureau to discharge its responsibilities in connection with partial unemployment.
 - F. Claimants are excepted from the requirement to file in person at a local office when a claim form covering a week of no employment and no wages has been issued by the commission in accordance with subsection (B) (1).
 - G. Claims for partial benefits with earnings, prepared and certified by claimant during his benefit year, must file in accordance with the provisions of section 1193, 1 (b).
 - H. If a claimant, reduced hours and earnings for such week must have been caused by lack of suitable work with his regular employing unit and in addition, claimant must have been able to work and available for work during the entire week for which partial benefits are claimed, except as provided in subsection 3 of section 1192, and subsection 3 of section 1193, of the employment security law.
 - I. The claimant may be required to present for inspection all pay envelopes or other evidence such as check stubs covering earnings from all employers for the week for which claim is being filed.