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An Act To Clarify Eligibility for Unemployment Benefits during Labor Disputes

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

Sec. 1. 26 MRSA §1193, sub-§4, as amended by PL 1997, c. 391, §1, is further amended to read:

4. Labor dispute. For any week with respect to which the deputy, after notification by the Director of Unemployment Compensation under section 1194, subsection 2, finds that the claimant's total or partial unemployment is due to a ~~stoppage of work that exists because of a labor dispute at the factory, establishment or other premises at which the claimant is or was employed, or there would have been a stoppage of work had substantially normal operations not been maintained with other personnel previously and currently employed by the same employer and any other additional personnel that the employer may hire to perform tasks not previously done by the striking employees.~~ This subsection does not apply if it is shown to the satisfaction of the deputy that:

A. The claimant is not participating in or financing or directly interested in the labor dispute ~~that caused the stoppage of work;~~

B. The claimant does not belong to a grade or class of workers of which, immediately before the commencement of the ~~stoppage~~labor dispute, there were members employed at the premises at which the ~~stoppage~~labor dispute occurs, any of whom are participating in or financing or directly interested in the dispute;

C. The claimant has obtained employment subsequent to the beginning of the ~~stoppage of work~~labor dispute and has earned at least 8 times the claimant's weekly benefit amount in employment by an employer or has been in employment by an employer for 5 full weeks;

D. The claimant became unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract; an employer's willful failure to comply in a timely fashion with an official citation for a violation of federal and state laws involving occupational safety and health; or the quitting of labor by an employee or employees in good faith because of an abnormally dangerous condition for work at the place of employment of that employee or employees; provided that the strike or lockout does not extend past the time of the employer's compliance with the safety and health section of the union contract, the employer's compliance with the official citation or the finding that an abnormally dangerous condition does not exist by a federal or state official empowered to issue official citations for violation of federal and state laws involving occupational safety and health; or

E. The claimant became unemployed because of a lockout by the employer. For purposes of this subsection, the word "lockout" means the withholding of employment by an employer from its employees for the purpose of resisting their demands or gaining a concession from them.

If in any case separate branches of work that are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each department must, for the purposes of this subsection, be deemed to be a separate factory, establishment or other premises;

SUMMARY

This bill removes the provision of law affecting the disqualification for unemployment benefits of employees at an establishment at which there is a labor dispute and at which there would have been a work stoppage but for the employer's maintaining substantially normal operations through the use of other personnel. It also broadens the disqualification from unemployment benefits in current law for unemployment that is due to a stoppage of work caused by a labor dispute by eliminating the requirement that there be a stoppage of work. Instead, unemployment that is due to a labor dispute is sufficient grounds for a denial of benefits. It also updates the language of the exceptions to this disqualification in current law to reflect the elimination of the stoppage of work requirement.