

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Denis E. Guyer

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to clarify seasonal employment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Denis E. Guyer	2nd Berkshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO CLARIFY SEASONAL EMPLOYMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Chapter 151A of the Massachusetts General Laws is hereby amended in section z
2 by striking out section z and inserting in place thereof the following:

3

4 “Seasonal employer”, an employer that, because of climatic conditions or the nature of product or service,
5 customarily operates all or a functionally distinct occupation within its business only during a regularly
6 recurring period or periods of less than twenty four weeks for all seasonal periods during a calendar year
7 and only includes an employer who voluntarily submits a written application to the commissioner. Such
8 application shall be submitted at least sixty days prior to the beginning of the season.

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11 SECTION 2: Chapter 151A of the Massachusetts General Laws is hereby amended in section aa by
12 striking subsection 1 and inserting in place thereof the following:

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14 “Has been employed by a seasonal employer in seasonal employment during a regularly recurring period
15 or periods of less than twenty-four weeks in a calendar year for all seasonal periods, as determined by the
16 commissioner, and”

17

18 SECTION 3: Chapter 151A, Section 24A of the Massachusetts General Laws is hereby amended in
19 subsection e by striking subsection e and inserting in place thereof the following:

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21 “If a seasonal employer, after the date of its seasonal determination, operates its business or its seasonal
22 operation during a period or periods of twenty-four weeks or more in a calendar year, the employer shall
23 be redetermined by the commissioner to have lost its seasonal status with respect to that business or
24 operation effective at the end of the then current calendar quarter. The redetermination shall be reported
25 in writing to the employer. An employer notified of a redetermination may file an appeal of the
26 redetermination and obtain review of the redetermination in accordance with sections thirty-nine through
27 forty-two, inclusive.