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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 1@ Unemployment Compensation

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Chapter 5@ UNEMPLOYMENT COMPENSATION BENEFITS

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Article 1@ ELIGIBILITY AND DISQUALIFICATIONS

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Section 1253(e)-1@ Effort to Search for Suitable Work

1253(e)-1 Effort to Search for Suitable Work

(a) A claimant is ineligible for unemployment compensation benefits for any period for which the department finds that he or she has not made a reasonable effort to search for suitable work on his or her own behalf in accordance with specific and reasonable instructions of a public employment office. The department shall provide to each claimant written information and assistance, and upon request of a claimant or upon identification by the department of a claimant's need, additional oral information and assistance, as to how, when, where, and in what manner to apply for and look for a job. The facts and circumstances in each case shall be considered in determining whether a claimant has made a reasonable effort to search for suitable work. The claimant shall be required to show that he or she has, in addition to registering for work pursuant to Section 1253(b) - 1 of these regulations, followed a course of action which is reasonably designed to result in his or her prompt reemployment in suitable work, considering the customary methods of obtaining work in his or her usual occupation or for which he or she is reasonably suited, and the current condition of the labor market. The following are examples of actions by a claimant which may be considered a reasonable effort for a claimant to search for suitable work on his or her own behalf: (1) Making application with such employers who may reasonably be expected to have openings suitable to the claimant. (2) Applying for employment

with former employers. (3) Registering with the claimant's union hiring or placement facility, and meeting all union dispatching calls and union registration requirements and all other union requirements affecting dispatch to a job. The department may find that this action alone is an adequate search for suitable work for particular claimants. (4) Making application or taking examination for openings in the civil service of a governmental unit with reasonable prospects of suitable work for the claimant. (5) Registering with a placement facility of a school, college, or university if one is available to the claimant in his or her occupation or profession. (6) Registering with a placement facility of the claimant's professional organization. (7) Registering for suitable work with a private employment agency or an employer's placement facility. (8) Responding to appropriate "want ads" for work which is suitable to the claimant.

(1)

Making application with such employers who may reasonably be expected to have openings suitable to the claimant.

(2)

Applying for employment with former employers.

(3)

Registering with the claimant's union hiring or placement facility, and meeting all union dispatching calls and union registration requirements and all other union requirements affecting dispatch to a job. The department may find that this action alone is an adequate search for suitable work for particular claimants.

(4)

Making application or taking examination for openings in the civil service of a governmental unit with reasonable prospects of suitable work for the claimant.

(5)

Registering with a placement facility of a school, college, or university if one is available to the claimant in his or her occupation or profession.

(6)

Registering with a placement facility of the claimant's professional organization.

(7)

Registering for suitable work with a private employment agency or an employer's placement facility.

(8)

Responding to appropriate "want ads" for work which is suitable to the claimant.

(b)

A claimant has not made a reasonable effort to search for suitable work on his or her own behalf if the department finds that he or she has wilfully followed a course of action designed to discourage prospective employers from hiring him or her in suitable work. The department shall consider a claimant to have followed such a course of action if it finds that the claimant has not made a good faith effort to obtain the documents necessary to establish his or her employment eligibility in accordance with the requirements of Section 1253(c) - 1(e) of these regulations.

(c)

No claimant shall be denied benefits solely on the ground that he or she has failed or refused to register with a private employment agency or any other placement facility which charges the job-seeker a fee for its services.

(d)

Notwithstanding any of the foregoing, if the department finds that for a particular locality, occupation, or class of claimant or due to other extenuating circumstances during a certain interval, the prospects of suitable job openings

other than those listed with the public employment service are so remote that any effort to search for suitable work other than by filing a claim for unemployment compensation benefits and reporting as required to a department field or branch office would be fruitless to the claimant and burdensome to employers, then such filing and such reporting by the claimant shall be a reasonable effort to search for suitable work on his or her own behalf. The circumstances to which the department may apply this subdivision include any of the following: (1) The claimant has a definite job promise within a reasonable time. (2) There is a temporary layoff due to inclement weather, or a temporary layoff for another cause with a return to work date within 30 days. (3) Claimant's labor market has been virtually eliminated due to a trade dispute. (4) There is an agreement by employers, unions, and the department to serve applicants for work in the claimant's occupation. (5) Claimant's unemployment is due to a seasonal shutdown in the industry in which the claimant works and the likelihood of obtaining other work is remote. (6) The claimant's specialized skill is such that a limited number of job prospects are available for him or her and he or she has exhausted the potential sources of these jobs.

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There is an agreement by employers, unions, and the department to serve applicants

for work in the claimant's occupation.

(5)

Claimant's unemployment is due to a seasonal shutdown in the industry in which the claimant works and the likelihood of obtaining other work is remote.

(6)

The claimant's specialized skill is such that a limited number of job prospects are available for him or her and he or she has exhausted the potential sources of these jobs.

(e)

This section shall not apply to a claimant with respect to a first or subsequent partial claim for partial unemployment benefits.