**12 DEPARTMENT OF LABOR**

**172 BUREAU OF UNEMPLOYMENT COMPENSATION**

**Chapter 10: WORK SEARCH REQUIREMENTS**

**1. Work Search**

 A. There are many factors that will affect the type of work search a claimant should conduct. These include the claimant's usual occupation or customary work, other occupations in which the claimant has training or experience, the claimant's educational background, the number of potential job openings in the area in which the claimant is able and available to commute, as per Chapter 9 of these Rules, and the length of unemployment. The deputy will consider, but will not be limited to, the above listed factors and the following factors on a case-by-case basis:

 1. **Method of Contact**

 Claimants are required to actually contact employers in order to be considered to have conducted a work search. A combination of methods, including soliciting and filing of job applications, sending letters and resumes, whether in person, by regular mail, or by email, registration with the CareerCenter Job Bank and the use of employment agencies are considered effective means of conducting a work search. Use of the internet for job searching is appropriate but simply browsing the internet, without actually making contact with employers, does not meet the work search requirement.

 2. **Length of Unemployment**

 The claimant's length of unemployment is an important factor related to the work search process. Claimants who have been unemployed for less than ten weeks may make contacts in fields closely related to their customary work. Claimants who have been unemployed for ten weeks or longer, must increase their efforts to seek work, including making contacts in fields outside of their customary work.

 3. **Number of Contacts**

 Claimants are required to seek work each week. While claimants are not required to make a minimum number of contacts per week, they must make a conscientious effort that a reasonably prudent individual would use to obtain the type(s) of employment being sought.

 4. **Reporting Work Search Contacts**

 Claimants opening initial or additional initial claims, or reopening claims must keep track of their work search efforts in writing in a form that can be produced as requested by the Bureau. Claimants may use the Work Search Log provided by the Bureau or some other form of written record that contains, at a minimum the date of each contact with a potential employer, the name of the employer contacted and a verifiable contact for each employer. Claimants may retain a copy of submitted applications as proof of contact. If applying online, claimants must record the internet addresses in their Work Search Logs. Claimants are required to keep their work search logs for a period of one year from the date of receipt of unemployment benefits.

 Upon request, the claimant must mail a copy of the completed Work Search Log and accompanying materials to the Bureau by the date requested. Failure to produce the Work Search Log by the date requested may result in denial of benefits for the period of time covered by the Work Search Log.

 B. **Work Search Waivers**

1. The work search requirement is waived for any week in which the claimant is participating in the following mandatory services as directed by the Bureau:
	1. Reemployment services, pursuant to 26 M.R.S. Section 1192(12);
	2. Reemployment eligibility assessment services (“REA”), pursuant to 26 M.R.S. Section 1192(13).
2. The work search requirement is waived for any week in which the claimant is participating in the following voluntary services or programs:
	1. A Job Fair hosted by the Maine Department of Labor, or a Job Fair at which the Maine Department of Labor is participating. The claimant must obtain written certification from a representative of the Department that the claimant was in attendance. The claimant must keep this certificate as part of the Work Search Log for the week of the Job Fair attended.
	2. A meeting, training, workshop or other activity relating to seeking employment that is designated by the Maine Department of Labor as meeting the work search requirement. The claimant must obtain a certificate from the Department that the activity or event in issue meets the work search requirement and will allow for the waiver of the work search requirement. The claimant must keep this certificate as part of the Work Search Log for the week of the event attended.

3. The Bureau may waive the requirement that a claimant must be actively seeking work for the following classes of claimants:

a. Claimants involved in a mass temporary lay-off;

b. Claimants filing for partial benefits on a ME B-9 form;

c. Claimants involved in a strike, lockout, or other dispute who have not requalified in accordance with Section 1193, subsection 4, paragraph C of the Employment Security Law;

d. Claimants who have been laid off from work due to a lack of work and who have a definite offer of recall to work with that same employer within 6 weeks of that layoff date so long as such recall date is confirmed by the employer; and

e. Claimants who have accepted an offer of permanent full time new employment with assurance of it commencing within two (2) weeks. This two (2) week period will be extended an additional two (2) weeks only if the claimant provides written assurance from the new employer that he will be employed within the additional two (2) week period.

4. In circumstances other than those described in subsection 3, the Director of the Bureau of Unemployment Compensation may waive the requirement that a claimant or a class of claimants must be actively seeking work when the Director finds that compliance with the requirement would be oppressive and inconsistent with the provisions of the Employment Security Law.

 C. **Disqualification After Warning**

 Prior to being denied benefits for failure to conduct a work search, the Bureau will send written notification informing claimants that their work search efforts have been determined to be inadequate. Following this warning, the Bureau will schedule a review to determine if the claimant has been conducting an adequate work search since the time of the warning. If the Bureau determines that the claimant’s work search has not been adequate, the claimant shall be disqualified from receiving benefits. Claimants who fail to perform an adequate work search as set forth in this Chapter shall be denied benefits for each week in which the search was determined to be inadequate. Claimants will only be entitled to a warning prior to disqualification for one instance. Claimants who have been previously warned of inadequate work search will be subject to immediate disqualification for any subsequent determination of inadequate work search.

STATUTORY AUTHORITY: 26 M.R.S.A. Sec. 1082 (2) and 1192(3)

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