

1. Applicability.

Subsections 6 and 6-C of section 1192 of the Employment Security Law authorize the Bureau of Unemployment Services (“Bureau”) to approve training for claimants who are eligible for unemployment compensation or dislocated worker benefits. Upon the Bureau’s approval of such training, a claimant who is otherwise eligible for unemployment compensation benefits shall not be denied such benefits for any week due to the availability and work search requirements of subsection 3 of section 1192, nor for refusal to accept work under subsection 3 of section 1193. In addition, a dislocated worker, as defined in section 1196, of the Employment Security Law who is eligible for additional benefits under subsection 4(A) of section 1191, may not be denied benefits because the individual is in training approved by the Bureau, nor may that individual be denied benefits by reason of leaving work to enter such training, provided that the work left is not suitable employment. For purposes of approving training requests in accordance with subsection 6 and 6-C of section 1192, the Bureau shall use the procedures and standards set forth herein.

~~NOTE: In addition to the training waivers set forth in this law, pursuant to 26 M.R.S. §§ 1192, 6-A, 6-D and 6-E, claimants involved in approved training under the United States Trade Act, the Governor’s Job Initiative, the Competitive Skills Scholarship Program, or the Workforce Innovation and Opportunity Act may not be denied benefits for any week due to requirement pertaining to availability, work search or refusal of otherwise suitable work. No further analysis is required with respect to approved training under those laws and programs.~~

2. Application for approval.

A. Claimants involved in approved training under the United States Trade Act, the Governor’s Job Initiative, the Competitive Skills Scholarship Program, or the Workforce Innovation and Opportunity Act may not be denied benefits for any week due to requirement pertaining to availability, work search or refusal of otherwise suitable work. The Bureau of Employer Services or the Bureau of Rehabilitation Services will grant the training waiver and notify the Bureau of Unemployment Compensation. No further fact-finding or analysis is required with respect to approved training under those laws and programs.

~~Upon written application, the Bureau will consider granting prior approval of training programs to training agencies pursuant to paragraph 2.B, and will consider granting individual requests for training to claimants pursuant to paragraph 2.C.~~

~~B. A training agency requesting prior approval of a training program must provide the Bureau with the following information:~~

- ~~(i) The name and address of the training program;~~
- ~~(ii) A complete description of the training program;~~
- ~~(iii) The location of the training program and the length of the program, including beginning and ending dates;~~
- ~~(iv) The number of people enrolled in the training program;~~
- ~~(v) The number of hours during the week that attendees in the program are expected to attend as well as the number of hours during the week that it is anticipated that attendees will be doing required homework or assignments;~~
- ~~(vi) Information regarding the availability of employment following completion of the training program, including the program's successful placement rate, if available;~~
- ~~(vii) A list of recognized authorities that have accredited, certified, licensed, or otherwise approved the program;~~
- ~~(viii) The amount of remuneration, if any, attendees of the program receive or will receive for time spent in the training program, including the amounts and sources of any types of financial aid or stipends;~~
- ~~(ix) Whether the training program is a regular part of an accredited educational/vocational curriculum for high school or post secondary education; and~~
- ~~(x) Any other information deemed relevant by the Bureau.~~

~~CB. An individual claimant requesting prior approval of training must provide the Bureau with the following information:~~

- ~~(i) The claimant's name, address and social security number;~~
- ~~(ii) Whether the claimant is claiming unemployment benefits or dislocated worker benefits;~~

- (iii) A description of the claimant's vocational goal and how the training program will assist the claimant in attaining his or her vocational goal;

~~Whether the claimant is attending a training program that has been previously approved by the Bureau or whether the training program has not yet been approved by the Bureau;~~

- (iv) The number of hours during the week that the claimant will be attending the training program as well as the number of hours during the week that the claimant anticipates spending on homework or assignments;

- (v) Whether the claimant receives or will receive remuneration for time spent in the training program and, if so, the source of the remuneration, the amount of remuneration, ~~including any form of financial aid or stipends;~~

- (vi) ~~If the training program has not been previously approved by the Bureau, the claimant must provide t~~The following information to the Bureau about the training program:

- a. Name and address of the training program;
- b. A complete description of the training program;
- c. The length of the training program, including the beginning and ending dates;
- d. Information regarding the availability of employment following completion of the training program, including the program's successful placement rate, if available;
- e. A list of recognized authorities that have accredited, certified, licensed or otherwise approved the training program, if available;
- f. Whether the training program is a regular part of an accredited educational/ vocational curriculum for high school or post-secondary education.

D. After application and upon receipt of all requested information, the Bureau will act upon training requests. The Bureau may schedule a hearing, if necessary, prior to the making of any such determination.

~~D. A training agency requesting prior approval of training programs must submit its application at least 4 weeks prior to the start date of the program. Approval for such programs shall be effective for no more than one year.~~

~~E. For continuing programs, a new application must be submitted annually at least 4 weeks prior to the next start date.~~

### 3. Approval.

- A. The Bureau will approve training requests only if:
- (i) The program provides training for occupations that are stable or subject to growth, or have a projected significant positive replacement rate, in their areas based on an assessment of local economic factors performed by the Maine Department of Labor, Center for Workforce Research and Information (“CWRI”), or training that removes or reduces an existing barrier to sustainable employment such as English as a Second Language (ESL), English for Speakers of Other Languages (ASOL), English Language Learner (ALL), High School Equivalency Test (HiSET), or other similar training program . All occupations included in the Maine Department of Labor’s most recent edition of the publication "Selected Occupational Information for Employment and Training Program Design" for the appropriate county or counties shall be deemed to be stable occupations subject to growth in their areas. ~~If the CWRI is unable to perform the assessment, Before denying a training waiver under this paragraph, the applicant may will be afforded an opportunity permitted to make the necessary showing to show that the occupation is stable, subject to growth, or has a projected significant positive replacement rate through the presentation of credible evidence;~~ and
  - (ii) Attendance in the proposed training necessarily interferes with the claimant's ability to conduct a work search and his or her availability for or ability to accept full time employment in accordance with subsection 3 of section 1192 of the Employment Security Law; and
  - (iii) Attendance in the proposed training requires twelve (12) class hours per week or twelve (12) credit hours per semester, or the number of credits or class hours that the training provider or educational institution considers to be full-time; and
  - (iv) The training program begins in 30 days or less; and
  - (v) The program is and remains accredited, certified, licensed, or approved by a recognized authority.
- B. The priority for approved training is to relieve unemployment exacerbated by unemployability due to diminished demand for a claimant's labor skills. In order to ensure that regular, full- or part-time students whose primary goal is to obtain a degree shall not have their education subsidized by the unemployment compensation fund, the Bureau shall carefully scrutinize any application for approval of training in degree-granting programs; however, enrollment in a degree-granting program may not be the sole cause for denial of approved training status for an otherwise eligible claimant.

- C. If a claimant is receiving remuneration for time spent in the program, other than reimbursement for actual tuition and materials costs of the program or for actual costs of child care, transportation, or other indirect costs necessary to allow the claimant to participate in the training program, or other federal financial aid or work study, and if such remuneration is less than the unemployment compensation or dislocated worker benefits otherwise payable to the claimant, such benefits shall be reduced by the amount of the remuneration, rounded to the nearest lower full dollar amount. If such remuneration is greater than the amount of such benefits otherwise payable, no benefits shall be paid for so long as the claimant receives such remuneration.
- D. The Bureau will issue a written decision for each training request and will notify the ~~requesting agency or~~ claimant and the Director of Unemployment Compensation of any action taken. Interested parties may appeal the Bureau's decision to the Division of Administrative Hearings pursuant to 26 M.R.S. § 1082(4-A).
4. Effective date, Termination, and Continuation.
- A. Bureau approval of requests for training shall become effective immediately or, in the event that approval is granted after the start date of the training program, then on such start date, but in no case shall approval be effective more than thirty days before the program start date. Approval shall terminate immediately upon completion of the training program or when the claimant, without good cause, fails to begin participation, ceases participation, or fails to make satisfactory progress in the program. Satisfactory progress shall be as determined by the training provider.
- B. All claimants in approved training programs shall provide evidence of satisfactory completion of the training to the Bureau immediately upon completion. All such claimants shall notify the Bureau whenever the enrollment, attendance, or completion of the approved training changes from that originally represented to the Bureau.
- ~~C. Training agencies receiving prior approval of a training program shall have an affirmative duty to notify the Bureau whenever a claimant's enrollment, attendance, or completion of the approved training changes. Failure to so notify may result in the immediate withdrawal of program approval, in the discretion of the Bureau.~~
- ~~C~~. The exemption from the requirement to seek work, as contained in subsections 6, 6-A, 6-B, 6-C, and 6-D of section 1192 of the Employment Security Law and pursuant to Chapter 10, subsection l(B) of these rules, shall apply to claimants during holiday or vacation recess periods which occur within a normal training or academic program year. In addition, such exemption shall apply to claimants who are enrolled in training and who either have not yet begun training or are not

currently participating in training because of a break between training components. This exemption from the work search requirement may not apply to periods which are more than eight (8) weeks in duration. It will be the responsibility of the claimant to provide documentation of enrollment in training.

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STATUTORY AUTHORITY: 26 M.R.S.A. Sections 1082 and 1192

EFFECTIVE DATE:

September 6, 1993

NON-SUBSTANTIVE CORRECTIONS:

June 20, 2000 - converted to MS Word

December 14, 2000 - removed stray dashes