

Unemployed Mainers should know their rights regarding benefits

BY BENJAMIN GRANT

Despite the recent vote in Congress to extend unemployment benefits, this country's jobs crisis continues to devastate thousands of unemployed people right here in Maine. In fact, our state currently has an unemployment rate of 8 percent. That's a high percentage of Mainers struggling to feed their families, keep their houses, and find new jobs in a challenging economy. Our nation's unemployment benefits were created with exactly these people in mind.

Of course, unemployment benefits do not automatically arrive in a laid-off worker's mailbox. The system requires the employee to initiate the process by filing paperwork with the Unemployment Insurance Commission.

Curiously, there are many people in Maine who qualify for benefits but do not apply for them. In fact, Maine ranks

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near the bottom in the country for the number of people who are eligible but aren't taking advantage of this crucial safety net.

There are many reasons people don't apply for the benefits. One common cause is that these workers don't realize they qualify. When a company makes a large round of layoffs, it is often an obvious next step for the workers to apply for unemployment benefits. In fact, many companies making major layoffs educate their workers on how to file for unemployment.

However, when a company lays off one worker or fires just one employee, there is often less emphasis on what the worker should do next.

Maine is an "at-will" employment state, meaning a company can legally fire a worker for almost any reason. For example, an employer

may claim that a worker may not be able to adequately perform the job, that he or she made a few costly mistakes, or perhaps that he or she missed too many days of work due to illness. If proven, all of these could be valid reasons for firing an employee. Even then, they would not be legitimate reasons to deny the employee unemployment benefits.

In fact, benefits can only be denied if the worker was terminated for "misconduct." Misconduct includes behaviors such as unauthorized sleeping on the job or theft of employer property. (For a list of additional examples see <http://www.mainelegislature.org/legis/statutes/26/titl e26sec1043.html>). Many people are simply unaware of the difference between reasons for their termination and the reasons their unemployment may be denied.

In many circumstances,

this is understandable. When a worker is fired or quits due to difficult conditions, it is often a stressful situation for all parties. During the final meeting, unemployment benefits may not be at the forefront of anyone's mind and the end result is people in need don't take advantage of their rights to benefits for themselves and their families.

Adding insult to injury, due to the recession, businesses have been working harder than ever to challenge applications for benefits to protect against rate increases. In fact, as reported recently in The New York Times, there is a growing industry involved in fighting unemployment benefits.

Often, these companies file appeal after appeal on jobless benefits until the worker gives up. If the appeal is pursued, the worker usually faces an administrative hearing on his or her own, while the employer is represented

by an attorney.

If the worker was denied benefits originally, this process — which can take months — will be a period of zero income.

The stress of this situation is enormous, as mortgage payments are missed, extra social services are tapped, and the person and his or her family struggle emotionally.

Losing a job is usually devastating — both to the budget and to the soul — and finding new work is particularly difficult in today's economy. Of course, the need for shelter and food doesn't suffer the same ebb and flow.

Unemployed people need to not be afraid or ashamed to file for benefits. They need to stand up for their rights and the rights of their families. Our country's unemployment benefits are here to help these people as they work to get back on their feet at another job. It is one of the things we

do for each other.

Chances are, you know someone who has been unemployed. You know they are more than a statistic — they are more than the 8 percent rate. They are people laid off after 30 years of working for a company; people who lost their job and are trying to figure out how to support their family; people who print up and pass out resumes daily but find nobody's hiring. They are people living in our communities, parents of our children's friends, and former employees of businesses we frequent who, but for a truly unfortunate moment in their life, were living lives just like ours — and who hope to do so again.

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