Office of
The Governor

No. 23 FY 20/21
DATE January 7, 2021

AN ORDER EXPANDING STAFFING FOR UNEMPLOYMENT APPEALS

WHEREAS, I proclaimed a state of emergency on March 15, 2020 and renewed states of emergency on April 14, 2020, May 13, 2020, June 9, 2020, July 8, 2020, August 5, 2020, September 2, 2020, September 30, 2020, October 29, 2020, November 24, 2020, and December 22, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the serious health and safety risks of the highly contagious COVID-19 virus; and

WHEREAS, eligibility for unemployment benefits has been an economic stabilizer for both the individuals receiving the benefits and for Maine's economy; and

WHEREAS, the economic disruptions of the COVID-19 pandemic are causing the Maine Department of Labor to experience an unprecedented number of unemployment claims and associated appeals that require rapid hiring of temporary administrative hearing officers; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, and the Continued Assistance for Unemployed Workers Act, waive the federal requirement for unemployment staff to be hired according to civil service laws; and

WHEREAS, individuals determined to be ineligible for unemployment benefits either in whole or in part have the right to a timely, fair, and impartial appeal of that determination; and

WHEREAS, the requirement in 26 M.R.S. § 1082(4-A) that administrative hearing officers be hired subject to the Civil Service Law, together with the unprecedented number of appeals, is hindering timely decisions on those appeals; and

WHEREAS, the Governor's emergency powers expressly include the authority to suspend the enforcement of statutes or agency rules inconsistent with managing the emergency pursuant to 37-B M.R.S. §§ 742(1)(C) and 834;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to the provisions cited above, do hereby Order the following:

I. ORDER

Enforcement of the requirement in 26 M.R.S. § 1082(4-A) for administrative hearing officers to be hired subject to the Civil Service Law is hereby suspended.

II. INTERPRETATION

This Order is subject to interpretation from the Maine Department of Labor.

III. EFFECTIVE DATE

This Order is effective January 7, 2021, shall remain in effect until amended, rescinded, or until 30 days after the State of Civil Emergency to Protect the Public Health is terminated, whichever occurs first.

Janet T. Mills
Governor