

**CLIENT ALERT: Unemployment Work Search Requirement to Take Effect
June 26, 2020**

Ordinarily, Mainers receiving unemployment benefits are required to provide weekly certifications showing they are actively seeking employment. During the coronavirus pandemic, the Maine Dept. of Labor (MDOL) suspended the work search requirement. However, the MDOL recently announced the work search requirement will resume this summer. Details are below. For more information, please contact Peter Lowe at plowe@brannlaw.com or 207-754-5672, or Dan Stockford at dstockford@brannlaw.com or 207-607-3290.

- **Employees on temporarily laid off or on leave of absence:** for individuals in this category, the work search requirement remains suspended until August 8, 2020. Employees who are temporarily laid off or on leave of absence but are expected to return to that job, and remain able and available to work for their employer, may continue to receive benefits and need not look for work during this time.
- **Unwillingness to return to work:** employees who are asked to return to work but are unwilling to do so are not automatically entitled to unemployment benefits. The MDOL states a refusal “will create an eligibility issue requiring a fact finding interview to gather facts from [the employee] and [the] employer about why [the employee] could not accept the recall. Those facts will be used to determine if [the employee] had good cause for refusing to return to [their] job and whether benefits can continue to be paid.”
- **Individuals permanently separated from their previous job and unemployed due to COVID-19:** for individuals in this category, the work search requirement remains suspended until July 11, 2020. If those permanently separated from their last job are unemployed on July 11, they will be required to start looking for work and must report their work search activities each week as a condition of continued unemployment benefits. Failure to look for work after July 11 could result in a denial of unemployment benefits.
- **Self-employed individuals and PUA:** if self-employed individuals intend to reopen their business but cannot due to COVID-19, they do not have to search for work until August 8th. The MDOL states, “[w]e would consider self-employed individuals waiting to reopen their business to be the same as an individual who is temporarily unemployed and awaiting recall to their jobs.” However, if the self-employed individual decides to close their business, they become subject to the normal work search provisions that kick in on July 11.

- **Work search requirements based on counties:** in their Q&A guidance, the MDOL acknowledges that during the phased re-opening process, employees temporary laid off from organizations in Cumberland, York, and Androscoggin counties may not be recalled if these counties remain largely closed. At this time, individuals awaiting recalls in these counties will become subject to the work search requirement on August 8, but the MDOL states, “[i]f conditions in one or more counties are such that businesses largely must remain closed due to the pandemic, a blanket search waiver for those counties can be considered.”